



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE ASSEMBLY

Wednesday, 16 September 1998

Legislative Assembly

Wednesday, 16 September 1998

THE SPEAKER (Mr Strickland) took the Chair at 11.00 am, and read prayers.

ROCKINGHAM-KWINANA DISTRICT HOSPITAL

Petition

MR McGINTY (Fremantle) [11.03 am]: I have a petition which was given to me at a public meeting in Rockingham last night couched in the following terms -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned, wish to express our opposition to any reduction of services to the Rockingham/Kwinana District Hospital. As Rockingham/Kwinana is one of the fastest growing areas in Western Australia, we believe that there should be an upgrade to existing facilities for this hospital instead of any reductions to nursing staff and specialist services.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

This petition bears 2 018 signatures, and I certify that it conforms to the standing orders of the Legislative Assembly.

The **SPEAKER**: I direct that the petition be brought to the Table of the House.

[See petition No 49.]

GUILDERTON REGIONAL PARK

Petition

Dr Edwards presented the following petition bearing the signatures of 91 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned respectfully request that the Government establish a Regional Park immediately to the south of Guilderton in order to protect the mouth and lower reaches of the Moore River and the significant dunes and coastal heathland south of the mouth of the Moore River.

We request that the Government take urgent action to acquire this land before it is further rezoned or developed, and your petitioners, as in duty bound, will ever pray.

[See petition No 50.]

NEW SITTING TIMES

Statement by Leader of the House

MR BARNETT (Cottesloe - Leader of the House) [11.06 am]: Mr Speaker, the Standing Orders and Procedure Committee made a number of recommendations in its report on Commission on Government recommendations, tabled in the House in June this year.

Members will recall that in November last year, on a motion moved by the Premier, a number of COG recommendations which relate to Parliament, and in particular the Legislative Assembly, were referred to the Standing Orders and Procedure Committee for examination.

When the Commission on Government presented its reports, the Government expressed the view that it was not considered appropriate for the Executive to decide on COG matters which related directly to the administration and operation of the Parliament. In addition, a number of the recommendations of COG conflicted with recommendations made by the Select Committee on Procedure. It was therefore considered appropriate that the Standing Orders and Procedure Committee examine all of these proposals and make subsequent recommendations.

Mr Speaker, recommendation 22 of the Standing Orders and Procedure Committee report proposes a trial of new sitting times for the Legislative Assembly. The recommendation proposes that the House meet -

on Tuesdays from 2.00 to 6.00 pm and from 7.30 to 10.00 pm;
 on Wednesdays from 11.00 am to 7.00 pm, with no meal break;
 and on Thursdays from 10.00 am to 6.00 pm, with no meal break.

In other words, on both Wednesdays and Thursdays, the House will sit continuously, without any scheduled luncheon or evening meal breaks.

Mr Speaker, as Leader of the House, I have some reservations about the new sitting times proposed in this recommendation, although I agree in broad terms with the principles behind the proposed reform. However, in the spirit of the recommendation, the Government is willing to test the proposal.

A trial period has been proposed to gauge the effect that new sitting times will have on the progress of business before the House, the scheduling of assembly committee meetings and arrangements for parliamentary, Hansard and Chamber staff. It is also important that all members have the opportunity to experience these new sitting times and review their effect on their own time and personal commitments.

It is the Government's intention to trial the proposed new sitting times for two weeks, commencing on Tuesday, 20 October 1998. Following this period, sitting times will return to the current arrangements and an assessment will be made of the success or otherwise of the trial, with possible changes to apply during the 1999 calendar year.

OCCUPATIONAL SAFETY AND HEALTH (VALIDATION) BILL

Introduction and First Reading

Bill introduced, on motion by Mrs Edwardes (Minister for Labour Relations), and read a first time.

BOTANIC GARDENS AND PARKS AUTHORITY BILL

Second Reading

Resumed from 7 April.

DR EDWARDS (Maylands) [11.09 am]: The members of the Opposition are very pleased to support this Bill and are grateful that it has finally arrived. As members are aware, Kings Park celebrated its centenary a number of years ago, and the board of management had hoped for a new Act reflecting its centenary at that time. I know new Bills are very difficult to draft, and unfortunately that legislation did not coincide with the centenary. Indeed, it is now some two or three years past the centenary. Nevertheless, we are very pleased that it has arrived in this Parliament. The English is quite readable and for that congratulations should be conveyed to the organisation and to the parliamentary counsel.

I start my comments by relating a holiday story. A few months ago I was fortunate enough to visit England for a holiday. Upon my arrival a decline occurred in the value of the dollar, and I found I could not do a whole lot. Fortunately, I was staying with a friend who has an absolutely passionate commitment to gardens. On virtually every day of the holiday, I was enthusiastically taken - towards the end of my holiday, I must say dragged - to a number of gardens. However, I made a point of visiting the Chelsea Physic Garden because I was aware that Kings Park won a gold medal from the very prestigious Chelsea flower show.

Mr Cowan: I saw it; it was a very good exhibition.

Dr EDWARDS: Yes, and I know it had help from the commerce department. My friend had also been to see it. She was delighted with it because she ran into Germaine Greer and had a conversation with her.

Mr Barnett: I think the Deputy Premier would have run through Germaine Greer!

Dr EDWARDS: It would be very interesting.

I first noticed that the garden was very small. It is a walled garden on a very tiny site which is totally enclosed. However, although it is small, it shares some similarities with Kings Park. It has gardens and facilities that cater for the different types of people who visit it. It has various exhibitions that are held to encourage people to view the garden and think more carefully about the roles of gardens and plants in history. I was very interested with what I call the "physic" side of the garden; that is, the sections where the medicinal properties of plants are researched. I was intrigued to see in real life the foxglove plant, because as a medical student, I had heard many times the stories about foxglove and the emergence of *digitalis*, a drug which is extremely useful in the treatment of heart conditions. The exhibition also included many plants from overseas. The English hold a strong view about collecting specimens from overseas and having them on exhibition locally. I do not think we need to do that in Western Australia. I think our task is to ensure that we preserve and show our native plants so that they gain much wider acceptance, particularly among gardeners. I was appalled though that the

Australian specimens in the garden were mostly unknown to me. That is probably because my botanical knowledge is small, but it appeared that most of them came from the eastern states and very few were from Western Australia. Perhaps in time that will change. I do not think the Australian plants were enjoying the English climate; perhaps they are better off here.

There was also a very large section on cultural botany, the knowledge about plants that was said to be not separated from either the plants or the people who depend on them for their existence. On the day that I visited, there was an exhibition that looked at the role of plants in various tribal and indigenous cultures. The history associated with the plants on exhibition was important because one realised that much detailed knowledge was handed down by word of mouth. Obviously if the plants were lost, or indeed if the population of the people is lost, all that knowledge is lost, including any insights as to how the plants could be used in a medicinal sense. The exhibition also made a very strong statement about preserving biodiversity. The staff pointed out that they had taken care in their garden to have trails that demonstrated what happened when cultures become eroded. As they said, when cultures become pressured, plants and their habitats become endangered and tribal people die out and, with them, dies their knowledge. It is about loss; for we lose that which we do not value. This is not an inevitability, but perhaps a warning so we can decide what is valuable to us. I think that underpins part of the work at Kings Park. The curators there are helping us to determine what is valuable for us and helping us preserve what needs to be preserved now and for prosperity.

One of the other issues that I never thought about before I visited the Chelsea Physic Garden was the way different families of plants are organised. I understand that the Swedish botanist, Linnaeus, codified plants into different families depending on the sexual organs of the flowers. Obviously this is appropriate to Europe which has plants that flower; but if one thinks about somewhere such as South America and the rainforests, the flowers can be 85 metres up in the canopy, and to have a system of codification based on flowers would be entirely inappropriate. Similarly, it was pointed out that the Eskimos have a very rich language, but they have only a few flowers. It may be that we have flowers that are white, described in many different ways, but there would not be many alternative words to describe the other flowers. Nowadays, taxonomists look inside plants to study their genetics, their molecular structure and their DNA. As science and history move on, we have new systems of coding and classifying plants.

I emerged somewhat wiser after my visit and I realised the role that history can play and the way that botanic gardens can make one aware of and appreciate history. For example, I learnt that yew trees can live to 2 000 years of age, which is extremely old. A comment was made in passing that that is the reason yew trees were planted in churchyards in England because they wanted to remind people of mortality and the fact that the trees were there for hundred of years while many generations of people passed through the earth. I was also told - I do not know whether my leg was being pulled - that Pontius Pilate played under a yew tree which is still standing in Perthshire while his father was stationed in Britain during the Roman times.

One of the plants on exhibition were yams from Mexico which were initially used to develop the oral contraceptive pill. It was pointed out to me that no plant has had a greater effect on the development of the world than the yam because of its impact on the development of the contraceptive pill. When one looks at the second half of the century, one must realise that plant must be celebrated as playing an extremely important role.

The Chelsea Physic Garden made quite a lot of play about the Government's policy that any commercial company using the garden's plant collection must respect the convention on biological diversity. Countries and, where appropriate, indigenous people must agree to and are entitled to benefit from the commercial developments that flow from the plants that they have either donated, or have knowledge about. I believe this is an issue that needs more work in Australia. We must ensure that we have all the mechanisms in place that will safeguard the knowledge and rights of our indigenous people and ensure that our plants will not be developed in other parts of the world for purposes that we have not realised existed.

Much attention was paid in the gardens that I visited to facilities for people with disabilities. One garden had an area for people with vision impairment. I was a bit puzzled about how people with vision impairment could enjoy gardening. It was absolutely beautifully designed and it was very safe for people who were either partially-sighted or had no sight to walk through. It had a range of scents so people could smell the various flowers and know what they were. The flowers were put together in huge splashes of colour so that if one was partially-sighted, a much better opportunity was available to see the flowers. Apparently this is an incredibly popular activity, and beneficial for the people who visit the garden as well.

Kings Park was established over a century ago and a lot of foresight was involved in setting aside such a large area of land on the edge of the city. Our ancestors are to be congratulated for that. It is the only city in Australia which has such a significant piece of bushland in such a dramatic setting. Kings Park and the Swan River are icons for Western Australia. When visitors leave this State they are the two places that they talk about. Kings Park is a treasure that we must look after.

A number of activities occur in Kings Park. I want to comment on some of the activities and the aspects of Kings Park that are important to preserve. Kings Park is a significant piece of bushland right in the centre of the city. It is valuable for people who live in the city to visit that bushland to see what is there. It is also valuable for international and interstate visitors who come to Perth and do not visit the rest of the State, to see what we have. However, we must restore it to a better

ecological state. I am pleased with the statements by the minister in the second reading speech that the Bill will provide the mechanisms to do that.

I was also interested to read about some of the research conducted at Mt Eliza and on the scarp. I gather that scientists at Kings Park have found that the biodiversity is much richer than was previously thought. We must preserve that, and I congratulate Kings Park on its sponsorship arrangements and work in that area. We must recognise that what we are finding, literally on the city's doorstep, is a message about the biodiversity that may exist in other places. We must continue to take in what we see when we look around.

I will comment on a statistic in the annual report, because it is stunning. In 1996-97, the nursery produced 9 285 plants for use in the park. That gives some idea of the number of plants that are being planted in the park, and the care that is being taken. In that year, there was a total of 20 779 propagations. Those of us who potter in our gardens on the weekend will understand that our activities fall short of the activities in Kings Park.

Kings Park provides leadership for promotion of conservation, horticulture and the understanding of Western Australian flora. It also provides an extremely valuable research arm for the State. I note the excellent work it has done with declared rare flora working in conjunction with the Department of Conservation and Land Management and its internationally renowned work on germination through smoke. The management of Kings Park is to be commended for its marriage of working directors, many of whom also have appointments to the University of Western Australia's botany department. A marriage of expert scientific advice with people who are, literally, getting their hands dirty ensures an efficient and effective organisation.

The 1996-97 annual report shows that Kings Park attracted nearly \$500 000 for research projects in 26 different areas. That is a remarkable achievement for an organisation of its size. One of the items in the annual report that touched my imagination was its work with the Meelup mallee. Its research determined that the mallee may be 3 600 years old, making it one of Australia's oldest, largest and rarest gum trees. It is a celebration for all of us that we have a tree in our State that is as old as that.

Kings Park has also done valuable work to preserve biodiversity. I gather that eight critically endangered species have been successfully initiated into tissue culture. On top of that it has done valuable work with spinifex, which is important to our regional and rural constituents, and work on banksia woodlands. Perhaps the value of banksia woodlands is in the eye of the beholder. However, they are extremely important in this State, and Kings Park has done valuable work to determine why sometimes banksia woodlands do not grow properly.

Kings Park is the most popular, specific destination for international and interstate tourists. In the years that I have been visiting Kings Park, I welcomed the changes that have taken place to make the visits more enjoyable, particularly for tourists. Kings Park now provides a greater level of attraction. It has implemented increased security measures and increased its maintenance standards. In addition, Kings Park has achieved a lot of media coverage, which reinforces to everyone the jewel in the crown that it is.

One other aspect that has been really important is the development of Aboriginal cultural initiatives. This is important in its own right because Kings Park is an important place to indigenous people. However, it is also an opportunity for tourists to be exposed to Aboriginal culture, particularly if their visits to Western Australia are short.

Last, but not least, I will comment on the recreational value of Kings Park. Numerous people run and jog in the park - indeed, I saw the member for Stirling jogging through Kings Park on one occasion. It is used by all types of people for recreational purposes. It is important to have an area that is free and accessible to people to use for recreation, particularly people who are in the city and who are busy and do not have a lot of space.

The Bill is overdue, but finally it is here. One of the most positive achievements of the Bill is that it will bring modern management to Kings Park. The existing Act under which Kings Park operates has a number of problems: It is silent on the functions and powers of botanic garden; it provides limited and unclear protection for bushland; it does not address the importance of Kings Park as either a tourist or a cultural heritage attraction; it inhibits the ability to raise revenue and therefore to deliver the services and facilities that people command; and, it has no statutory basis for the research work that is occurring. The new Act therefore will be extremely welcome.

I am also pleased that we are dealing with the Bill today, because hopefully that will speed up the formation of the new authority that will be created - the Botanic Gardens and Parks Authority. I will be interested to see what happens with Bold Park as it comes under the rein of this new authority.

Perhaps the most important part of the role of the new authority, which was highlighted in the minister's speech, is that management plans will be publicly reviewed. It is important that people have input into the future of Kings Park and how it is developed. A series of management plans will be renewed every five years, and when new land comes into the Botanic Gardens and Parks Authority, such as will occur with Bold Park, a management plan must be drawn up within two years. They are sound management features to ensure public consultation and participation with the development of these lands.

I am also pleased that the issue of intellectual property rights and patents is covered and the opportunity exists for those to belong to the new authority, either jointly or with other agencies, if other agencies are involved. The Bill also places emphasis on core functions. Again, the protection of the bushland and the further development of the botanic gardens is one of the key functions.

The Bill will set up a new foundation for fundraising. This is important, because currently around 30 per cent of the funding of Kings Park and its activities comes from the private sector. The foundation will be a separate organisation that can raise and manage the funds. I will seek more detail from the minister during the committee stage to understand the safeguards in place. I have been involved with a large charitable organisation in my own electorate to set up a foundation, so I appreciate the merits of a foundation and have some idea about the safeguards that can be put in place. Sponsorship will be extremely important and the foundation will be in a position to more actively seek that sponsorship. I wish the authority and the foundation well, and hope they receive bequests. I am sure people would be happy to bequest money to Kings Park.

One issue which concerned the Opposition, but it is pleasing that the Government has addressed it, relates to fees. We are delighted that this legislation specifically precludes the power to charge for entry to Kings Park. I have said a number of times that Kings Park belongs to the people and we deserve free entry to it. When I was in England on holidays, I noticed an entry fee was charged at many of the places people visit. While I was in Britain, the Blair Government changed that policy and introduced a plan to remove the entry fees from a number of government facilities - for example, museums - within the next two years. The Opposition accepts an entrance fee can, and should, be charged for particular occasions. We will seek information about how those are to be determined.

The best thing about this Bill is the fact that the board of management and people who work at Kings Park are now given the tools for modern management. I have a number of questions to do with the specifics of the Bill and how some of these items will operate, but I will ask them when we go into committee. At the conclusion of the second reading debate perhaps the Minister can respond to my final question: How will botanic gardens be defined? The words "botanic gardens" are not included in the definitions clause of the Bill. That is the main issue people commented on as the Bill circulated around the community. In conclusion, I commend this Bill to the House.

DR CONSTABLE (Churchlands) [11.31 am]: I join other members in congratulating the Government on the introduction of this Bill. It will play a very important part in the protection of Western Australia's major parks and gardens in the foreseeable future, particularly those in the metropolitan and city areas. It is fair to say that cities and towns are often defined by their botanic parks and gardens, and most visitors to Perth comment immediately on Kings Park, the wonderful area we have on the edge of the city. William Bold referred to parks and gardens as the lungs of the city. That is an important definition in the late 1990s.

In considering this legislation, we must take a moment to remember the foresight of the early leaders of Western Australia, and Perth in particular, and the planners who decided to leave such large tracts of undisturbed bushland. In his 1955 plan for the metropolitan region and Fremantle, Gordon Stephenson referred to this foresight. Under the subheading "Central Parks" on page 98, he states -

In Kings Park, the Region has a magnificent, centrally placed natural park of a size and character likely to meet many recreational requirements of the foreseeable future. The Perth City Fathers of the last generation had the courage to emulate the statesmen who established Kings Park. Bold Park, which they set aside for recreation, is even greater in extent than Kings Park. It may gradually assume a role and character different from those of Kings Park. It is assumed that it will contain areas of both natural landscape and extensive facilities for recreational activity.

The importance of that 1955 quote today is that this Bill brings under one authority those two wonderful tracts of land. We should take a moment to thank those who had the foresight to set aside forever these extraordinary tracts of bushland for people's recreation and for us to admire and have close to the city both flora and fauna which elsewhere in the world might be located some distance from a major city. Both parks are unique in preserving large tracts of bushland close to the city's door.

The member for Maylands made many comments about Kings Park and I will not repeat that information; however, I will comment on Bold Park. Amongst other things, this Bill formalises the establishment of the Bold Regional Park - that was announced in 1995 by the State Government - for the benefit of all Western Australians. Until 1995, Bold Park was, firstly, under the umbrella of the Perth City Council and then, more recently, it came under the Town of Cambridge. Although it is a magnificent area, it has been very difficult for both those local government authorities to provide the funds and expertise to maintain it adequately. This Bill provides the infrastructure to enable the management of these major parks to be carried out with the expertise that is required.

Since I have been the member for Floreat and now Churchlands, I have taken a personal interest in this park, a portion of which is in my electorate and the balance in that of the member for Cottesloe. He might make a few comments about it during the debate. I have enthusiastically supported the establishment of this piece of bushland as major park. Let us look

at the background to Bold Park. Some of this information has not been recorded for some time. In the handover the other day, some important facts were omitted from the speeches and I want to place them on the record again.

We must thank William Bold, after whom the park is named, for his foresight and great interest in planning. Bold was the town clerk of the City of Perth from 1901 to 1944. The extraordinary aspect is that he was not 30 years old when appointed as town clerk, so he had a long and distinguished career in that role. His major contribution to the city and the State was his interest in planning. Fairly early in Bold's career, in 1913, just before the start of the First World War, the Perth City Council sent him to two conferences in London; the first being the Imperial Health and Town Planning Conference - an interesting combination of subject matter - and the second being the Gardens Cities and Town Planning Association Conference. Later he visited cities in the United States, which gave him many ideas for the future planning of the City of Perth.

I refer to a book published in 1979, commissioned to celebrate the sesquicentenary of Western Australia, which comments on Bold. It states -

Bold's extremely brilliant report on his tour was presented to Perth City Council in 1914, the year Harold Boas took his seat as a councillor. Boas, a Perth architect, and Bold were instrumental in extending the City of Perth's municipal boundaries to the coast, and in commissioning C. H. Klem to design two satellite towns, now known as City Beach and Floreat. The design clearly showed the effects of Bold's tour with its parkways, boulevards, playing fields, gardens etc.

The 1925 drawing by Klem, the town planner, shows the suburb of Floreat Park as planned and some of what is now City Beach. Between the two an enormous tract of land took in a golf course; the area between the Boulevard and Cambridge Street, some of which has given way to housing and some of which is still known as Bold Park where there is a school; and the southern part which takes in the pine plantation and the southern section of Bold Park down to Underwood Avenue. In those days it took in the Perry Lakes area where the stadium is now situated. The original definition of Bold Park included the golf course as well as all of Perry Lakes. It covered 526 hectares, which is a huge amount of land.

An article in *The West Australian* of 6 May 1976 takes us to the next step in the development of Bold Park as we know it today. This article recorded a special meeting that was called by the then Lord Mayor of the City of Perth, Earnest Lee-Steere, to deal just with Bold Park. The decision that was made on the evening of 5 May 1976 was to add a further 99 ha of bushland to the park. This bushland was originally set aside for housing under the Cambridge Endowment Lands Act, which had to be changed to allow this to happen. The Perth City Council recognised in the mid-1970s the need to make sure that the area of bushland that would be preserved was big enough. At that time, the natural bushland area equalled 249 ha. That meant that the Perth City Council would need to forgo the revenue that it would have collected from the sale of the development land. However, the strong feeling in the council was that it was very important to set aside this large tract of land.

It is important to place on record that some of the key people who were involved in that visionary decision in 1976 were the then lord mayor, Earnest Lee-Steere; the town clerk, Ossie Edwards; and the councillors, who were very much involved, particularly John Dallimore, Eric Silbert and Neville Monkhouse, who worked tirelessly for at least two years to make sure that extra land was added to what we now know as Bold Park.

The 1980s saw some very difficult times for Bold Park and those who wished to preserve it, with the arguments and the almost public fight about the Knightsbridge land, and the desire by some people to develop the southern part of Bold Park, while those who wished to preserve it made sure that did not happen. The public pressure that was brought to bear meant that further housing development did not occur in that area. More recently, and also at that time, the Friends of Bold Park have played an important and instrumental role in preserving Bold Park bushland as we now know it and making sure that the move towards a regional park brought us to this point today.

The Town of Cambridge, and those who work in the Town of Cambridge, deserve special thanks for the handover that took place a few weeks ago and for the way in which they have conducted themselves. The most difficult time for the Town of Cambridge recently has been in sorting out some compensation. The Town of Cambridge has given up a great deal of land which may have been developed to raise revenue for other developments in the area, and some compensation has been forthcoming recently from the State Government to allow the final handover to take place in an amicable way. One councillor at the Town of Cambridge who, along with others, worked very hard to make sure that happened was David Johnston, who was at the forefront of the early public debate, which was played out blow by blow in the local newspaper.

One further thing that has happened and that has pleased everyone in the area has been the change to the Stephenson Highway road reserve. The original Stephenson plan of 1955 proposed that a major four-lane road would go right through what we now know as the bushland of Bold Park. That road reserve is still there but has been changed in recent times to take it out of the bushland area and run it down Oceanic Drive and onto West Coast Highway. That has been a major plus in securing and valuing the land that is part of this legislation.

I turn now to the management of Bold Park. Bold Park is now 60 ha larger than Kings Park; so from the city through to the coast, a huge amount of bushland exists for enjoyment and for scientific study, and also to be managed. In recent years, it has been very difficult for the local authorities to provide the funds required for that management. The Bold Park area has a lot of weed, and a lot of other problems that need to be dealt with, particularly the possibility of fire. The Kings Park Board has been dealing with that matter for a short while, and the new authority will take on that challenge. It is an enormous task, and it is important to provide expertise and adequate funding to ensure that the Bold Park area is brought up to scratch.

For that reason, I am delighted that this legislation is before us. In this year's budget, \$8m has been allocated for several initiatives, such as capital works, bushland restoration and fire control works. However, that money will not be enough, and more will be needed in the years to come to ensure that it is well managed and maintained. The works that will take place in the next year or so will significantly enhance the quality of Bold Park and begin to bring it up to the standard that we need for a major regional park.

Bold Park is an amazing area. It is very rich and diverse in its native bush and fauna. A book that was published in 1990 documented 61 types of birds, 29 types of reptiles, including some that are found nowhere else in Western Australia, three different types of frogs, and six types of mammals. In addition, 1 500 species of flora have been documented as existing in Bold Park. From a scientific point of view, Bold Park is an important piece of land to be preserved. It is also a piece of land that in the years to come will, as it does now, serve a major educational purpose. It is worth mentioning that one of the schools in the area - City Beach Primary - has received national awards for the work it has done in propagating some of the endangered species and in developing curriculums for primary aged children that are used in many primary schools not only in this State but in Australia.

In addition, I have been one of the people who have been pushing for some time to have the City Beach campus of what will be the new multicampus high school in the area recognised as a school that has an expertise in ecotechnology. That school is in the northern part of Bold Park and is ideally situated to be a centre for excellence in this area and a centre that other schools can use for practical work for their excursions and so on. I hope there will be a continuing relationship between the new authority and that school in providing an educational centre not just for schools, which will be important, but also for other people who want to know more about the flora and fauna in the Bold Park area.

I turn now to the clause of the Bill that deals with management plans for parks. Of course there must be a management plan. However, I understand from my reading of the Bill that the public will not be entitled to make submissions on the first management plan for Bold Park. That matter needs to be clarified, because it is not clear in the Bill. I presume that a temporary management plan already exists for Bold Park, because the Kings Park Board has been involved in that plan, but it appears that the new authority will have a two-year period in which to develop a management plan for Bold Park, and once prepared and accepted, the plan will then be reviewed after five years. It may be seven years before the public has any input into that management plan. It seems strange that the public cannot comment on the management plan when this area has been set aside for the public's benefit, and it is an area about which hundreds of members of the public have written submissions in the past to the Perth City Council, and in which they have been involved in so many ways. I hope that the public will not be cut out at this stage of the new development of Bold Park.

The public should have an opportunity to contribute to the management plan because it will be the core management plan for the future. Whatever happens with management plans after that first seven years, they will be adding to what is developed now. I ask the minister to clarify that either in comments at the end of the second reading debate or in committee, so we can deal with that issue which is very important to the public. In the meantime, I look forward to the committee stage when some aspects of the Bill will be clarified. I commend the Bill to the House.

MS WARNOCK (Perth) [11.51 am]: I regard this Bill as extremely important. Not only is Kings Park and Botanic Gardens the State's number one tourist attraction, as other speakers have said before me, but also it occupies a special place in the hearts of most Western Australians, if not all. It was great foresight on the part of the early founders to set aside such a very large piece of bushland in the inner city. It is quite extraordinary, if not unique among cities in the world, not only Australia, that natural vegetation should be set aside in the city and not in some great park very far distant from the city, like Yellowstone National Park in America. Central Park in New York, the Jardin du Luxembourg and the Jardin des Tuileries in Paris and many of the other famous gardens throughout Europe are quite unlike Kings Park.

Mr Thomas interjected.

Ms WARNOCK: I would certainly be willing to be on a committee to check out those gardens.

The difference between Kings Park and those great and famous gardens around the world is that Kings Park is a very large park of 1 000 acres or 400 hectares of natural bushland right at the centre of a capital city. That makes it unique. The extraordinary foresight involved in that decision must be saluted again more than 100 years later. I believe Lord Forrest was the Premier and first president of the Kings Park Board. He said in August 1895 that this will enable children 1 000 years hence to see our country as it was when Stirling first landed. That is a remarkable piece of foresight. On behalf of

politicians generally, it is pleasing to note that occasionally that much maligned species, the politician, does set aside immediate considerations and succeed in thinking very far ahead. To say that this was to be preserved under any circumstances and was not to be changed but kept for future generations 1 000 years hence is an extraordinary thing for anybody to do. I can only say, as I have probably said many times in this House before, that we should be extremely grateful for the foresight of not only John Forrest but also many others, whom I will mention briefly later, who made the decision at the time to set aside the land. Mercifully, despite attacks on that decision over the years and attempts to take bits out of the park for various other functions, Perth has managed to keep its park and it has that bushland more than 100 years later. Let us hope that it will have bushland 1 000 years hence.

It is quite appropriate that in the week that the excellent annual spring wildflower festival opens in the park a Bill concerning itself with Kings Park and Bold Park should surface in Parliament. It is good to be able to draw attention to that as a Friend of Kings Park, which I am. The organisation was established I believe in 1993. It sees itself literally as a friend of Kings Park. All the people who belong to it are very concerned about preserving Kings Park for the future and also making it as good as possible in the present, so that everybody, not only locals but also the thousands of visitors who descend on it every year from all parts of the world should be able to enjoy the park as much as possible. It was in my capacity of not only the local member of Parliament but also a Friend of Kings Park that I wrote a submission when the Government produced a few years ago a consultant's report about the possible future of Kings Park. It was released with a bit of a roll of drums. It certainly interested a great many people. A great many members of the public together with interest groups who were concerned with the park submitted ideas and made comments on the ideas produced by the consultants for their park.

Although some people say it is odious to quote oneself, I have often said, "What more reliable source is there?" I will refer to one or two matters I brought up in my submission to the committee which produced the report in 1994 or 1995, I believe. I first drew attention to matters in the report that I supported completely. The first was the suggested improvements to the botanic garden. At the time I said they were very important and that they had needed doing for some time. I felt that not only had the garden been out of sight in some odd way, which was the case, but the exotics there seemed more visible than anything specifically Western Australian. Much has changed in the few years since I made those comments. I wrote that I believed that it should always have been more visible and prominent and that it was pleasing to note that it would be moved closer to the main gate, or rather some part of it. I was referring to the garden which is now sited near the main entrance and gives greater prominence to Western Australian wildflowers, which is very appropriate. I always thought that they should have been a major feature of the park. I believed at one stage that they had an oddly recessive siting. The move seemed to be appropriate. Those familiar with the park will know where the old depot area is situated. At that time the depot was to be removed. I believe it is now behind the reservoir. The old depot area was to be used more for public displays. That is an important change.

I also wrote in the submission that a visitor centre was important and that most major parks and, indeed, much visited cemeteries in the rest of the world had some sort of information or interpretation area where people could readily find material and souvenirs. As every member here knows, and having been a visitor in several parts of the world, I know, people want souvenirs and something to remind them of the place to which they have been. I thought that a visitor centre was very important. I also said that the depot should have been moved, which it has been. I felt at the time that that prominent site should be occupied by a major public attraction. It has been. I salute that decision.

At the time, I also applauded the suggestion that there should be a new reticulation system and that no new lawn areas should be planted. I made the comment that in the dry climate, as is obvious, lawns are very beautiful but very expensive. Indeed, the Water Corporation for some time has been urging us not to plant lawns but to plant native plants because they require less water in summer. Although lawns are a major attraction in some people's suburban gardens and indeed some public gardens, they are very expensive to maintain. Quite clearly in a park the size of Kings Park it would be better to think of some other way of covering the territory. I believe that 54 hectares are covered by lawn in the park. They are looked after by four members of the staff more or less constantly. They are difficult to maintain. However, a new reticulation system has been put in place. That is extremely important. I also felt that there should be no further encroachment on the area of bushland. I thought it was important for the reason I mentioned earlier, that our forefathers had set aside the park so that there should be some largish portion of the park 1 000 years hence, so that people could see what it was like when the first British settlers landed.

I certainly believe that to be so. It is symbolically important. Even if not many people, apart from runners, spend a lot of time there, it is important that Aboriginal and European Australians have a reminder of early Australia and its natural vegetation. The park's proximity to the city is a unique feature, and is one reason for millions of people visiting the park over the years. In fact, it is the most visited tourist site in the State.

I also said in my submission on the draft plan that it was good news that the original gatehouse is to be preserved and its history researched. I will be interested to hear the minister later outline progress in that area.

I also stated that improving the playgrounds was important as they should be safe and interesting to young visitors. Since the preparation of my submission, as most members would know having taken young visitors to the park, the former Hale

Oval area has been developed into a playground area. This caused a stir among the few people who previously used Hale Oval. It was an excellent decision as the beautiful tearooms and playground for children are extremely successful. It deservedly draws many more visitors than the various sports people who previously used the oval.

I said that the Lord Forrest vista would benefit from being cleared, except for the most impressive larger plants. Regular visitors may recall the conglomeration of large plants on the front of the escarpment, and these have been largely cleared and that area of the park has improved enormously. Lord Forrest's statue can now gaze over the water in a way not previously possible. A great number of improvements in that area of the park are visible to visitors.

Also, I suggested in my submission that the signage of the park should be improved, and this seems to have occurred. Anything promoted as a tourist spot should have good signage; it should be not only visible with a clear message, but also good looking. Those small improvements may seem trivial to some people, yet they have the right effect when adopted in the park and city. Generally, people develop a better feeling about the area visited.

Also, my submission outlined that it was extremely important that the park plan, as the park is set on an important Aboriginal site, be sensitive to the Aboriginal connection to the area. Planners should be congratulated for taking well-informed Aboriginal advice on this issue. This was obvious in the consultants' report. Subsequently, the Aboriginal Cultural Centre was established at the front of the escarpment. This has been improved with the provision of a roof. Visitors from overseas, in particular, and from the eastern States are intrigued by it. They are pleased to see Aboriginal heritage given some prominence. People can buy souvenirs, and can see Aboriginal dancing and other performances. It is an excellent idea and a good addition to the park.

Also, I said that future and continuing research into the history of the park was important. Already known facts should be made readily available to tourists and visitors. I have on my desk a number of good histories of the park, one of which by Dorothy Erickson was prepared for the Kings Park and Botanic Garden in 1997. It is a very good thematic history. It outlines how the park has changed and improved over the years, and the people involved in making those important changes.

I said in my submission that public art should be a more prominent feature in the city of Perth generally, and at Kings Park in particular. I applaud suggestions in the plan for enhancement of this aspect of the park through entertainment, festivals and the like. The City of Perth has bounded ahead in the amount of art it displays on its streets, for which I congratulate it. Kings Park has recently prominently featured entertainment in the park in a manner not seen in previous years. Plays were performed in the park in summer, successfully drawing large crowds. The park has been a venue for other forms of entertainment, such as orchestras. This is excellent. Obviously, performances must be suitable for the area and be carefully planned so that vast numbers of people do not descend upon a delicate area of the park. Everything I have seen at the park has been suitable for the setting and has drawn large crowds. This is a good development in the park's activity.

I indicated in my submission to the draft plan that I fully supported plans to enhance and upgrade all the war memorial surrounds. The sheer number of these memorials is a unique feature of Kings Park. It is extraordinary to find a park of that size containing so many memorials. Many people have picnics and take walks in the park. However, it is also a place of different significance: Many thousands of people attend the Anzac dawn service in the park every year. Many members of Parliament lay wreaths to commemorate battles which took place around the world at different times of the year. Also, many memorials remind us of the dead from both world wars and subsequent conflicts. It is splendid that the park has such significance for the citizens of Western Australia, as well as being an area for fun, picnics and a variety of other activities.

The minister will no doubt comment on why decisions were made to change aspects of the consultants' plan. I did not like the suggestion in the plan that Fraser Avenue be closed and used only as a walking mall. It began as a walking mall. One of the histories to which I referred earlier contains a lovely photograph of a postcard from the late nineteenth century or early twentieth century of many people walking in the park on a Sunday afternoon with ladies wearing long dresses and men wearing top hats. Since the advent of the motor car and tourist bus, it is one of the great pleasures for people to drive past that beautiful setting along Fraser Avenue. It is not practical to cut off that road, as it would prevent many disabled people experiencing the great views. Also, most great cities in the world have a corniche on the edge of the sea, by which people can drive past sites. I thought the road closure was a bad idea and I said so. Many other people said so too as the decision was changed.

Also, I was concerned about the removal of exotic plants. I am not sure that I was right in my concern: It may have been only weeds which were to be removed. An article in *The West Australian* yesterday indicated that various weeds, like veldt grasses, which some of us find attractive, but which are nonetheless bad for the park, are to be removed in a plan sponsored by a private company. That is admirable. Most of those weed exotics are being removed from the Mt Eliza scarp.

I do not have a copy of the consultants' plan with me. However, I said at the time of its release that I was alarmed by the suggestion that the much-visited European section of the park, which includes the area in which many of the palms can be found, should be cleared of everything except gum trees. People love the cultivated section of the park, which is as important in its own way as the bushland. I said in my submission that I thought it would be absurd to remove palms because they happened to be unfashionable. They are part of the history of the park - they were fashionable when they were planted,

and many people like to see them. I understand that the plan is not to remove those palms and that the exotics in the form of weeds will be removed. As much as I like plants such as bridal creeper, I must say that I applaud the park's being returned to its original state. I also commented on the consultant's idea that the park should be closed at night. That occasioned some mirth at the time, as I recall it, because all of us who were well over 21 were given to reminiscing about our youth in the park and about how we had been taken there.

Mr Thomas: Conceived there!

Ms WARNOCK: Indeed. Perhaps some people were conceived there. It is almost like that quotation from Shakespeare about the seven ages of man. The park has different significance for us all at different times of our lives. We were taken there as children by our parents, we went there as teenagers for an entirely different purpose, and later, as adults, we took our own children or our grandchildren to the park. The park also has a significance for returned soldiers. My colleague the member for Eyre was also quoted as saying that because people had all sorts of different reasons for visiting the park, it was a much better idea to leave the park open. If money were to be spent to improve security in the park, I thought that there were many other ways of doing that, such as tougher security and having troublemakers moved on. The planners, in their wisdom, abandoned that idea, which I am very pleased about, and they have solved the problem - I speak to them from time to time - by all sorts of different means which the Minister might care to discuss. It seems that, to an extent, the activities of people who were hooning around in the park have been checked and the problem has largely been removed. Although many European parks are shut at night, others are not, and it is a great blessing that our park is open and that people are able to drive through it or do whatever else they plan to do after hours.

I mentioned also that I thought it was a bad plan to remove the roses along Kings Park Road. There was an enormous reaction from people who lived in West Perth. I certainly have heard no more about that part of the plan. I suggested that more jacarandas should be planted there, because I am very fond of the jacaranda, but I do not know whether there has been a move in that direction.

I commented also on the possible closure of Harvest Terrace. I do not know whether there have been further discussions about that part of the plan, but I recall that there was a drawing which suggested that Harvest Terrace would be closed off. At that time I asked, "What is the reason for this? Are there many pedestrians in the area?" I would certainly like the old Hale School and the other historic buildings on the hill eventually to become part of a parliamentary historical precinct. In fact, the Constitutional Centre has since opened there, and that is a very good idea.

I now refer to some of the interesting history of the park. The early founders were full of foresight and altruism. A thematic history of Kings Park mentions the people who were responsible for setting aside the park, and their names are Governor Weld, Malcolm Fraser - not the one whom we all know and love - and John Forrest, who succeeded Fraser in 1883. Those people were part of the elite at the time. They were wealthy and educated and, as the history states -

imbued with Late Victorian values ensuring altruistic motives behind their untiring efforts to establish a recreational park for the people of Perth.

I believe that that was the aim of the people who set up the park: To be set aside for 1 000 years hence.

The history talks about how gold transformed the State in a positive manner. All of us, particularly those of us who grew up in the goldfields, know how important gold has been and still is to Western Australia, despite its rather lower value these days. The history states -

Gold transformed the State in the 1890s in a positive manner. It allowed the population to plan for a future rather than mere existence.

That is an important observation. At that time, people were able to see a future for themselves in Western Australia. They were getting past the stage of hard scrabble and they were able to look to the future. Indeed, they looked to the very distant future and are to be applauded for that.

The park was set aside, I believe, in 1872, although it was not actually proclaimed and set up with a board until 1895, which, of course, is why the centenary was celebrated in 1995. Much land was set aside at the time, and subsequently over the years the size of the park has changed a deal. Although it has reverted very much to its original size, bits of land were cut off or added over the years for various functions. The history mentions the monuments and memorials which were donated. On 5 January 1928 *The West Australian* stated -

The people's park should be the people's pride. Its preservation will then be sure.

That is a very important observation about the park. If people have an investment in the park not only of money but also of something to do with their spirit, they will work very hard over the generations to ensure that it is preserved. If something is popular and important to people they will work to ensure that it is preserved and they will not allow any Government, whatever idea it might have, to neglect it. I must say that I doubt whether any Government now would be silly enough to neglect the park because all of us realise what an important asset it is not only in tourism terms but also in terms of the spirit

of the place. It is enormously important to Western Australia and to the people in it. That is why the place is so visited, has such an important role in people's lives, and retains an important place in people's hearts as well.

The park is important today not only for the reasons that I have mentioned but also as a research centre and a centre for the preservation of rare species. It has a big and growing reputation and it produces important scientific papers as well as makes important scientific discoveries. I congratulate all the researchers on their important work and on maintaining the high reputation of Kings Park and the botanic garden. I also congratulate the gardeners who put together that excellent display. I have seen only photographs of it, but it certainly seemed to be an excellent display. It won an award at the Chelsea Flower Show last year. I understand that it was Kings Park's first outing at the Chelsea Flower Show, and it resulted in an award, which is pretty impressive.

Kings Park means many things to many people and it has a different significance at various times of our lives. I can only applaud the legislation. Together with all opposition members, I certainly support the legislation and, as a Friend of Kings Park, will continue to retain my interest in that marvellous piece of real estate for the rest of my life.

MR BARNETT (Cottesloe - Leader of the House) [12.18 pm]: I appreciate that it is quite unusual for a Minister to comment on a Bill being handled by another minister, but as the member for Cottesloe and as Bold Park lies mainly within the Cottesloe electorate, I should like to make a few brief comments.

I certainly agree with the member for Churchlands that Bold Park is a beautiful place and a unique area of natural bushland. I am delighted that under the legislation Bold Park now falls within the administration of what was the Kings Park Board and what will become the Botanic Gardens and Parks Authority. Indeed, I might show my bias, but I think that the area of natural bushland and the stands of trees within Bold Park are exceptional and exceed the quality of bushland that survives within Kings Park itself. Bold Park also has panoramic ocean and city views. It tends to be used primarily by people living within the vicinity, but I have no doubt that, as Perth continues to grow, Bold Park will be discovered by the rest of Perth and will come under increasing usage, which is desirable, and it will equally require the professional management that can be provided by staff within the authority.

As outlined by the member for Churchlands, a number of very important things have happened to Bold Park during the time of this Government. The acquisition of the Knightsbridge land commenced the process. We then saw further developments. I take this opportunity to give credit to the current Minister for the Environment for bringing this process to the legislative stage and to conclusion; also to her predecessor, Hon Peter Foss, as the Minister for the Environment, who played an important role in the early negotiations. The Minister for Local Government also played a significant role, as did the former Minister for Planning, Hon Richard Lewis, in the early stages. I also acknowledge the member for Churchlands who has always been supportive and, as she said, the councillors from the Town of Cambridge.

Throughout the process of forming what has become a much greater Bold Park and its incorporation now alongside Kings Park, there were times when there was disagreement which sometimes became personal and even a little bitter. In spite of that, throughout the whole process, all parties shared a common objective of seeing Bold Park properly established.

As a local member of Parliament, I found myself in a curious position in this case being not only a relatively senior person in government but also the local member. At various stages, I played the role of conciliator between the Town of Cambridge and respective ministers. I was pleased to play a role, albeit modest, in some of those developments. The removal of the Stephenson highway reserve was important. The member for Churchlands will recall how the decisions on Stephenson highway were made which is probably a unique piece of history that will never be told publicly.

Dr Constable: You cannot say that and not tell us.

Mr BARNETT: What happened was a couple of ministers involved, the member for Churchlands and I drove the route of the highway, looked at all the alternatives and finally it was put in place. It was achieved with people sharing a common view of getting that road out of the park.

Mr Thomas: Who was driving?

Mr BARNETT: I think the Minister for Planning was.

There were other issues. I take some credit, if I may, for including the area to the south, the area next to the Christ Church playing fields between what was Bold Park and the Cottesloe Golf Club. It was an area which had been earmarked for possible sale. Inevitably, on environmental grounds, it would have been deemed not available for residential development. The fact that that was recognised early on and made part of Bold Park was important. Also, the addition of areas that now take Bold Park down to the coastline provides within it a unique range of ecosystems.

Finally, in resolving what became the intractable issues - what area would go across with Kings Park, what area would stay within the Town of Cambridge, which small areas of land would be available for subdivision, and how much money would change hands by way of compensation - I found myself as conciliator in trying to bring those parties together. At the end of the day, many people deserve credit for the origins of Bold Park and for its expansion during the term of this Government;

and now that a professional system of management has been put in place, it is a great asset. Primarily, it was initially used by the western suburbs but it will become strategically important and very valuable, along with Kings Park, in the Perth metropolitan area.

MRS EDWARDES (Kingsley - Minister for the Environment) [12.25 pm]: I thank members for their comments and contributions to an important piece of legislation. I will comment on a couple of the points made. Before I do so, by way of a commercial I advise members that the wildflower festival this year opens on Friday 18 September to 28 September, from 9.00 am to 5.00 pm. Postcards have been produced which feature the beautiful everlastings to be seen at Kings Park. I encourage members to not only have a look at the festival but also, whenever possible if sending a message east or overseas, use the postcards because they are a beautiful demonstration of what we exhibit in Western Australia.

On 11 October there will be a telethon fun day for families. On 3 December through the summer season until early February there will be a Shakespearean season with *Taming of the Shrew*. Last year 22 000 people attended *Romeo and Juliet*. Therefore, we expect a similar attendance to that number again. On Australia Day, of course, there is the skyworks. The park is in a beautiful position to view those skyworks and it attracts 25 000 to 30 000 people. On 14 February, Valentine's Day, for those who celebrate Valentine's Day and those who do not, the Western Australian Symphony Orchestra will be at the park. On 20 February there will be a children's theatre; and on 15 March there will be the *Godspell* musical performance. There will also be a new event, an outdoor family movie theatre showing classic movies for all ages at the Arthur Fairall playground. There will be a great deal happening within Kings Park during 1998-99.

There will also be a couple of new tourist initiatives and further development of the Aboriginal tourism products which include dance performances as well as authentic Aboriginal arts and crafts. That has proved to be very popular in its current location. People like to take photographs with the backdrop of the city as well as the water. There will also be new education programs, the pre-primary school environmental education program as well as the new primary school education program.

Other aspects were raised by the member for Perth. The development plans were obviously dealt with through public consultation. As a result of that consultation, I advised the House at the time the decision was made that Fraser Avenue would remain open to ensure that it remained a significant tourist drive. That was felt to be particularly important from the community's viewpoint.

A group of parents and citizens association members visited this House last night. I explained that we would be dealing with what is colloquially known as "The Kings Park Bill". They then embarked upon their Kings Park stories. They were anxious to get a copy of this *Hansard* because they thought that we might all be standing up and telling some of our Kings Park stories. They will obviously appreciate the history that they will learn about from *Hansard*. However, not too many Kings Park stories have been elicited.

Mrs Roberts: There is always the third reading stage.

Mrs EDWARDES: I encourage members if they have anything interesting to contribute to do so.

As to night usage, there has been improvement in the behaviour of hooners, as the member for Perth referred to them. The board has engaged private security guards on Friday and Saturday nights, which has dramatically reduced vandalism and other anti-social behaviour. This initiative has been in place for the past two years with great success. The security improvements involve increased police patrols, increased Kings Park staff who patrol the park every day of the week and improved lighting also at the main car parks and along Fraser Avenue.

One of the major capital works projects for this year is the completion of the infill irrigation automatic reticulation system. That was commenced last year in an endeavour to reduce costs as well as improve quality. Another major capital works project is the upgrade of the botanic gardens, especially the establishment of the acacia steps which is a delightful garden that has been established. There will also be improvements to display labelling and visitor access paths. The Fraser Avenue upgrade will include a new and improved pedestrian and vehicle circulation system, upgrade to the lawn areas and lighting.

As to furniture, we have been talking about the types of seating there currently. I have a passion to ensure that the seating is indicative of the era in which the seating was first established within Kings Park. We are looking at the 1920s and 1930s, and we have some beautiful photographs of the seats used at that time. They are harder and more straight-backed than those currently in place. Consideration is also being given to the most appropriate site for the rubbish bins. They should not be overly focused, but they should be accessible. I am discouraging siting them close to the seats.

The Mt Eliza scarp will be the subject of major capital works this year, and those works will have a safety focus - a safety fence will be erected to prevent rockfalls to Mounts Bay Road. The member for Perth mentioned weed removal. The Mt Eliza scarp will be the focus of a huge conservation and restoration program along with flora and fauna rehabilitation. An enormous amount of work will be done to improve and ensure the continuation of the conservation activities of Kings Park.

The member for Churchlands mentioned the Bold Park management plan. That is covered under part 4, clause 20, page 17.

Public submissions and public consultation are enshrined in the legislation and two advisory groups will be established. One will be a community advisory group and the other an expert group. The terms of reference for the community advisory group are being finalised with the Town of Cambridge. It will be jointly established by the Kings Park Board and the Town of Cambridge. It will comprise about seven members and will have a proportion of ratepayers along with representatives of other interested groups.

Advertisements will be run inviting expressions of interest so that people can put forward their names to be considered jointly by the council and the board, and their recommendations will come to me. That group will advise on all the non-technical matters and initially will have a two-year lifespan. Under the Act, the initial management plan must be established within two years of proclamation of the legislation. Therefore, the community advisory group will be in place for that period.

The second advisory body is the technical group, which will advise on the management plan for all technical matters - both botanical and ecological. It will be the working body for the management plan. Under the Act we must release the management plan for public review. Those interested will be able to lodge submissions over two months and the plan will be reviewed every five years.

I take this opportunity to thank members for their support not only for this legislation but also for the activities that have occurred in Kings Park and for all the work done and commitment to vesting Bold Park in the existing Kings Park Board for the people of Western Australia. Like the member for Cottesloe, I believe that Bold Park will be discovered by the community of Western Australia and will become a major focal point for families in the near future.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Barron-Sullivan) in the Chair; Mrs Edwardes (Minister for the Environment) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation -

Dr EDWARDS: How will "botanic gardens" be defined given that the closest thing to a definition is a reference to "designated land" and we have yet to see regulations describing "designated land"? Did the minister consider including regional parks under the authority?

Mrs EDWARDES: Regional parks were not considered as part of this proposal. That is probably because of the significance of Kings Park and Bold Park.

In respect of the first question, obviously we are looking at significant areas that might come within the definition of a botanic garden. They will then be designated. We did not want to limit it to Bold Park in the event that other opportunities arose to designate land at some time in the future, but none are under consideration at the moment.

Clause put and passed.

Clauses 4 and 5 put and passed.

Clause 6: Board of management -

Dr CONSTABLE: Subclause (4) refers to the minister's ensuring that each person appointed to the board has expertise that in the minister's opinion is relevant to the functions of the authority, and clause 9 refers to those functions. Does that mean that each member of the board must have expertise covering all those functions? It would be difficult to find such people. This subclause is loosely worded and it is hard to tell what the minister is looking for in the composition of the board.

Mrs EDWARDES: As with appointments to any board, one looks at the functions of the particular authority to which they are to be appointed and then tries to blend their expertise and skills. Essentially clause 6(4) states that those people are appointed on the basis of their skills and expertise relative to the functions of the particular authority which need to be carried out, rather than in a representative capacity, as happens under other legislation when particular members are appointed to boards and committees.

Dr Constable: It is interesting from that point of view. With a minimum of five people, all those functions may not be covered by those five people, or there may be an imbalance. I am not suggesting this will happen, but there could be an imbalance so that there is a strong flavour of the tourism side of things rather than the scientific. How do you achieve that balance with five people when there are eight or nine functions?

Mrs EDWARDES: By assessing the people who have expressed an interest in being appointed to the board, one ensures

that there is a balance, and that the board is not primarily tourism-based, administrative-based, finance-based or scientifically-based. One ensures that the five members have a range of skills and expertise. The member is correct. It is impossible to have five people with all the skills and expertise required under clause 9, but those people have the ability to obtain that necessary expertise and skill whenever required. It is essential to have a balanced board, not only for this authority, but for any authority.

Dr Constable: Do you envisage there will be any carryover from the existing Kings Park board to this authority or will it be an entirely new group of people, because these functions are very different from the functions of the Kings Park board?

Mrs EDWARDES: That matter has not yet been discussed. However, from my perspective, it is also important to have some level of consistency. Members of the current board have a great deal of knowledge and expertise - I include Bold Park as well - that should not be lost. Therefore, one always needs to ensure some consistency if there is any change of the individuals flowing through to a new authority.

Dr Constable: Therefore it may be desirable to have a maximum of eight members rather than a minimum of five, at least to start with, to cover all those matters.

Mrs EDWARDES: Yes, it is a minimum of five and a maximum of eight. Therefore we have the ability to add extra skills when needed.

Clause put and passed.

Clauses 7 to 9 put and passed

Clause 10: Powers -

Dr EDWARDS: Clause 10(2)(a) states that ministerial approval is required to acquire and dispose of land, other than designated land. How is that then reported to the public? Will it be in the annual report or will the minister make a report when land is sold?

Mrs Edwardes: Yes.

Dr EDWARDS: Secondly, assuming the foundation received some bequests, that would obviously be property. Can the foundation sell or acquire land, or does that all pass through to the authority, which then does that?

Mrs EDWARDES: Bequests to the foundation can be acquired only in the authority's name, not in the foundation's name.

Dr EDWARDS: I will move alphabetically through clause 10. Subclause (2)(e) deals with giving or taking botanical specimens by way of a loan or exchange. When are the intellectual property considerations triggered? Would they be triggered then?

Mrs EDWARDES: The intellectual property considerations are not necessarily triggered only then. At the time of a discovery or new process or whatever, the intellectual property issues arise. Therefore, they are not just triggered by subclause 2(e).

Dr EDWARDS: Clause 10(2)(g) states that in connection with its functions under section 9(2)(g), which is the objectives, the authority may sell or dispose of plants, parts of plants, seeds and fungi or similar organisms. Can the authority still sell plants? I ask that because if the gardens are open to visitors, often there are small areas where plants are sold. It seems to be quite a lucrative market, and I know Kings Park would not want to compete unfairly with other people. I am not clear if that is possible under all the definitions.

Mrs EDWARDES: That is being anticipated, and obviously with the huge interest in the wildflowers, the everlastings and the like, visitors have the opportunity of tapping into that lucrative market. How that will occur in the future under the authority, linking in with the point the member made about competitive principles, will be worked through at that particular time. That is intended by this particular clause.

Dr EDWARDS: On my reading of clause 9, it seemed to be more narrow than that. Does clause 9 in any way limit the ability of the authority to undertake those sales?

Mrs EDWARDES: The Government does not believe so. According to our advice, linking subclause (2)(g) back in with (d), gives the Government that ability.

Clause put and passed.

Clause 11 put and passed.

Clause 12: Delegation -

Dr EDWARDS: When delegation is made to members of the board or to other people, with the approval of the minister, what sort of indemnity do those people have for the decisions they are making, presumably for the authority?

Mrs EDWARDES: That issue has been raised by many members of boards and authorities, particularly with respect to directors' liability, and it has been discussed at length with the Under Treasurer. The measures put in place to indemnify those people as a result of their directors' liability sometimes vary according to the type of functions being carried out. Legal advice will be sought about what is required to be in place.

Clause put and passed.

Clauses 13 to 15 put and passed.

Clause 16: First management plans -

Dr CONSTABLE: I am not sure I grasped everything the minister said about management plans. I want to be absolutely clear. I was referring to the first management plan. On reading this again quickly, it is still my interpretation that individual members of the public will not have an opportunity to make submissions on the first management plan. I think the minister referred to a committee being set up to look at the first management plan. However, I am more interested in knowing whether individual members of the public have the opportunity to contribute to it. Will the minister clarify that?

Mrs EDWARDES: I can absolutely clarify that. While the advisory committee, which will include members of the public, will be put in place, the draft management plan will be sent out to the public for submissions prior to finalisation, as happens with national parks and regional parks. The draft management plan will be available for public submission for two months.

Dr EDWARDS: Part 4 refers to first management plans, and the fact that the minister may, by notice in writing, vary or revoke a notice given. I do not understand how the general public can find out about such variations to first management plans. I note the minister must attach a copy of the notice to the master copy of the plan, but given that everywhere else the minister must go to some trouble to have long public consultation and advertising that will be noticed, will these variations in first management plans be as noticeable?

Mrs EDWARDES: Subclause 19(2) refers to public notification in the *Gazette*, in two issues of a daily newspaper circulating throughout the State and at the office of the authority. I believe we should ensure that it also appears in the local community newspapers. Increasingly we are endeavouring to do that when local communities have a specific interest in an issue as opposed to something which relates to the whole of the State, although that is important here. That process must be carried out for all amendments to the management plan.

Clause put and passed.

Clauses 17 to 24 put and passed.

Clause 25: Use of other government staff etc -

Mrs EDWARDES: I move -

Page 21, line 9 - To insert after "subsection (1)" the following -

or (2)

Amendment put and passed.

Clause, as amended, put and passed.

Clause 26: Park management officers -

Dr EDWARDS: Firstly, what qualifications will the park management officers have and, secondly, what checks and balances will be established to ensure that they act within their authority because these officers have quite wide powers?

Mrs EDWARDES: The qualifications and skills necessary for the position of park management officer are threefold and include law enforcement, visitor focus and an element of environmental awareness. These officers are trained by police under the municipal law enforcement provisions.

Clause put and passed.

Clauses 27 to 47 put and passed.

Clause 48: Liability for acts of children -

Dr EDWARDS: I understand this clause and what it states, but how will it operate in places such as the Ivy Watson playground where the Government encourages children's parties to be held and child-care, preprimary and school groups to attend. Does the Kings Park Board have a policy which protects adults?

Mrs EDWARDES: Essentially this section has the same intent and purpose as section 12A in the current legislation which outlines the liability of parents for acts committed by children, but those acts are limited to damage to or destruction of

property owned by the authority. In addition, that damage must have occurred by the intentional or negligent act or omission of the child. Therefore, we are not talking about the normal playing of children. Signage is erected in the park to inform people of their obligations and responsibilities.

Clause put and passed.

Clause 49 put and passed.

Clause 50: Evidentiary provision - speed measuring equipment -

Dr EDWARDS: Will we see Multanova radars in Kings Park or are they there already? When the speed measuring equipment is in place, where will the revenue from the infringement fines go?

Mrs EDWARDES: The police can put a Multanova radar into Kings Park but in that instance we do not receive the money. We operate with hand-held radar. The moneys which are then collected come to the authority but there is no loss of demerit points in that instance.

Clause put and passed.

Clauses 51 to 56 put and passed.

Schedule 1 put and passed.

Schedule 2: Savings and transitional provisions -

Mrs EDWARDES: I move -

Page 46, line 8 -To delete "actions" and substitute "action".

Amendment put and passed.

Schedule, as amended, put and passed.

Schedule 3 put and passed.

Title put and passed.

Bill reported, with amendments.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

GAS PIPELINES ACCESS (WESTERN AUSTRALIA) BILL

Second Reading

Resumed from 15 September.

MR KOBELKE (Nollamara) [2.44 pm]: I support this Bill, which forms just one part of the Government's attempt to respond to the growing importance of the gas industry to Western Australia.

Western Australia is extremely fortunate in having such vast proven gas reserves, and hopefully many more will be found. That huge endowment stands this State in very good stead. We are well aware that gas is a preferred fuel because it is seen as environmentally clean, and it is a resource that benefits the entire nation. It is a major export commodity.

However, this Bill relates to the use of that gas in Western Australia and to its distribution through pipelines. This move will be of even more fundamental importance to Western Australia and our economy if it leads to the provision of cheap, clean energy for Western Australian industry. All members in this place look forward to a large increase in our processing and manufacturing industries as a result of their gaining access to a cheap, reliable power supply using gas. That could lead to value adding in a range of resource and primary industries that must now accept the world market because they are the providers of major commodities in that market. Involvement in the processing and manufacturing of those commodities will add enormous value to the products, to our economy and to the wealth of our State. It is incredibly important that we have the correct legislative and administrative structure for the distribution and sale of that gas to Western Australian industry.

For the price of gas to decrease it is essential that the distribution system be competitive. The supply of gas is another issue, but, with the abundance of gas and the range of potential and actual suppliers, it is most important that we have a network of pipelines that can bring those gas supplies to the market, and this Bill will facilitate that process.

I will not enter into a discussion about competition between suppliers, because that is not relevant to the Bill, although it is clearly another element in ensuring that we have cheap energy in Western Australia.

However, if pipelines are not provided as the gateway connecting the users - the industry - to the suppliers - the producers - of the gas, it will not be of value to this State or our industries. It is of paramount importance that we have a legal structure to underpin the development and expansion of our gas pipelines to provide that gas as a cheap and ready source of energy for Western Australian industry.

The development of our gas industry is relatively new, although the State has had natural gas supplied for over 20 years. The development of the pipeline in the early 1980s from the Pilbara to Perth and then to Bunbury opened up supplies of North West Shelf gas to the south west. However, the industry is now expanding as a result of not only growing numbers of suppliers but also increasing access through a system of pipelines. We hope that expansion will continue and, as a result, provide a cheaper source of energy.

While the Government has had a number of successes - I commend it for them - it has simply been moving with the times. Members might make very different judgments about whether the Government has gone with the times or been a leader in the sense of trying to do it better or in the best possible way. While a number of improvements have been achieved with the opening up and growth of this industry, that has not resulted in lower electricity tariffs in the south west of Western Australia. I use the word "lower" relative to the other States. While the minister might say that the real price of energy has fallen, and that would be true, the cost of energy in the south west has not compared with the rest of Australia. We are experiencing a growing differential that is very much to the detriment of Western Australia. In a relative sense, we have not been able to reduce the cost of energy in the south west. The Government does not have the runs on the board but, in moving with the times, it has done a number of things which have been beneficial to this State and which have helped to provide cheap energy resources.

If we are to open up that resource, we must have a regulatory system. The establishment of pipelines requires a range of government approvals and, in giving those approvals and facilitating the development of pipelines, the Government must establish the public interest. It must ensure that while the carriage of the gas and its ownership is in private hands, it is a competitive market which is efficient and which provides the product at the lowest possible price. The system must be open to some form of scrutiny so that deals are not done to the detriment of the users and this State.

This legislation appropriately contains a range of measures that seek to regulate what we hope will be a competitive and open market. This particular legislation aims to ensure that the whole regulatory regime will fit in with what has been established through the national access code. In the minister's second reading speech, he outlined the five primary objectives of that national access code. Two of the points are relevant only in minor ways to Western Australia at the moment. They relate more to networking and the transmission of gas across state boundaries. As all the pipelines in Western Australia are currently, and will be in the foreseeable future, totally within Western Australia, I will not comment on those.

I note the other three major objectives of the national access code. The first objective is -

To provide an open and transparent process to facilitate third party access to natural gas transmission and distribution pipelines.

The third objective on the list is -

To promote a competitive market for gas, in which customers are able to choose the producer, retailer or trader to supply their gas.

The fourth objective is -

To provide a right of access to transmission and distribution networks on fair and reasonable terms and conditions, with a right to a binding dispute-resolution mechanism.

This legislation is attempting to do those things. For any code to be effective, there must be enforcement mechanisms. It is proposed, on a national basis, that the enforcement mechanism be through the Australian Competition and Consumer Commission. That is the way it should be. However, this legislation is an opt out. Although it will establish the various criteria, the ACCC will not have the power to enforce the code and the other regulatory mechanisms. That will be done by special organisations set up by this legislation in Western Australia.

I am no great fan of the ACCC. Its whole functioning and charter is far too narrow. I do not take issue with the individuals.

Mr Barnett: Too narrow?

Mr KOBELKE: Too narrow in the sense that it is simply about economic competition. I am not talking about the complexity; that is another issue. The ACCC is narrow in the sense that its objective is purely economic competition. Sometimes decisions that go beyond that aspect need to be made at a government level for the public good. Therefore, in that sense, the objectives of the ACCC are too narrow. The other point the interjections raised was that the system is incredibly complex and pervasive, which I am not disputing, and that can lead to difficulties.

However, with respect to this legislation, I cannot support the establishment of state-based regulators to ensure the code is

complied with. The Western Australian gas industry encompasses too small a sphere of people. The relationships between the various players are too close, and the system is not open and accountable. Therefore, to leave the policing of the regulations in the hands of state authorities will be a total disaster. My preference is to go with the ACCC, and to work with the Commonwealth and the other States to try to ensure that WA has the best possible, workable system through the ACCC, and not leave that regulation in the hands of Western Australian authorities. It is incredibly important that the regulatory system work, because if it does not work, the State of Western Australia will be denied the real benefits of its very huge gas resources.

This Government has been in power now for nearly six years, and its record on reducing power charges in the south west has been abysmal. It has not been able to match the other States.

Mr Barnett: How do you reckon we compare to your time in government on power charges?

Mr KOBELKE: That is a debate for another time, and I will take on the Leader of the House.

Mr Barnett: It is a bit overwhelming.

Mr KOBELKE: I have limited time, and I have some matters I hope the minister will answer. I do not think the Government has done as well as the Opposition by any measure. However, that is another debate, and more detail can be presented then.

My real concern is about a state-based regulator being unable to enforce effectively the conditions required in the code. I raise an example, to which I hope the minister will respond, which relates to Western Power and gas, but not specifically to the Bill before the House. However, it is a very clear example of why national bodies must be involved in the regulation - national bodies which can take a quite objective stance and uphold standards with the force of their legislation. As this legislation stands, the ACCC would have no power.

The example relates to a complaint I received from a certain party who alleged impropriety, if not corruption, in a Western Power joint venture. I was very concerned. Those parties were not willing to go public, because they are players in Western Australia. If they dirtied their record with the Government by raising accusations of impropriety or corruption, they could find themselves locked out of the market. Therefore, these parties are very cautious about raising the issue. That leaves me in a difficult position. I cannot make accusations if no-one is willing to stand up and support them.

Therefore, I spoke to the Auditor General, and I made inquiries through various people. I was told that Corporations Law does not apply to Western Power, so I could not tell these people to take their complaint to the Australian Securities and Investments Commission which upholds Corporations Law. Where can these people go? They must come back to a state government instrumentality in which they have no faith. I told these people that the best thing I could do was to put some general questions on the record, to the minister, without being too specific, and with no accusations of corruption. I said that I would ask some simple questions to see whether I got some simple answers. Therefore, I asked the minister in May last year the following question on notice -

How many joint ventures or alliances have been entered into by Western Power with companies or other non-government entities?

Part 2 of the question states -

In the case of each such joint venture or alliance -

- (a) who are the private companies or interests involved;
- (b) what is the purpose of the joint venture or alliance;
- (c) what was the date at which the joint venture or alliance was entered into by Western Power;
- (d) why was the particular partner or partners chosen in each joint venture or alliance;
- (e) what was the method of advertising or calling for expressions of interest prior to selecting the particular company or organisation as the most appropriate with whom to set up a joint venture or alliance;
- (f) what was the date of any such advertising or call for expressions of interest; and
- (g) what is the structure of the joint venture or alliance arrangement including the number of Directors and the number appointed by Western Power?

I thought that was a reasonable way of getting information about joint ventures in Western Power.

Mr Bloffwitch: I would suggest they have hundreds of thousands of joint ventures.

Mr KOBELKE: I thank the member for his interjection. However, the answer was -

Western Power is involved in many joint ventures and alliances with private companies and non-government entities. Providing the details to answer this question would be a very lengthy and time consuming process.

As a Government Trading Enterprise, Western Power is required to act in a commercially prudent manner, as any commercial business would. Participating in joint venture arrangements forms part of commercial business dealings.

Does the minister know how many joint ventures there are?

Mr Barnett: No, I do not, and I have no interest.

Mr KOBELKE: I refer the House to the annual report that was tabled in this House a few weeks ago. Two joint ventures are listed in the annual report.

Mr Bloffwitch: That is absolute rot.

Mr KOBELKE: I refer to page 53 of the 1998 annual report of Western Power Corporation. Paragraph 1.8 states under the heading "Interests in Joint Ventures and Associates" -

A joint venture is an unincorporated contractual association between two or more parties to undertake a specific business project in which the "venturers" meet the costs of the project and receive a share of any resulting output. Joint venture arrangements have been consolidated on a line by line basis in Western Power's financial statements.

An associate is an entity over which the economic entity exercises significant influence and where the investment in that entity has not been acquired with a view to disposal in the near future. In Western Power's financial statements investments in associates are accounted for using equity accounting principles.

The last sentence of 1.8 reads -

Details of Western Power's interests in joint ventures and associates are shown in Note 22.

I repeat: Details - not some of the details, not the new details, but details - of Western Power's interests in joint ventures and associates are shown in note 22. I will read note 22 into the record. It is headed "Interests in Joint Ventures and Associates" and it states -

During the year Western Power entered into two new business arrangements, the details of which are shown below. At balance state Western Power's interest in the business arrangements was immaterial in the context of Western Power's operations.

Western Power and Fletcher Challenge South West Cogeneration Limited are jointly constructing, as equal tenants-in-common, a 120MW cogeneration facility on the site of the Worsley Alumina Refinery in the South West of Western Australia. The output of the facility, thermal energy and electricity, will be sold to the refinery and other energy customers. As at the 30 June 1998 Western Power's investment in the facility was \$2.5 million.

Western Power holds a 50% ownership interest in Integrated Power Service Pty Ltd (IPS). The company was formed in February 1998, and is a provider of energy services to the mining, process industry and utility service sector. As at 30 June 1998 Western Power has invested \$350 000.

One can play around with the term "alliance"; perhaps an alliance is different from an associate, but the intent of the question was clear. I was asking the minister about joint ventures. He could have said, "There are some definitional problems at the edge. We have two joint ventures but you need to come back and redefine alliances or associates if you want to get into minor details." However, Western Power's annual report states that the details are in note 22. Note 22 states that there are two joint ventures. The minister has since announced a third. At 1.8 it states -

Details of Western Power's interest in joint ventures and associates are shown in Note 22.

Not part of the details, not only the new details, but details of all joint ventures.

Mr Barnett: Do you want me to read the beginning of note 22 again?

Mr KOBELKE: Yes, because I emphasised "new" for the minister. I knew the minister would take that as an out instead of answering the question. We come to the reason that we must have a national regulatory body because this minister cannot be trusted to give a straight answer to a straight question.

The next question on notice I asked before 30 June was -

- (1) On what date did Western Power tenders close for the operation and maintenance contract for the Tiwest Cogeneration facility?

- (2) How many tenders were received for this contract?
- (3) How many conforming tenders were received for this contract?

Further questions were asked, but let me go through some of the answers, which were as follows -

- (1) Tenders for the operation and maintenance contract for the Tiwest Cogeneration facility closed at 10.00 am on Wednesday, 27 May 1998.
- (2) Three (3) tenders were received.

I need to put on the record that this answer was posted to me after Parliament finished and I received it at the beginning of August. The date is important. Unless the minister sat on it in his office and the answer was out of date, I am assuming that the answer was timely. At the end of July or early August, the minister was telling me that the tenders closed on 27 May. Two months later I got the answer. At that stage when I asked how many tenders were received, he said there were three. I asked how many were conforming tenders, and his answer was, "The tender assessment process was still in its early stages and consequently an answer to this question at this time was not possible." The minister had three tenders, and two months after the time for submitting tenders was closed, the minister tells me it is too early to tell how many of the three are conforming tenders. He goes on to say that the tenders will be let on 22 August, less than three weeks later. He has these three tenders and they sit in Western Power for two months or more. He does not even know whether the three are conforming tenders to the submissions called for, yet in three weeks time it will let the tender. That is nonsense. One does not spend two months assessing tenders without knowing at the outset whether they conform with the department's requirements.

Mr Barnett: I make two obvious points. Firstly, as the minister, I do not assess tenders and, secondly, I would never divulge details of a tender during a tender process in any respect whatsoever.

Mr KOBELKE: The minister would not even say how many conforming tenders had been received.

Mr Barnett: I would not even divulge that.

Mr KOBELKE: Have the tenders now been let?

Mr Barnett: During a competitive tendering process, I most certainly would not.

Mr KOBELKE: Why did the minister not say that in his answer instead of giving me a nonsense.

Mr Barnett: Because I am sick of trying to do work for dorks such as you who do not have their act together.

Withdrawal of Remark

Mr THOMAS: The minister has made an unparliamentary remark.

Mr BARNETT: I withdraw.

Committee Resumed

Mr KOBELKE: I am quite happy to have it on the record because it reflects that we have a minister who is totally unaccountable, and that we have corporations, particularly related to this matter, which are unaccountable to this Parliament and the people of this State. When we put on the record straightforward up-and-down questions which do not in any way infringe commercial confidentiality, the minister will not answer them and wants to claim some vague commercial confidentiality or say that during the tender process he cannot tell me how many tenders had been received. We have had plenty of examples of ministers who have had no problems at the close of a tendering period saying how many tenders had been received. In fact, at CAMS, what was the building management authority, it was standard practice to put the numbers up at the close of tenders. Homeswest used to post up all tenders at the close of tenders. Yet this minister is not willing to say whether the three tenders conformed to the requirements of the presentation of tenders.

We clearly have a major problem and this is not simply a matter of allowing corruption to run rampant. We do not know the extent of any corruption because the minister will not answer any questions. The minister is simply passing on, in *Yes Minister* fashion, what he is told. He is not willing to answer direct questions with a direct answer. The importance of this is not simply to ensure that this legislation works and upholds the required standards of business and government in this State; the issue is greater than that. In the view of many, the whole future of this State's economy is related to gas and cheap energy. We will have a golden future if we can harness that gas and feed it into our economy at a very cheap price. However, that will not happen by itself. This legislation is supposed to be about making it happen. However, we are dealing in an industry where the players do not talk in millions or even hundreds of millions of dollars; they talk in billions of dollars. When deals go into billions of dollars, it is necessary to have in place appropriate standards of openness and accountability that will ensure that this State does not get ripped off.

If this State was not getting ripped off, why is it that we cannot match the other States in reducing the cost of power in the south west? We have a far greater energy resource than any other State in Australia. We have go-ahead, growing industries which are equal to or better than those in any other State. We have had huge growth, but no benefit by way of cheaper power costs to people and industry in the south west. All one can judge from that is that someone else is copping the take. This may simply involve smart business deals. That is what business is about - getting a competitive edge. However, when a company goes from getting a competitive edge to doing things that harm this State, or is seen to be non-competitive, improper or corrupt, where does one draw the line?

This legislation is trying to draw the line, but when straight questions are asked of this minister, he cannot even answer them. He must simply resort to abuse. When this minister resorts to abuse, as he does regularly, we know we have caught him out. The minister has been found wanting. He cannot give a straight answer to a direct question which goes to the heart of whether deals are being done which could be seen as being anti-competitive or corrupt or whether it is proper process. We do not know and the minister will not answer our questions, so we are not in a position to ensure that things are working well in this State. It is an absolute travesty that this minister cannot give factual answers to sensible questions. When the minister is asked questions or is called to account his response is to lash out and abuse people. That is because the fundamental issues that are incredibly important to this State are not worth his attention or consideration. I am not suggesting in any way that the minister is trying to cover up corruption; the minister is an honest man. However, he will not allow direct and meaningful questions to be answered in a way that makes any sense, leaving open the potential for corruption and anti-competitive practices. That is why we must ensure in this legislation that an objective body outside Western Australia can play a role.

The example I have just given will not go anywhere, because I cannot get the parties to take this matter to the Australian Securities and Investments Commission which could enforce Corporations Law. The ACCC does not have jurisdiction over Western Power. If the evidence those parties have presented to me can be substantiated there could be a prosecution against Western Power. However, Western Power is not answerable under Corporations Law. It is supposed to comply with Corporations Law, but it is not answerable

Mr Prince: Is the member for Nollamara saying that Western Power would be prosecuted if it came under Corporations Law?

Mr KOBELKE: Yes. I have gone to the Auditor General, who has told me that Western Power is not answerable under Corporations Law.

Mr Barnett: You are wrong.

Mr KOBELKE: If what the minister says is correct I will speak to the parties and direct them to go straight to the Australian Securities and Investments Commission.

Mr Barnett: Corporations Law and the Australian Securities and Investments Commission are two different bodies.

Mr KOBELKE: Who enforces Corporations Law?

Mr Barnett: Your ignorance is showing.

Mr KOBELKE: The minister can stand and correct me.

MR BLOFFWITCH (Geraldton) [3.17 pm]: I never cease to be amazed at what people say about Corporations Law. They seem to think that the Corporations Law has an investigative arm with inspectors who will pursue offenders. The Corporations Law is a complex law that sets out the responsibilities of directors, including their financial responsibilities. One of the important points in Corporations Law is the responsibility of company directors in relation to trading when they know themselves to be insolvent. I might add that the definition of trading while insolvent is that if at any time during the month a company could not satisfy all of its creditors at once it is insolvent. Under that definition, the majority of businesses, technically, would be operating while insolvent.

Mr Kobelke: We are not dealing with insolvency.

Mr BLOFFWITCH: I am not either; I am providing the member for Nollamara with some examples of what the Corporations Law covers. A director of a company that trades while insolvent can no longer claim immunity for his or her assets. If I continue to trade and incur debts in the full knowledge that I owe a creditor \$100 000 and could not repay that money, I cannot step back as I could with the previous company structure and protect my personal assets. In many cases Corporations Law has resulted in directors losing their personal assets. One of the best examples of that was John Friedrich, the chief executive officer of Victoria's state emergency service, whose house and property was taken from him.

I have sued company directors and been awarded damages. Corporations Law resulted in many changes, but there is still no investigative body; one does not report an offence to an inspector. Most actions taken under Corporations Law are instigated by customers or shareholders. I cannot see how Western Power or AlintaGas would be covered by Corporations Law.

Mr Barnett: When we established the Gas Corporation and the Electricity Corporation the schedule attached to the legislation mirrored Corporations Law.

Mr BLOFFWITCH: One must be careful that the directors do not form proprietary limited companies as part of that structure, so they would not be responsible under Corporations Law.

Mr Prince: That is unlikely.

Mr BLOFFWITCH: No, it is not.

Mr Prince: The State is the shareholder in Western Power. We are not talking about a subsidiary, and I hardly think a director of a proprietary limited company would be on the board. I understand that the member for Geraldton is referring to holding companies. However, that is unlikely.

Mr BLOFFWITCH: One must be careful of the other structures that are formed within a company, because those restrictions could easily apply. I congratulate the minister on not using the Australian Competition and Consumer Commission to adjudicate. Although I want to operate under the guidelines of the national watchdog, as a Western Australian I would like someone to take our interests into consideration before the national interest.

Mr Kobelke: Every other State operates under the ACCC.

Mr BLOFFWITCH: Every other State is connected to the national power grid. Western Australia is one of the few States that does not have access to that grid or those gas lines. The eastern States have gas lines going from one end of the country to the other.

Mr Thomas: That is irrelevant.

Mr BLOFFWITCH: The member for Cockburn thinks that is irrelevant; I do not. I do not want someone from a national organisation taking those matters into consideration before the needs of this State. Provided our setup has the same powers and scope of the national group we will be much better served as a State. That is because Western Australia is an entirely different market from the eastern States. Members opposite ask why our gas is dearer. There are a number of reasons: The main difference is that we are servicing a market of approximately 1.8 million people, and in the eastern States the market for gas is probably 12 million to 14 million people. The capital cost of building a pipeline is offset much more quickly when one operates in a larger market. This State had to put itself into hock to get that project going right from the start, to underwrite - the member is right; it was underwritten at some fairly adventurous prices to make sure gas flowed out of those fields to Western Australia -

Mr Thomas: It is easy to be adventurous when you are using other people's money.

Mr BLOFFWITCH: It is not other people's money. An investment is being made for the future of this State. That is exactly the vision these people had; they made an investment for the future benefit of the people in this State. In doing so, a very courageous decision was made. As we bring more pipelines on stream, as we get more gas out and as more large industries are established, we will start to see gas prices come down. Surely in the future these people will not have a hard job. They will help us to reduce energy costs in this State. That is a very positive step and something all people in this State should all support.

MR BARNETT (Cottesloe - Minister for Energy) [3.20 pm]: I acknowledge that members opposite are essentially supportive of the implementation of the national access code for gas pipelines in this State; however, they propose a series of amendments which would make the regulator the Australian Competition and Consumer Commission at a national level, rather than, as this legislation proposes, that the regulator be at the state level. I shall return to that matter later.

The major thrust of comments by the members for Cockburn and Eyre and one or two others was essentially a broad ranging debate about energy policy which seems to be somewhat current at the moment. That is fine and I guess we can have that debate any time. We will probably have it again many times, as we have in the past. The member for Cockburn, in particular, portrayed the performance of the State Government in this area as one of total failure. I will not argue the point because, I guess, he will never change his view.

I again place on the record that when this Government came into power, it had a very clear set of principles for energy policy in this State: Firstly, to grow the energy sector, recognising that this State needed to expand its energy infrastructure of gas pipelines, gas producers, power stations and the like. Secondly, to ensure that the interests of the private sector was in developing the expanded infrastructure. We had a clear economic development strategy of combining our energy resources with our mineral resources, both in a physical and commercial sense. Many of the projects around the State are a testimony to that. Thirdly, to deregulate the industry and to introduce competition into an industry which in 1995 was totally monopolised, totally regulated, with one large gas producer selling to one large government-owned authority, the State Electricity Commissioner of Western Australia, in turn selling essentially to one large customer, Alcoa Australia Ltd. Members opposite had been in government for a long time and had not taken a step forward, other than, I concede, to appoint

the Energy Board of Review, which played a very significant role. Members opposite had been in government for a long time and had not achieved anything. Those opposite may shake his heads. I will not go through all the projects.

Mr Thomas: Who was in government when the pipeline was built?

Mr BARNETT: Who spent most of their time in government criticising it?

Mr Thomas: Who negotiated the contracts which made the pipeline possible? It wouldn't be there but for that.

Mr BARNETT: The Labor Party played a little role there. At that time those opposite continually criticised Sir Charles Court, as Premier, for that project. I will return to the 1990s. Among the main failures of the Government -

Mr Thomas interjected.

Mr BARNETT: The member should dry up; he is a most boring person. He should go back to the bar or something.

The things that this Government has done include, first, splitting SECWA into Western Power and AlintaGas, thereby immediately creating direct competition between electricity and gas - the most simple, most obvious, fundamental reform. We then renegotiated the North West Shelf gas contract in 1994 which I think was quite a significant achievement. The result was an immediate deregulation of gas in the Pilbara which saw gas prices fall by 50 per cent. It continues today to be by far the cheapest gas for industry in the Asia-Pacific region. Gas is cheaper in only two places in the world - the Middle East and Venezuela. That has given us an enormous competitive advantage. In the south west, gas prices to industry have fallen by about 30 per cent, and continue to fall, and will fall further when the next major change happens; that is, another major gas producer. There is no phoney competition, no Chinese Wall. Real competition is between real producers and real customers. That is what we are setting about doing.

We established the hydropower scheme. We played a role in getting Pacific Hydro to develop a hydropower scheme on the Ord River, which turned limited power supplies and significant losses in the East Kimberley area into an operation which is marginally profitable. More importantly, as the Ord River scheme expands we have available abundant, competitively priced energy, a key factor that is now allowing Wesfarmers Ltd and Marubeni Corporation to expand the Ord River scheme of 14 000 hectares by a further 65 000 hectares. Everything this Government does is part of an overall economic strategy - everything. It all fits together.

With Western Power, Mission Energy and BP Refinery (Kwinana) Pty Ltd we established the largest cogeneration project in Australia where waste gases from the BP refinery are combined with natural gas to produce electricity which supplies power for the BP refinery and sells it back into the grid. That power generation is 30 per cent more efficient than any other power station in Australia. The difference is that we do not have a loss of waste heat. It is gathered and used in the refinery process. The thermal efficiency of that process is an enormous achievement and leads Australia. I hope to see further examples.

I turn to the goldfields gas pipeline. Part of the strategy was physically to bring our gas resource to our mineral resource. Amidst hosts of opposition, contradiction, abuse and ridicule from members opposite - they laughed and said that we would never get the pipeline built - we launched the 1993 election on a promise to see a pipeline to the goldfields, and 18 months later it was under construction. Those members still sit opposite and criticise it. I concede that tariffs on it are high, and I have always conceded that. However, we got the pipeline in place in the same way as a previous conservative Government saw the North West Shelf project and the pipeline built in the first place; it, too, was willing to take the risk, to provide leadership and to get it done.

Mr Thomas: You slipped a few years in your memory. You should be talking about the Labor Government.

Mr BARNETT: That is right; I should give the previous Labor Government all the credit for the North West Shelf! The greatest achievements of Sir Charles Court were the North West Shelf project and the gas pipeline. If the miserable, grotty little member for Cockburn thinks he can detract from the achievements of Sir Charles Court, he is a lesser person than I thought he was.

The goldfields gas pipeline is now operating. In recent weeks we have been able to announce the development of a 520-kilometre pipeline through the midwest of Western Australia that will bring gas and competitively priced electricity to Meekatharra, Mt Magnet, Cue and Yalgoo. That is the best thing that has happened in those places for about 100 years. We are very close to being able to announce further development of another gas pipeline in the Pilbara. We brought into place the Pilbara energy project. I concede that when in government those opposite had worked on it, but we put it in place. When we did, we did not throw away every processing obligation the Mt Newman organisation had. Those opposite had caved in totally and conceded during the election campaign that, in exchange for the Pilbara energy project, a pipeline from Karratha to Port Hedland and a couple of power stations, Mt Newman Mining Co Pty Ltd and Broken Hill Proprietary Co Ltd would be free from all processing obligations. They just threw it all out in very poor, improper conduct in the midst of an election campaign. I remember this well because, as the opposition spokesperson for resources, I immediately said that all bets were off. The present Premier backed me, and all bets were off. To the credit of BHP, it could see the inevitable

change happening, that we were to gain government, and it, too, conceded that all bets were off. We renegotiated the very ordinary agreement of the previous Government.

I will tell members what is happening now. For the first time in 30 years a \$2b project processing iron ore in the north of this State is about to be commissioned. That is the sort of thing that members opposite threw away because they had neither the intellect nor the moral fortitude - the guts - to stand up for the people of this State and to develop this State. Their conduct was absolutely disgraceful. I can see exactly why members opposite lost \$1.5b. They expect people in this Government - responsible, hard working people - to take financial advice from a bunch like them. That is absolutely appalling. The public of this State has not forgotten for one moment how members opposite performed when in government, and how they threw away opportunities for the future; yet members opposite still come in here and criticise.

I will agree with members opposite: I must be a lousy Energy minister; they keep saying so. However, I will be happy when I leave public life to sit back and look at all the projects that have come on stream. A room in my office has plaques on the walls for all of the major projects, and almost three of the four walls in that room are full, and we will fill the fourth wall before the next election. Things are happening in this State, and they did not happen when members opposite were in government. Members opposite got into a tailspin when in government because a helicopter was flown over a sacred site. Do they remember that? They called off the whole project; they went to water - although I concede not the member for Eyre, because he could see that it was a useless notion.

This is a difficult time for this State. We have an Asian economic problem, we have delays, and we have a lack of confidence. However, we are working hard to get development under way. We are working hard on the An Feng-Kingstream project. Members opposite keep knocking the fact that the State will build a port. The member for Eyre said at one stage that we would spend \$800m on a port. We could build three ports for that! This port will cost \$192m, plus or minus 20 per cent. Members opposite probably do not realise that in recent weeks, the Department of Resources Development has been drilling the seabed. Last night, I met with some of the Taiwanese investors. Any big project is difficult, but we are achieving projects. Sixty per cent of all the mining and petroleum investment in Australia is taking place in Western Australia. This State is achieving rates of investment, even during this difficult time, of around \$4b a year. That is over twice the rate of investment that was achieved in the early-1990s. The key to it has been energy, with deregulating, splitting AlintaGas, renegotiating the North West Shelf gas project, and encouraging the private sector to build pipelines. We will continue with that policy. We will not panic. We will not sell the people short. We will not flog off assets.

The final lack of achievement of members opposite was with regard to the sale of the Dampier to Bunbury natural gas pipeline. That was the grand daddy of the lot. That project was complicated. There is no doubt that it was the biggest game in town. The bidding and the competition were intense. Companies engaged in public relations and lobby programs to further their interests, they flew journalists across Australia to write favourable stories, and they tried to ambush meetings. All sorts of things took place. There was a lot of debate within the community about what should happen with that pipeline. The media in this State were totally sucked in. *The West Australian*, for example, ran stories about a second pipeline. The member for Cockburn was sucked in. He ran around saying we need to have a second pipeline. Even a few people on this side of the House started to question it, and there were briefings. However, I did not budge from my position.

Mr Grill: You were all over the place!

Mr BARNETT: I did not budge. At the end of the day, even as we went through the final tender process, members opposite said we should call off the deal. However, when the sale price was \$2.407b, compared with a construction and historical cost of \$1b, we did not hear a bo-peep from members opposite.

Mr Osborne: We did! They told us how we should spend the money!

Mr BARNETT: Yes; they wanted to spend it. The Government realised for this State an enormous capital gain on that asset, and it realised a commitment that the price of transporting gas would fall by 20 per cent by 2000. We also realised an agreement that \$870m would be spent on progressively doubling the capacity of that pipeline between now and 2007, and that process is already underway.

What would have happened if we had done what the Opposition wanted? The Opposition likes to accuse me of doing deals with mates. Who was in bed with whom in that deal? That would be interesting to know at the end of the day. The Opposition wanted to stop the process and have a second pipeline. I am not exaggerating. There is no doubt that that would have cost the people of Western Australia up to \$1b. The pipeline would have sold for \$1.3b or \$1.4b. The Opposition would have squandered, as it squandered \$1.5b in the 1980s, another \$1b through having neither the nous, the courage and the intellect to understand the opportunity, nor the moral fortitude to recognise that that asset belonged to the people of Western Australia. There was always a glittering prize to be had. My view and the view of this Government was that that glittering prize - the extra \$1b - belonged to the people of Western Australia to repay debt; and in the case of the Education portfolio, to put 32 000 computers into government and non-government schools over the next four years, plus the other things that might happen with those proceeds. Members opposite would have absolutely squandered that money.

Mr Grill: What is the bottom line?

Mr BARNETT: The bottom line is \$1b.

Mr Grill: The bottom line is that our gas prices continue to go up and the adverse differential between us and the eastern States continues to widen.

Mr BARNETT: Okay. The Opposition would have blown \$1b on that deal to add to the \$1.5b that it blew in the 1980s. I will never forget the way in which members opposite behaved, and nor will most people in this community.

This debate has been about the bottom line, to use the member for Eyre's phrase. Let us look at the bottom line. The price of electricity and gas is probably the most important determinant, but it is not the sole determinant. It also involves the issues of expanding the sector, of economic development, of equity to people and to business, of having a reasonably competitive system, and of returns and prosperity to the people of the State.

Price is important. Since this Government has been in power, electricity prices for business have not changed at all in nominal terms. Since 1993, there has not been a single increase in the price of electricity for business. If we allow for inflation, business has had a decrease in price between 15 per cent and 20 per cent. Householders had one increase of 2.75 per cent two years ago. I am willing to predict that it is unlikely that the price will increase for the next few years.

The price of gas has fallen by 50 per cent in the Pilbara. Real prices have come down. I recognise that there is still a margin, but, again, as the member for Geraldton said, we need to understand the geography of this State. Our coal is expensive, for historic reasons, and is of lower value. It is not the surface deposit that is easily mined elsewhere. Our gas is abundant, but it is 1 500 kilometres away and is 120-odd kilometres out to sea; therefore, it is expensive and needs to be transported a long way. WA has a narrow market, and it has one principal population centre - Perth. We have a responsibility to provide power into regional areas, not just the isolated regional areas, but also the south-west grid area. That is a non-economic service, but we have a social responsibility to do that.

A great deal of the debate was about the structure of Western Power. I will start first with AlintaGas. We have deregulated the gas industry, and we have announced a program to run through to 2002 for the total deregulation of gas down to the household level. In that circumstance, we have a fully deregulated regime. Competitive gas suppliers are coming into the industry. WA has a mature infrastructure, with Perth, Bunbury, Mandurah and now Busselton all serviced. The geographic area is mature; therefore, the question of ownership is less important. There is no overwhelming reason that AlintaGas should be in government ownership. Whether it remains in government ownership or is privatised is largely a commercial issue. If the price is right, the market exists and it makes sense, the Government may well privatise Alinta. That will be a commercial decision. There are no significant policy decisions; there are a couple but no show stoppers. Very significant policy decisions need to be made with Western Power, as they were with the Dampier-Bunbury pipeline. We resolved the pipeline issue by selling the pipe but holding the land and expanding the easement.

Mr Thomas: You did that by adopting our policies.

Mr BARNETT: The last thing I would do is adopt the Opposition's policies. It was going to sell the land.

Mr Thomas: We were not. We said to sell 100 per cent of the pipeline.

Mr BARNETT: The Opposition did not make a distinction, did it?

Mr Thomas: The land has always been leasehold. The ownership of the land had nothing to do with it.

Mr BARNETT: The initial approaches were about the land. The point is the Opposition did not do it; it could not have done it; we did it and succeeded.

Mr Thomas interjected.

The DEPUTY SPEAKER: Order!

Mr Thomas interjected.

The DEPUTY SPEAKER: Order! The member for Cockburn will come to order.

Mr BARNETT: The difference between the way the coalition handles a deal and the way those guys opposite would handle it is about \$1b.

There are some important issues with Western Power. One is the theoretical argument about splitting up Western Power. However, if one were to split Western Power into generation, transmission and distribution areas and retain all three in public ownership, which members opposite argued in favour of, what sort of mickey mouse outfit would there be? There would be three small utilities. On the south-west grid Western Power has 2 400 megawatts of capacity. The Victorian grid carries about 8 000 megawatts and the New South Wales grid carries about 13 000 megawatts. Members opposite want to split into

three parts an organisation that has 2 400 megawatts on the grid. They would have three boards, three chief executives, three administrations, three reception desks and three billing systems. Is that conducive to reducing the price of power? I remember when we split the State Energy Commission of Western Australia into AlintaGas and Western Power. Members opposite accused us of having a double billing system. They were worried about that but now they want to create three tiny utilities. They believe somehow that will generate competition. Do they really think that will work? Their naivety matches their stupidity if they think that will work.

Mr Grill: Who will run the new Collie power station?

Mr BARNETT: The group that I announced in question time about a year ago.

Mr Grill: Tell us who will run it.

Mr BARNETT: The subsidiary of Pacific Power.

Mr Grill: Which is that?

Mr BARNETT: The member can ask me a question at question time. He knows the answer.

Mr Grill: Pacific Power is the New South Wales government generator.

Mr BARNETT: We all know that.

Mr Grill: How many people has it got at its power station?

The DEPUTY SPEAKER: Order, member for Eyre!

Mr BARNETT: That is an entirely different issue.

Mr Grill: You do not want to debate the issue at all.

Mr BARNETT: I will debate the issue. I give the member a challenge: He can get up and ask me all these questions tomorrow. If I have time I will answer his questions.

Mr Grill interjected.

Mr BARNETT: I will save four minutes at the end of my speech. I promise, precious!

If we look at the restructuring and breaking up of Western Power in that way with its phony relationships, we are somehow meant to believe that one publicly owned utility will be competitive with another publicly owned utility that either transports or distributes power. If people want to split it up, it is only logical to privatise it. There is no logic in doing a partial split up and then not privatising; it is absolutely mickey mouse. Members opposite should talk to their colleagues in Queensland and see how well something, which was admittedly set up by the previous Government, is working. Queenslanders nearly had black-outs a week or two ago simply because one arm of the so-called independent public agency was not talking to the other arm. They were not competing and were not commercial, and the lights virtually went out.

Mr Grill: It was a bit of sabotage as well.

Mr BARNETT: There were a whole lot of problems. That sort of mickey mouse illusion and pretence of competition is not worth pursuing. I prefer that we introduce into the generation area more intense competition through the growth of independent power producers, which can be achieved either by ensuring that new generation capacity is by a private IPP or by looking at the privatisation of one or more of the power stations. A hard-nosed commercial imperative would then be introduced into the market, not some Chinese wall, mickey mouse illusion of competition. There would be real competition. People would put up real money to run power stations better to compete in the market place.

I realise there are questions of regulations and price relating to the access code which must be worked through and this will be done progressively; indeed, they must be worked through on the east coast. We could go on and on about that issue. The essence of what the Opposition has objected to in the access code relates to the regulator. The national access code is the result of several years of negotiation between the Commonwealth and the States. It contains a set of rules and a framework which will provide open access on a non-discriminatory basis to third parties. No matter who owns the pipe or transmission line in the future, they will not be able to gain some prior advantage. Anyone will be able to use it and pay for it based on agreed, open, explicit conditions. It is complicated. Indeed, my concern about the code is that it is overly complicated.

Our State had already started and made some progress on an access regime under agreement Acts with the Dampier-Bunbury pipeline, the goldfields pipeline and the Pilbara energy project. We took a very light-handed, pragmatic approach. The national framework is highly prescriptive and regulatory. The member for Eyre said that it promises to be a picnic for lawyers. I think he is right and that it will be. I regret that the code has become so prescriptive and has tried to deal with every possible situation that may arise. When people do that, they lose their focus on the principles and the policy of the scheme. We will wait and see because WA is in there and it has adopted the code. However, it has adopted it through state

legislation, as applies in other jurisdictions, but retained the role of the regulator being locally based and locally appointed. That is the only difference. That approach by Western Australia has been endorsed by the Commonwealth and all other state jurisdictions, and there is no difficulty.

The question remains as to why we should do it. Members opposite say we should have only the national regulator. Why would Western Australia go down the path of having a national regulator when all of our State's pipelines are internal and we do not have an across-border pipeline, although we may in the future? All of the other States are interconnected or soon will be. Clearly one regulator must cover an integrated system over state boundaries, but we are not part of that system. We will never be connected to other States' electricity grids, although we may be connected to a pipeline infrastructure. The premises are quite different to start with. The code is about the rules of the game; it is as simple as that. The regulator, whether it be the Australian Competition and Consumer Commission or anyone else, must administer the rules of the game to resolve disputes, help set tariffs, if that be the case, and make sure the system is open and fair. The role of the regulator is not to set policy. That is the difference.

What I fear will happen with the ACCC, and certainly given its prior conduct I have some justification for this, is that it will effectively become the energy policy maker of Australia. That perhaps does not matter so much for the other States because they have mature grids and pipeline systems; their systems are developed; and in fact they have 30 per cent excess capacity in power generation. WA is the only State that needs to do some innovative things to its own energy system. If the ACCC were made regulator, I might as well hand in the portfolio of Energy now and the member opposite might as well wipe it off his shadow portfolio list because we would never again have an effective Minister for Energy. We are not about to do that because we have too much to do in the Energy portfolio.

Mr Grill: Why is that the effect?

Mr BARNETT: I will tell the member if he stops interrupting. I shall give the member some examples of the sorts of things that might happen, and this is borne out by some of the events that have taken place in Victoria. The ACCC will be looking at things like price discrimination. That is a trade practices issue.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr BARNETT: Price discrimination should not occur. That is a fundamental premise of trade practices law, which is reflected in the ACCC. Electricity is electricity; if one turns on the lights one uses the same electricity. We have different prices for householders and businesses. It is foreseeable in the future that the ACCC will start ruling that the price must be normalised. That would mean that business would be on side because commercial prices would come down for business but the price of electricity for householders would rise by about 20 per cent. Similarly, the ACCC would apply the same sorts of rules to regional areas and look at the cost of supply. The wheatbelt towns that are on the grid in Western Australia are effectively cross-subsidised. The ACCC might well intervene and say that we cannot cross-subsidise across the grid.

If that position were adopted, one would probably see power costs in the wheatbelt towns and in the south west rise by 20 or 30 per cent. Those issues could arise. That is not a problem for Victoria with major centres like Ballarat, Bendigo and Geelong. It is also not a problem for Queensland with major population centres like Cairns and Townsville and power stations scattered around. That is not the situation in this State. The opposition policy will put at risk the price of electricity for householders if it is normalised to be the same as that for business. It will put at risk not only service delivery, but also price in the south-west grid. That would happen if it was said that under trade practices law, as interpreted by the ACCC, no price discrimination should occur in electricity. Believe me, we discriminate in electricity for social, regional development and equity reasons.

Mr Thomas: We are talking about gas.

Mr BARNETT: Yes, and the same would apply with gas. Members should not underestimate the potential at all. The member for Albany would like to see gas delivered to Albany, and that is probably subeconomic. Gas delivery into the mid-west is subeconomic, and that is why the Government is assisting Western Power in that provision. Does the member for Cockburn think that arrangement would pass through the Australian Competition and Consumer Commission and the National Competition Council? Could we have gained approval for the goldfields pipeline through the ACCC? No way. We gave rights and privileges to investors in the pipeline. That would not happen under the Australian Competition and Consumer Commission.

I accept the rules of the game for open, third party and non-discriminatory access. I am happy for that to be regulated in terms of fairness between players. However, I want that done in the context of energy policy in this State. As a Government, we will not cede energy policy to the ACCC.

Other issues are involved. We have uniformity of regulation requirements. We have agreement Acts and issues which need to be honoured and respected. A local regulator will need to take into account the circumstances of the State. We have a

small grid, great development potential and the need for new infrastructure. An ACCC regulator looking at a Sydney and Melbourne market will not be attuned to our circumstances.

Cost would be involved. This State's energy industry is the only one in Australia which is growing. The media talks a lot about the Collie power station and an extra 300 megawatts of electricity generated through coal. At the same time, 1 000 megawatts of gas power generation, all private, has been provided in this State. Nothing like that is happening in the other States. If anything, they are contracting. Many demands will be made of the regulator. Things are happening in our industry. To have the regulator located on the east coast will mean access will be limited. An element of cost must be considered for not only the big players, but also the small players, such as the manufacturing firms and service industries. They would effectively need to travel to the east coast to join the queue to get access to the regulator. We do not want that.

We want a counterpart regulator, operating under the same rules that apply at a national level, to be administered locally. The regulator will not take a policy role. He will apply the code as written. Working with the national institutions, he will communicate with other jurisdictions to improve the code. It will not be about setting policy regarding where development will occur. The State Government will maintain that policy role.

We have a distribution system. Even if we had the transmission system under the Australian Competition and Consumer Commission, we would still need a regulator in the State for transmission lines. Therefore, we will have a regulator anyway and he may as well do both areas.

Mr Thomas: So does every other State.

Mr BARNETT: They have interconnected transmission lines. The member is a fool - he needs to concentrate and work much harder as a member of Parliament.

Withdrawal of Remark

The DEPUTY SPEAKER: That was not very parliamentary.

Mr BARNETT: Probably not.

The DEPUTY SPEAKER: Order! I ask the minister to withdraw.

Mr BARNETT: Then I withdraw.

Debate Resumed

Mr BARNETT: Essentially, we make a clear distinction between policy in a growing energy system and the right of a State Government to set policy and achieve development for the State. The regulation and setting of the rules of the game is for an independent party. However, its role is not to set policy and take a proactive role, as the ACCC is inclined to do. This is the right decision. The Government opposes the amendments of the Opposition. We will have a regulator working in Western Australia close to WA industry and government. He will act consistently with the policy set by the State Government, which is achieving 60 per cent of overall industry investment and has an expanding energy industry. The Opposition would simply hand over responsibility to the feds and give up the right to control an independent and positive development policy in this State.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Barnett (Minister for Energy) in charge of the Bill.

Clause 1: Short title -

Mr THOMAS: I take the opportunity to make a few general observations, particularly in response to some of the minister's comments. We should move now to discussion of the Bill rather than the broad-ranging debate which ensued in the second reading stage. Some of the minister's comments cannot be allowed to go unchecked. He referred to the role of the Labor Party, and said its calling into question the greatest achievement of Sir Charles Court was almost sacrilegious.

The CHAIRMAN: We are now in committee, not dealing with the second reading debate. Although comments can be reasonably general, please refer to clause 1.

Mr THOMAS: It will be brief. I refer to gas pipelines, so it is relevant. Briefly, the Dampier to Bunbury pipeline was actually built during the period of the Labor Government. The renegotiated contract, with which I was personally involved, for the North West Shelf gas sales agreements made possible the export phase of that project. If the agreement negotiated by Sir Charles and his ministers had been left to stand in 1984, the State would have faced overall debts of \$7b. That was at a time when the State budget was \$3b. Those matters should be placed on the record.

Mr Grill: I was of the understanding that the take-or-pay contract was signed by the Burke Government.

Mr THOMAS: It might have been 1983; it was 1984 when I became involved.

Mr Barnett: I am sure that if you search far and long enough you will find an achievement of your Government. There must be one somewhere. Keep searching. You had 12 years.

The CHAIRMAN: We are in committee. Let us get back to the committee stage.

Mr Barnett: You were a great Government, Julian. You did well - fantastic.

Mr Prince: The royal commission said so.

Mr THOMAS: Let us talk about the Royal Commission into Commercial Activities of Government and Other Matters, because that is one of my favourite subjects.

Point of Order

Mr BARNETT: This is a serious Bill and the member for Cockburn is not discussing it at all.

The CHAIRMAN: Let us get back to the Bill. We are dealing with the title of the Bill, but I want members to stay within the realms of the gas industry.

Committee Resumed

Mr THOMAS: I would like to take up the invitation by the Minister for Police to discuss the Royal Commission into Commercial Activities of Government and Other Matters, in particular the recommendations on commercial confidentiality.

The CHAIRMAN: I am sure that the member will be able to do so at another stage.

Mr THOMAS: Perhaps the minister will give us an opportunity on another occasion.

Specifically, we need now to examine the Bill, which is to provide a national access code to gas pipelines, to create what is known as the gas pipelines access law in Western Australia and to make it generally applicable. As the minister indicated in the second reading debate, the Opposition's amendments, which I shall move shortly, at law would remain precisely the same but they would simply allow for another body to undertake the role of regulator. We would retain the balance of the State's machinery, which the Bill would set up - specifically the appeals body, the review board and the arbitrator - and even the role of the minister. The minister was concerned that he might be out of a job if our amendments were carried and that there would be no role for a Minister for Energy in Western Australia.

Mr Barnett: The inevitable consequence would be that energy policy would be entirely centrally run.

Mr THOMAS: I want to debate that matter. It is a fantastic assertion. As with many of the minister's assertions, it is totally without basis. We will debate it as we work our way through the Bill. It needs to be understood that, with the exception of the regulator, every other provision that has been put forward by the Government will be left intact.

Mr GRILL: There has always been a misapprehension about when and how the North West Shelf gas agreements were entered into. Although they were negotiated by Hon Andrew Mensaros and Sir Charles Court, my understanding is that the decisions to enter into the North West Shelf gas agreements were made by the Burke Government after much thought and heartache. It is true that the initial contracts, which were negotiated by Sir Charles Court and Hon Andrew Mensaros, caused the State considerable financial trouble at a later date. Although it is true that the Burke Government committed to those contracts in good faith and on advice from Treasury, they were not well negotiated.

Mr Barnett: Who put the agreement Act through Parliament?

Mr GRILL: I suppose the Labor Government must have.

Mr Barnett: Really?

Mr GRILL: But I am not sure about that. It must have been us, because we finally committed to those agreements. I can remember that one of the first Cabinet briefings was a very intensive briefing in the then SECWA building, by a range of Treasury and officials from SECWA, as it then was, and other consultants. One of the big questions that we had to decide -

Mr Barnett: I can help here. The date of the North West Shelf agreement Act was 1979, so the agreement Act was through Parliament. It is possible that some contracts were signed when the member for Eyre was in government. The deal was negotiated and it received parliamentary approval at the time of Sir Charles Court's Government.

Mr Thomas: The deal was provided for in a legislative sense but it was not negotiated.

Mr GRILL: It was negotiated in time for an election, and several aspects were left very open-ended. Those open-ended

aspects were worrying. In fact, as I now recollect, it was signed before Alcoa had committed to its side of the agreement. Alcoa at that stage was taking up more than half the capacity of the pipeline and it was the major customer of the domestic gas agreement. It was a major mistake by Sir Charles Court and Hon Andrew Mensaros to commit to the agreement before Alcoa had committed. It was not until after the federal election - not a state election - that we actually had agreement from Alcoa in respect of its commitments. I now recollect clearly that the envelope of possible costs for the North West Shelf agreement, which Treasury officials said would never be breached, had potential to blow out and to send the State broke.

Mr Barnett: If your Government signed the take-or-pay contract, as you claim, why have you spent the past 15 years bagging it?

Mr GRILL: It was done in more than one stage, but it was actually committed to, unfortunately, in a hurry prior to a federal election by the then Premier and the then Minister for Fuel and Energy, Hon Andrew Mensaros. As I have said, the circumstances were most unfortunate. The actual commitment to most of the agreement - I cannot recollect all the details now - was by the Burke Government.

Mr THOMAS: I wish to discuss the Bill and the minister's proposition that, in essence, if the ACCC were to have a role in Western Australia it would diminish the role of the State and responsibility for the State, and in particular his capacity or that of State Governments or Parliaments to have a role in the development of the energy industry in Western Australia.

The CHAIRMAN: I suggest that the member speak on that subject when he moves the amendment. It seems to me that we will duplicate the debate.

Mr THOMAS: With respect, I do not want to be tied up in parliamentary tactics.

The CHAIRMAN: The member has an amendment on the Notice Paper.

Mr THOMAS: I have many amendments which have that effect. I guess that we will debate and vote on one of them. I thought it was possible to debate generally the two models that are before the committee while we are debating the short title.

The CHAIRMAN: No. If the member wanted to change the title or he wanted to do something with it, he could debate that matter. I do not believe that the purpose of debate on the short title is to deal with general amendments. I ask the member to return to the title of the Bill.

Mr THOMAS: I will leave it until we debate the first amendment.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Enactment for participation in national scheme -

Mr THOMAS: Clause 4 is to satisfy obligations between the States that are referred to in one of the schedules. As the heading indicates, it is about enactment for participation in a national scheme. I thought that I might be able to talk about the role of the State in the national scheme, because that is what the clause is all about. This code contains very interesting law. It is setting up what are effectively guidelines - somewhat broad - and principles that will regulate access to gas pipelines, but the detail will be provided by the regulator.

It is interesting to consider the role of the regulator. Its role is to create rights rather than to interpret them, even though those rights must be created in accordance with the code. It is more a legislative body than a judicial body. Those rights are created for the operators of pipelines and the people who use the services and they must be in accordance with the code that appears as a schedule to the Bill.

The Opposition put forward the proposition that that regulatory role - that is, creating access arrangements and the like - involves the application of laws of which the code is a part. That same code exists in Queensland, New South Wales, Victoria, South Australia, the Northern Territory, Tasmania and the Australian Capital Territory.

The minister is saying that the Australian Competition and Consumer Council will make rules about who will have access to electricity and will do other things that will remove his discretion and dilute his role as Minister for Energy and, by implication, the sovereign power of this Parliament to undertake its task of administering the development of resources in this State, including energy resources. One has only to state that proposition to understand that it is palpable nonsense. The minister is gibbering, and it is obvious that he is doing so because he has this fetish about the ACCC. He was caught out once in a sleazy deal and he does not want the ACCC back in this State. However, it is a national body with national responsibility for trade practices law and related matters. It has been agreed by the Commonwealth Government - a Liberal Government, not a Labor Government - and other State Governments, which for the most part are conservative Governments, that the ACCC will undertake that role. All eastern States, with the exception of Tasmania, have the imperative of interstate pipelines. However, one does not need to have an interstate pipeline to have the ACCC undertake these services. It can as easily be done by the ACCC in Western Australia as it can in South Australia or any other jurisdiction that is a party to this agreement.

For the minister to say that we do not have an interstate grid and therefore do not need the ACCC is nonsense. We do not have an interstate grid yet, although the Bill does envisage that happening and makes provision for it when it does come about, as it must. However, that does not mean that we cannot have the ACCC here. Let us look at the merits of having an organisation such as the ACCC -

Mr GRILL: The member for Cockburn is correct: This clause brings Western Australia within the ambit of the national scheme. I found it amazing to hear the minister say that to appoint an interstate regulator or the ACCC would detract from his powers and responsibilities. I find that hard to believe. His powers and responsibilities are set out clearly in this legislation.

Mr Barnett: One recent example is the Victorian Government's decision to privatise its gas utility, which is now under threat because of an ACCC ruling. Imagine trying to get a goldfields gas pipeline under way; it would not happen.

Mr GRILL: The minister is confusing the ACCC's two roles. It has a role and powers under the Trade Practices Act, and the minister was very bruised by its use of those powers. Much of his thinking on this subject is coloured by that bruising.

Mr Barnett: Yes, it is.

Mr GRILL: In the case he referred to in Victoria, the ACCC was using its powers under the Trade Practices Act, as it was when it looked at the An Feng-Epic arrangement. We must set that aside. It is true that, in using its powers under the Trade Practices Act, the ACCC can go too far, and in the Victorian case it did go too far. However, that does not mean that it should not be the regulator in this instance. I know we will get on to that debate later, but both sides have addressed it already.

We should make it clear at the beginning that we are looking only at the specified powers as defined under this legislation. The minister stated that this legislation is very definitive and clearly sets out the powers involved, taking into account eventualities that may never come about. The minister's powers under this legislation and the access code are clear, as are the powers of a regulator. There are many checks and balances on that power, perhaps too many. Perhaps the days of the minister's freewheeling role with energy policy in Western Australia are in the past, and good riddance to them. We should be clear about the ACCC's respective roles.

Mr THOMAS: I thank the member for Eyre for making that point so clearly. We have a body - the ACCC - which has powers that it exercises normally and which it has exercised to the great cost of this minister under the trade practices legislation. The legislation in other jurisdictions and this legislation, if it is passed, will give it a different role. Whether it does or does not get this role is a separate question from whether it is zealous or behaves properly in exercising its jurisdiction in other areas.

We must look at the approach that this Government has taken - that is what causes the Opposition some alarm. This minister has said that his approach in Western Australia is to have light-handed regulation. As a consequence of that, we continue to have the most expensive electricity and gas transmission in Australia. Although we set out at the beginning of this process of deregulation or creating competition -

Mr Barnett: There is a big philosophical difference between the Liberal Party and the Labor Party: We do not want to dictate to businesses how they conduct their affairs; you want to regulate every aspect of their operations.

Mr THOMAS: What fundamental difference? This Bill involves an interstate agreement signed by the Howard Liberal Government, the Kennett Liberal Government and every other State Government in Australia, Liberal and Labor. On this issue there is no fundamental difference between the Liberal Party and the Labor Party or between the forces of light and -

Mr Barnett: When the leaders of this country signed the Council on Australian Governments agreement I do not think they believed that competition policy would result in bureaucrats running around Australia closing down newsagencies in country towns, but that has happened.

Mr THOMAS: We must be really privileged and grateful that we are here in Western Australia and that this minister is the Minister for Energy, because he is the only one in step in the whole of Australia. I guess he can feel very proud about that. Every other minister for energy in Australia seems to think that the Australian Competition and Consumer Commission can undertake the role of regulating gas transmission, but this minister finds these fundamental differences which in his opinion are so profound that if the ACCC were to have the role that the Opposition seeks to assign to it, there would not be any pipelines. It is just absurd.

If our amendments are carried, the ACCC will have precisely the powers that we as a Parliament want to give it. If that has some untoward effect of the sort of sky-falling-in type magnitude that the minister envisages might occur, we can take those powers back if we have a mind to do so. Although it might be a commonwealth body, if our amendments are carried, the ACCC will exercise jurisdiction conferred upon it by the Parliament of Western Australia. What the Lord giveth the Lord can taketh away. I suggest that the minister is being a bit xenophobic. As my colleague the member for Eyre pointed out, the minister has had an unhappy experience with the ACCC. If he sits back and considers the issue, he might find that the

ACCC is not the demon that it is made out to be, and that its members are experienced regulators and we in Western Australia could avail ourselves of that experience.

Mr Barnett: They are caring and sensitive bureaucrats from Canberra.

Mr THOMAS: This is the sort of Liberal claptrap we hear from the minister. They are the national regulators, they are all Australians, and we are all Australians. If we do not like what the ACCC is doing, the minister is closer to the Commonwealth Government than we are - or at least he was until recently - and he should get the legislation amended so it does what we want it to do. They are servants of the Parliament. The minister's party has been in government at a national level for some years. If he does not like what the ACCC is doing, he should get the legislation amended so the situation can be changed.

Mr CUNNINGHAM: I would like to hear more from the member for Cockburn.

Mr BARNETT: I do not want to hear more from the member for Cockburn and I suggest he get on to debate the content of the Bill. We are seeing an abuse of the reform of this Parliament to allow five minute speeches to get to the content of the clauses. Members on the other side are practising this dorothy dixer stuff of jumping up like Bill and Ben the Flower Pot Men instead of getting to the substance of the clause. They will have another hour on this Bill and they need to deal with it. If they do not deal with these clauses and their amendments, it will be on their necks, not mine.

Mr THOMAS: I am concerned about the approach of the minister who says that Western Australians in some sense are different and therefore we need to have regulators who will have regard for the special and unique circumstances in Western Australia. These circumstances have led to the type of decision-making which this minister has practised since 1994 and which has led to the fact that we continue to have the most expensive energy in Australia. We need somebody who will rigorously apply the code to promote competition and achieve cheaper energy in Western Australia. We are concerned that although Western Australia has a population of 1.8 million, in the overall scheme of things Perth is a small town, and Western Australia is a small State in terms of population. The pool of people from whom a regulator can be chosen is relatively small. One only has to be involved in the energy scene in some capacity or other for only a short time to know everybody who is involved in companies and government departments and most of the politicians who have an interest in the subject, because it is a relatively small field.

Mr Barnett: Let us give the job to Canberra and not have the confidence as Western Australians to manage our economy. That is your policy.

Mr THOMAS: The minister has the Charlie Court disease! I am a patriotic Australian and I do not mind saying that Canberra is the capital of Australia, and I have no objection to authorising under the legislation of this State a federal body to discharge functions under state legislation if it is experienced and practised at doing it. The anti-Canberra xenophobia that used to characterise the Liberal party and which seemed to be abating until the minister got going recently is nonsense.

Our concern is that the pool of people from whom the regulator might be able to be chosen is a limited one. That is a very good reason to look outside and to say, "Here is a body that is already set up and practised and has some experience in this sort of thing. Let it do it at least for a time." The fact that I am proposing that the ACCC be the regulator for a specified period is something to which I will allude later.

Consider the importance of the job of the regulator. It is a quasi-legislative role in the sense that it is creating rights - not interpreting them - for the people who are party to access arrangements. It can make or break companies. It can make decisions that impact upon the returns that people receive on their investments. Obviously that is an important matter to the proprietors of those assets.

Let us consider the situation of the Dampier-Bunbury natural gas pipeline. As the minister has been crowing backwards and forwards all over the State for the past 10 months or so, the people who bought that pipeline paid \$2.4b; everyone was astounded and pleased as I am sure was the minister, because it was about \$1b more than what was expected. Most people who are party to some sort of an arrangement in which they receive an extra billion dollars that they were not anticipating would be pleased. One would surmise they paid that premium, in part because they thought they would be able to transport gas to the Kingstream project. That project has fallen over.

Mr Barnett: Repeat that.

Mr THOMAS: The Kingstream project has fallen over.

Mr Barnett: Has it?

Mr THOMAS: Yes. I do not see a lot of action.

Mr Barnett: You are a gung-ho developer of the State! What a little hero you are. It is no wonder that nothing happened when you were in power. This is a major project in the State and the Labor Party says it has fallen over; that is totally irresponsible. Major international negotiations are taking place.

Mr CUNNINGHAM: I am enthralled by the debate and I want to hear some more.

The CHAIRMAN: As enthralled as we are, we are getting very close to half past the hour, when we will be taking grievances.

Mr BARNETT: I want to respond very quickly to that. It is very difficult to get major projects of an international scale under way. I think the member for Eyre at least might understand that. The An Feng-Kingstream project is passing through the most delicate and difficult stage of negotiation. Last night I had dinner with the chairman of a major investment house from Taiwan. Many difficult issues remain to be resolved. For a member of state Parliament to describe as dead a major project that this State and dedicated public servants and industry people are working to make a reality is totally irresponsible. I want to plant firmly on the record that the project is far from dead. It is still difficult and a big ask, but it will be the most important postwar regional development in this State. I totally reject the callous, inconsiderate, irresponsible actions of the member for Cockburn. This State and this Government is about encouraging and promoting development, not simply taking cheap shots at projects.

Progress reported.

[Continued on page 1512.]

FREMANTLE HOSPITAL

Grievance

MR McGINTY (Fremantle) [4.31 pm]: My grievance is to the Minister for Health and relates to the treatment - perhaps I should say mistreatment - of two patients at Fremantle Hospital. The first is Mrs Margaret Barrett who had the misfortune to be diagnosed with breast cancer and underwent a mastectomy. Following that, a breast reconstruction was undertaken by a doctor at the hospital. Many members may have seen the photograph in the *Sunday Times* which showed a mangled breast as a result of that operation. She is distressed by the condition in which she has been left and, particularly, the treatment she received from Fremantle Hospital.

I wrote to the previous Minister for Health, the member for Albany. In response he wrote a letter dated 10 July, received by me on 13 July, in which he said that Mrs Barrett's expected waiting time for surgery was from six to eight weeks. The Minister went on to address a number of other issues relating to Mrs Barrett's condition.

I then conveyed to her the good news that within six to eight weeks she would receive the operation to reconstruct her breast as a result of the unfortunate way in which the previous breast reconstruction surgery was performed. As members can tell from the dates involved, that was over two months ago. The six to eight weeks have well and truly passed and Mrs Barrett has now been told by the hospital, notwithstanding the written word from the Minister for Health, that her operation is regarded as a low priority and she can forget about surgery in the foreseeable future.

In my view, it is an unconscionable act for Fremantle Hospital simply to override the written advice given by the minister, and say that the treatment of this patient is not something the hospital will do. I pose to the Minister for Health this question: What does he intend to do to ensure Mrs Barrett has the surgery she was promised and is treated within the time the former Minister for Health said in his letter to me she would be treated in?

I know we have had this debate in this House before. The member for Collie distinguished herself when she said that a woman who has the misfortune to have breast cancer and then undergo a mastectomy should be grateful she is alive, and whether the breast is reconstructed is of secondary importance. That is a rather callous view, but one which has currency, given the way Mrs Barrett has been treated by this hospital.

The second issue involves a gentleman, aged 71 years, who has cataracts on both eyes and whose eyesight is deteriorating. He undertakes significant community work. His record in this area is that when the *Endeavour* replica was being built, he was a voluntary guide on the ship, showing people around, giving school children much enjoyment, and encouraging tourism in the City of Fremantle. Since then he has undertaken work as a senior guide at the Round House in Fremantle. He puts a seven-day-a-week effort into that job. He coordinates a whole range of volunteers to ensure that when interstate, international and even local visitors, school groups in particular, come to Fremantle they are given the best possible explanation of the history and the significance of the Round House to Fremantle.

The work he is doing in the community is invaluable. As a result of the cataracts on both eyes, he is fearful he will have to stop doing that work and confine himself far more to home and not be able to make the contribution to the community he has made. He has received a quote to have the work to remove the cataracts on his eyes done privately, but as an aged pensioner he simply cannot afford the thousands of dollars involved; nor can he afford private health insurance.

I noticed with considerable interest the press release issued yesterday in Kalgoorlie, but today in the rest of the State, about elective surgery, which said that the State Government would be undertaking 3 000 more operations during the coming year. I hope this gentleman can have his operation brought forward, so that he is able to continue the great work he is doing in

the community. The Minister's press release about waiting lists will be somewhat hollow if an eminently worthy and deserving person, such as this man, cannot be given the operation which he should have and for which he should not be left waiting.

The prospect is that this gentleman will go blind while waiting for the operation. He has been waiting since February this year for the operation at Fremantle Hospital. Each time he goes to the hospital, he is told it will be another 12 months before he is operated on. His next appointment is scheduled for November this year and I hope he can be brought forward in the list to receive the operation to enable him to continue the good work he is doing. If the State cannot look after a person, such as this gentleman, it is a great pity for all of us.

My final point is in respect of the waiting list statement that has been issued. We have 25 000 people on the waiting list for metropolitan hospitals. I realise 3 000 is not a great number of additional operations. It will not make a significant long-term impact. However, I hope something can be done for this man.

MR DAY (Darling Range - Minister for Health) [4.38 pm]: I am not familiar with the detail of the matters raised by the member for Fremantle. The detailed information was brought to my attention by the member for Fremantle immediately before grievances commenced. Nevertheless, I will investigate the two cases to which he has referred, those of Mrs Barrett and Mr Shaw. Given that Mrs Barrett had a mastectomy and is seeking to have a correction of the reconstruction surgery, I can understand she would be somewhat concerned about waiting for longer than was originally anticipated. It is important to remember that anybody who needs emergency or very urgent surgery is provided with the surgery as soon as that person requires it. Elective surgery is to a large extent a matter of clinical priority and medical practitioners determine where patients should be placed on the waiting lists. Obviously it is not possible or desirable for the Government to play any role in determining the priority in surgeons' waiting lists.

Mr McGinty: I agree with that. The issue here is that your predecessor said the wait would be six to eight weeks. That was nine weeks ago. The people of Fremantle are saying that it is not on.

Mr Prince: That was the advice given to me.

Mr McGinty: I appreciate it was the advice given to the member for Albany, but I expect it to be honoured.

Mr DAY: As I understand it, the consultant surgeon did provide Mrs Barrett with some advice. She was subsequently provided with different advice by staff at Fremantle Hospital that she would possibly be waiting longer than she had originally anticipated. I understand that that would obviously be of significant concern to her. I will investigate the matter to see whether anything can be done to change the situation.

As the member for Fremantle pointed out, Mr Shaw is waiting for an operation to remove cataracts on both of his eyes. Again, I can understand his very strong desire to get that surgery undertaken as soon as possible. The situation he is in is shared by a number of other people who are on waiting lists, we acknowledge longer than is desirable, for their cataract removal surgery. It is because of our concern in the area of elective surgery, whether it relates to patients like Mrs Barrett, Mr Shaw or the 1 100 to 1 200 patients who are waiting for joint replacement surgery, that the Government has made the decision that all of the additional \$125m, which it has been agreed between the Premier and the Prime Minister will be contributed to Western Australia, will be allocated to increasing the amount of elective surgery performed on public patients.

The areas which will initially be particularly targeted are patients who require joint replacements and cataract removal. In both those cases around 1 100 to 1 200 patients are on the waiting list in the metropolitan area. About 20 per cent of those patients, incidentally, come from country regions of Western Australia. We are giving them a great deal of priority. As I explained in question time yesterday and in a press release which was issued across the State yesterday but was picked up by only some of the Press today, the Government is giving a great deal of attention to implementing strategies to increase on a continuing basis the amount of elective surgery undertaken. The way in which that has been brought about includes, for example, establishing a Central Waiting List Bureau, which will monitor what is happening at each hospital and, where possible, move patients from a waiting list at one hospital to another where the waiting time may be less. A lot of effort is being put into ensuring that wherever possible patients from country regions can have their surgery undertaken at hospitals close to their homes. There are a number of examples of that. One is that 11 children were treated at Kalgoorlie Regional Hospital yesterday, who were on the waiting list for treatment at Fremantle Hospital, because a paediatric surgeon was flown to Kalgoorlie to undertake the surgery. That is obviously a very good thing from many points of view. I am aware of another 51 patients who will be given the opportunity to have their cataract surgery performed at Esperance District Hospital by moving them from the waiting list at Fremantle Hospital, where the waiting time is a lot longer.

Mr Riebeling: They have not got a doctor in Karratha.

Mr DAY: A lot of very positive things are happening in the public health system in Western Australia. I am giving a couple of examples.

Several members interjected.

The ACTING SPEAKER (Mr Baker): Order, members!

Mr DAY: We do not necessarily rely only on salaried doctors to provide treatment to public patients. The other example I gave yesterday was how the operating theatres at Sir Charles Gairdner Hospital are operating for longer hours, essentially so that they have moved effectively from two to three sessions a day. That will have the effect of increasing the amount of elective surgery which can be performed. The other major hospitals, such as Royal Perth Hospital and Fremantle Hospital, are putting in place strategies to increase the number of procedures that can be undertaken. Some of the figures were included in the media statement that was issued yesterday. For example, over the next 12 months, Sir Charles Gairdner Hospital is expected to undertake an extra 520 procedures for joint replacements and approximately 270 additional cataract operations. Royal Perth Hospital will undertake an additional 330 joint replacements.

Mr McGinty: What about the fellow I am grieving to you about today?

Mr DAY: The case of Mr Shaw very much falls into the situation that we are addressing. People who have been waiting for cataract surgery for much longer than is desirable will be provided with that surgery in a much more timely manner. I will investigate the specific case of Mr Shaw but, more particularly, we will give a lot of attention to ensuring that everybody waiting for cataract surgery for a long period is able to be treated in a much shorter period.

POLICE SERVICE

Grievance

MR BLOFFWITCH (Geraldton) [4.45 pm]: I grieve to the Minister for Police to ask him for more money for our Police Service. I acknowledge the fact that the service is now receiving well in excess of \$400m, which is nearly double what it received under the Opposition. Having been to a corruption commission meeting in the United States, seen the New York Police Department and spoken to the members of the Los Angeles Police Department, I came away with different thoughts from those I had when I first arrived there. I believe that we must lift the profile of our officers. We must pay them more money and give them a more respected role within our society. Police officers should be starting at a salary base of about \$40 000 a year. That is what we should be ensuring.

Mr Cowan: Would that give them respect?

Mr BLOFFWITCH: I believe that it would.

Mr Cowan: How much do you get each year? How much respect do politicians get in the public arena?

Mr BLOFFWITCH: I have seen the respect a New York police officer gets who receives in excess of \$US40 000. I have also seen the respect that Los Angeles police get, who receive in excess of \$US50 000 when starting in the police force. I was speaking to an inspector in Los Angeles who has a wife in the LAPD. Their total combined income was \$US190 000 a year.

Mr Carpenter: How much of that was legitimate?

Mr BLOFFWITCH: It was all legitimate. When we were talking to them about their training we asked why they had very few corrupt officers. The inspector asked why he should blow their combined pensions based on annual earnings of \$US190 000 for the sake of \$US5 000 or \$US10 000. He said that that was the feeling in his police department. We cannot achieve it all in one year. We need to set ourselves a plan over five years to try to increase the amount of money that our police officers are paid.

The other important thing that I noticed was that both Los Angeles and New York have one police officer per 2 000 head of population. We have one police officer per 4 000 head in Western Australia. Los Angeles has more officers per head of population. The New York police service has 40 000 officers looking after a city probably not much bigger than Perth. An increase of more than 50 per cent in the number of our officers is more than warranted. We need 6 500 to 7 000 officers instead of the 4 800 we have today. I make that comment because I can walk down to my police station at any time during the night and ask how many officers are on duty and be told on some nights that there are four or five and on others two or three.

How many officers are supposed to be on that shift? I am told that nine or 10 are supposed to be on it. Why do we not have the nine or 10 officers on the shift? I am told that with holidays of six weeks and long service leave after seven years, two or three out of that 10 are usually either on annual or long service leave. There seems to be a fairly high degree of stress among the officers and one or two will be absent because they are sick. In the past six or seven months, of the 75 officers who are available to the Geraldton police station, 25 are used in what are referred to as the "two man teams"; that is, when a burglary is reported two men investigate it, follow it through and try to solve it. There is now some continuity in investigating burglaries and apprehending burglars.

Mr Graham: What is the solution?

Mr BLOWFWITCH: Results have improved dramatically over the past six months. The problem arises because, although the results are very good, in Geraldton the two man team is taken from the complement at our police station. I am told that in Perth those officers come out of the general intake. They do not affect the police station, the van numbers or anything else; yet in the country we are expected to take them out of the local police station allocation. That is a glaring indication that we do not have enough police officers. We will not be seeing policemen wandering down the street and doing what every New York and Los Angeles policeman does because we do not have the numbers.

In line with increasing police officer numbers, over time we must increase their pay and the standard of officer that is accepted. It is interesting that in LA one must have a university degree to become a police officer. When I asked why the service had gone that way, I was told that many of the rank and file people were reluctant to do the paperwork. At least the graduates are good at doing the paperwork and, as a result, the rate of prosecutions and the like has increased.

MR PRINCE (Albany - Minister for Police) [4.52 pm]: Regarding the last point -

Mr Graham interjected.

Mr PRINCE: Does the member for Pilbara want to answer the grievance?

Mr Graham: Yes. Mr Speaker -

Mr PRINCE: He should sit down. If he wants to grieve, he can grieve later.

The history of police policy throughout Australia has not been to have graduate entry. It has occurred in some specialist areas only. However, particularly in the Western Australia Police Service, a number of more senior officers take it on themselves to obtain a tertiary education of some description. Edith Cowan University offers a number of courses in this area and many officers look for law degrees. That trend is also occurring lower in the hierarchy and it is to be applauded. However, I do not favour the idea of recruiting university graduates because they are better able to deal with the paperwork. I would rather have police officers deal with the ungodly and employ civilian staff to deal with the paperwork if that is the problem.

A police officer who has had a few years' service averages \$44 000 a year, although it varies according to overtime, etc. An average income of \$44 000 after about five years service seems to be a reasonable amount of money compared with other people in society who perform equally useful emergency roles. However, it must be said that the work of police officers is difficult. Some of the people they encounter are extremely hard to deal with. It is also dangerous work, as we know from events in the past six weeks with two officers dead in the course of their duties. The enterprise bargaining agreement of 1996 gave a 17 per cent pay rise. The recent EBA offer will give them a further 7 per cent. In that sense they are relatively well paid.

The Geraldton district office has seven people. Sixty-three officers man the police station - one senior sergeant, 10 sergeants and 52 constables; two sergeants and 10 constables are in traffic - only 12; and there are six detectives, one community policing officer, one school-based officer, one with the Police and Citizens Youth Club, two with alcohol and drugs, two senior crime officers and one prosecuting officer. The total in Geraldton is 169.

Mr Carpenter: Did you say 169?

Mr PRINCE: Yes.

Mr Carpenter interjected.

Mr PRINCE: It is his grievance not that of the member for Willagee. The ratio for the southern region, which takes in Geraldton plus a fair amount of the rest of the State, is 1:462. That is exactly the same as the ratio for the whole of Australia. It is higher than for some other places and lower than for the metropolitan area, which is 1:653.

The office has a minimum of six staff on night shift if no prisoners are in custody; 18 September 1998 and, if so, a seventh staff member comes in and is paid overtime to allow adequate staffing levels. Two or three of those people stay in the office to attend to communications, telephone and counter inquiries and lockup duties. That allows four staff to man two police vehicles for the night shift. The operational staff at the police station work a three-panel rotating roster with between seven and 11 staff on all three shifts.

The way in which the shifts are worked is cumbersome and does not allow for sufficient flexibility. That is a matter I have discussed briefly with the union and the executive. I want to progress the issue with the concurrence of all parties so we will achieve more flexible shift rostering, not so that people are required to work more than they should at any one time but to enable them to deal with the peaks and troughs of activities day and night, which is difficult at present.

A large number of initiatives have occurred in the Geraldton district in the past few years such as: Interagency truancy patrols, Neighbourhood Watch - the numbers have increased to 9 000 - the Geraldton-Greenough liquor accord and increased foot patrols visiting businesses and targeting hotels and licensed premises. Training has been increased to accommodate the integrated delivery of services. This arises out of the DELTA program which is first class.

Another initiative is the system of home beat policing. Each home beat officer is housed in his or her area of responsibility for ease of accessibility to the local community. For example, victims of burglaries and any other offence for that matter are visited at home. They are offered a number of services including victim support, security appraisal, property marking, and so on. This is now operating in the member's electorate.

All categories of property-related crime for Geraldton for the year 1997-98 are down compared with the previous 12 months. Burglary is down 31 per cent; stealing is down 21 per cent; and offending overall is at a two-year low, down 25 per cent. As a matter of interest the Geraldton police solved 98 per cent of all offences against the person. A community survey carried out recently showed some interesting data. A total of 82.4 per cent of respondents in the Geraldton district say they trust their local police. The state average is 74 per cent.

Mr Carpenter interjected.

Mr PRINCE: The comments of the member for Willagee do not help. A total of 83.5 per cent of respondents believe district police perform their duties professionally; 81.4 per cent have confidence in their district police against the state average of 74.8 per cent; 89 per cent believe their district police are honest against the state average of 72 per cent; 90.8 per cent of respondents would not be afraid to approach the police if they were in trouble; and 87.3 per cent believe their police station opening hours suit their needs. Overall, 86.5 per cent of the people surveyed were satisfied or very satisfied with the services of their local police.

Against that it is interesting to note that the number of people who believe housebreaking is a major problem is more than 66 per cent, which is exactly the same as the state average. However, in Geraldton 75.6 per cent of respondents believe speeding and dangerous and noisy driving is a major problem or something of a problem against the state average of 66 per cent. There is a very high appreciation of road safety matters in the member's electorate.

Last year in Geraldton there was a significant decrease in crime. We have seen some excellent policing, some excellent police officers and a first-class example of the DELTA program in operation and producing results.

PUBLIC HOSPITAL SYSTEM

Grievance

DR GALLOP (Victoria Park - Leader of the Opposition) [5.00 pm]: My grievance is addressed to the Premier. It is about the future of our State's public hospital system and deals with the attitudes of both the federal and state coalition. I am concerned that the Premier has signed a deal which rests on very shaky foundations. On behalf of the people of Western Australia, I will take up these issues today. We have already seen the Premier accept a health funding deal from the Commonwealth under the framework of the Medicare Agreement which sees Western Australia receiving less than 20 per cent of what it said was needed to sustain its system. This matter was debated in Parliament and we pressed the Minister for Health on it. He made it clear that Western Australia needed an additional \$100m over the life of the Medicare agreement; that was \$100m over and above what the States had been offered by the Howard Government. When the figures are put into the collective situation, the States and Territories wanted an additional \$1.1b a year.

However, when the Premier signed up on behalf of the people of Western Australia in August, he accepted only an extra \$18.3m a year. This can now be contrasted with the federal Labor Party's offer to the State of an extra \$50m a year. We have raised these issues in the Parliament throughout the year. In the federal election campaign, we are contrasting -

Mr Court: An extra how much?

Dr GALLOP: An extra \$50m a year over the life of the Medicare Agreement.

Mr Day: You said we are receiving \$18m a year more. We are receiving \$25m more a year on average.

Dr GALLOP: We work it out on 10 per cent of the total. If the Minister for Health wants to talk about just above or just below 20 per cent of what he asked for, he should feel free to do so. It is clearly inadequate.

Mr Court: An extra \$500m over five years.

Dr GALLOP: Yes, from the Labor Party. That is the offer in the election campaign.

Mr Court: To all of the States?

Dr GALLOP: Yes, and we will receive 10 per cent of that; \$50m each year.

Mr Day: An amount of \$50m over five years; that is not much.

Dr GALLOP: My concern today is that the Premier is about to compound his earlier capitulation by signing up to John Howard's tax package. In saying this, I begin by noting that the commonwealth financial assistance for our public hospital system is by far the most important special purpose payment we receive. It represents about 45 per cent of total public

hospital funding. In relation to this vitally important revenue for our State, we now know two things: Firstly, that the Premier has received no guarantee about the future of special purpose payments. Indeed, he was forced to admit in Parliament that he had concerns about this and had to write to John Howard seeking assurances that access to the goods and services tax revenue will not affect the rate of growth of special purpose payments. No wonder the Premier is concerned about this because Western Australia receives \$1.3b of special purpose payments. We need to ask: Just how secure are these special purpose payments?

Secondly, we learnt during Sunday night's leadership debate that John Howard believes that his tax package provides a rationale for the Federal Government's moving out of areas like Health and Education. I quote from the debate that occurred on Sunday night. This is what John Howard said about special purpose payments and the package that he is taking to the people of Australia. He was talking about the disputes between the State and the Commonwealth and said -

Now that's gone on for too long in this country and what I'm offering, I'm the first Prime Minister to be offering, to the Australian people, an end to the undignified argy, bargy between the Commonwealth and the States, where they pass the buck, the States blame the Commonwealth and say they want more money, and the Commonwealth says that it is a State responsibility.

What I'm saying is that the Australian people are fed up with that, they want a new deal, a new arrangement, and the only easy way you can do is to guarantee it.

Ray Martin then said -

Will that fix it?

John Howard answered -

It will fix it, what it will do is give the State's access to a guaranteed source of revenue.

John Howard then said that, as a result of his package, the States "will be able to fund the police, and the hospitals, and the education system, and they won't be able to blame the Commonwealth, because the Commonwealth will have given them - the wherewithal - to provide those services." This is a fundamental issue. The Prime Minister made no mention of any guarantee about special purpose payments. In fact, quite the opposite. There was a clear statement from John Howard that he expects the States to provide the revenue for those core services from the GST. How else can we interpret his conclusion that the argy-bargy will be taken out of the equation? The problem for John Howard is this: The most important argy-bargy that we have had in recent years has been over funding under the Medicare Agreement, which is a special purpose payment from the Commonwealth to the States. If John Howard is re-elected, arguments over health funding will intensify as he continues his strategy of shifting the financial burden to the States.

It is clear that John Howard has no understanding of the Federal Government's obligations to our public hospitals under the Medicare Agreement. We have already had a good case study of this in which the Howard Government withdrew its support for dental services. This meant a loss of \$9m to dental health services in Western Australia and growing waiting times for the citizens seeking treatment. In signing up to the Medicare Agreement and the tax package, the Premier has accepted a bad deal now, and will accept a bad deal that will get worse in the future as the implications of John Howard's prejudices work their way through the system. All that John Howard's so-called vision for the future means for the State is pressure for higher state taxes and a higher goods and services tax or a decaying public hospital system.

MR COURT (Nedlands - Premier) [5.08 pm]: I am surprised that the Leader of the Opposition has raised this matter as a grievance, but so be it. I am quite willing to debate the health issue. The Leader of the Opposition referred to the Medicare Agreement. We had a five year Medicare Agreement which was meant to provide additional funding to the States. If there was a significant drop every time there was a 2 per cent drop -

Dr Gallop: You are avoiding the issue, Premier. Discuss the grievance that I have raised.

Mr COURT: I am.

Dr Gallop: You are not.

The ACTING SPEAKER: Order, members! The Leader of the Opposition will come to order.

Mr COURT: The Leader of the Opposition either allows me to respond or he interjects incessantly and in seven minutes I will not have a chance to say much.

Dr Gallop: I will not interject. I have made my interjection and my point.

Mr COURT: Every time there was a 2 per cent drop in private health insurance numbers, the States were meant to receive some form of compensation. They never received that compensation. The public hospitals were severely underfunded; no question about it.

Dr Gallop: Thanks to you.

Mr COURT: No. I said thanks to a Medicare Agreement in which a Labor Government refused to put in additional funding.

Dr Gallop: It put in extra money and you know it.

Mr COURT: We have been able to negotiate an agreement with the Federal Government. Not only have we had an increase of funding this year, but we will also receive an increase of \$35m in that package. We will receive a minimum of \$125m over that five-year period.

Dr Gallop: Twenty per cent of what you asked for.

Mr COURT: I said a minimum. The Labor Party has said that it will provide some additional funding. It will be administered by a new Australian hospitals commission. We will now have further bureaucracy which will duplicate what we are doing at the state level.

Dr Gallop: And reduce waiting lists.

Mr COURT: The new bureaucracy can reduce waiting lists, but we will also see an increase in the Medicare levy; that is how part of it will be funded. The other part will be funded by an increase in tobacco taxation. Interestingly, the package refuses to address the issue of how we can entice more people into private health insurance. That is the key to the whole operation. If we cannot have an insurance scheme that needs at least 50 per cent of the population to be privately insured, we will not have a true insurance scheme. Interestingly, even the current federal Leader of the Opposition is now saying that those who can afford to should take out private health insurance. That is quite a different attitude and a positive step forward for the federal Leader of the Opposition when previously Mr Keating and Carmen Lawrence said no-one had to take out private insurance, not even the super wealthy, and that we had the magic system that paid for everyone. Everyone knows that the magic system does not pay.

Under the arrangements that we have agreed to there will be additional funding and the Federal Government will take full responsibility for the cost of treatment for veterans and will extend eligibility for the gold card. Another very important initiative is the 30 per cent rebate for private health insurance from 1 January next year. That will be a major incentive which basically provides a tax exemption on the payments.

Dr Gallop: You have three minutes to go and you have not addressed the grievance yet, Premier.

Mr COURT: I am addressing the grievance.

Dr Gallop: Where is your guarantee from John Howard on the special purpose payments?

Mr COURT: Mr Speaker, I have been around long enough to know that a Labor Government promised us the L-A-W tax cuts. They promised us increased funding if there was to be a cut in private health insurance; and we never received it. The Prime Minister is quite right; the States will be locked into a source of significant long-term growth revenue.

Dr Gallop: So you will not need any special purpose payments?

Mr COURT: No. We will receive additional funding plus we will be locked into a source of growth revenue.

Dr Gallop: No, he is saying you will not need special purpose payments.

Mr COURT: No, he did not say that at all, my friend.

Dr Gallop: Did he not?

Mr COURT: No, the Leader of the Opposition said that. For a start the Prime Minister has given us a commitment that we will not be any worse off for the first three years. We will receive the same revenue growth as we would with the current arrangements; that is, real per capita growth in our grants plus what we have already agreed to. We have a five-year agreement, therefore we know what the health funding will be. In addition, we will have access to the growth revenues.

The other benefits of the proposal, as the Leader of the Opposition knows, are health payments will be GST-free; there will be a cost saving in providing health services of about 1.7 per cent - that is, \$820m - by removing the wholesale sales tax from the system; medical, hospital care services and health insurance will be GST-free; and there will be a 30 per cent rebate of private health insurance. All in all, that makes it clear that health will not be detrimentally affected by a goods and services tax.

Dr Gallop: Where is the guarantee, Premier?

Mr COURT: The guarantee is we have already signed the Medicare Agreement for the next five years, therefore we know what funding will be in place. In addition to that, we will have access to growth revenues on which the Opposition has campaigned for many years.

Dr Gallop: Why do the Treasurers in New South Wales and Queensland agree with me?

Mr COURT: It does not matter what the policy is in New South Wales, a services tax has been introduced there. In the 20 seconds remaining to me I make the following prediction: If a Labor Government were to be elected and no incentives were in place to encourage more people to return to private health insurance, there is no way our public hospital system could cope with a low level of participation in private health insurance. We must have a balance between the two.

DUNSBOROUGH LIGHT INDUSTRIAL AREA

Grievance

MR MASTERS (Vasse) [5.17 pm]: I raise a grievance with the Minister for Planning concerning the Dunsborough light industrial area structure plan. This issue first came to my attention within days of being elected as the member for Vasse in December 1996. It has been simmering away in the community for five or six years. There are four aspects to this grievance which I wish to raise. I appreciate, from my discussions with the minister, that he may choose not to discuss some areas for reasons that will become obvious later.

The first issue I raise in relation to the Dunsborough light industrial area structure plan is that the site was chosen by the Shire of Busselton after a significantly flawed assessment process. Instead of the shire authorising a consultant or other appropriate person to undertake a land feasibility study of the entire Dunsborough area, it sought expressions of interest from landowners and other people in the community and suggestions as to areas that might be suitable for the light industrial area. The end result is that all of the sites that were offered had significant limitations as to their suitability and no ideal sites were found. This indicates that the process itself was flawed and did not work well; for example, parts of the existing site are low lying and adjoin properties with conflicting land uses. However, that is past history.

The second issue relates to the proponent himself. In my correspondence to the minister, I described him as a "difficult person". I realise I must be careful because I do not wish to malign him under parliamentary privilege. However, I had contact with him in January of last year when I proposed a significant alteration to the project which would have provided him with substantial additional funds by creating more lots while at the same time protecting the interests of the private landowners to the south and east of the light industrial area. The gentleman was extremely upset that I dared show any interest in the subject and it was not the most polite of conversations. It is interesting now that the structure plan put forward has incorporated the suggestion I put to him.

The third issue relates to the Shire of Busselton which is very disappointed that the structure plan negotiations have been taken out of its hands and instead have been given to the Ministry for Planning to resolve. The shire had been negotiating with the proponent for three or four years and had come up with some generally acceptable structure plans. However, the proponent was simply not prepared to negotiate and, therefore, eventually went to the Ministry for Planning to seek resolution. I invite the minister to provide an explanation of the process that would allow this to happen so that I can understand it clearly and pass that information on to the aggrieved landowners.

The final point relates to the draft structure plan. I provided the minister with this document which is the current draft structure plan supported by the Ministry for Planning and which will go forward for public consultation. I provide that plan and ask that it be laid on the Table, if that is appropriate.

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

Mr MASTERS: If the minister looks at that plan, he will see it covers a number of issues. The water course that flows along the northern boundary is to be relocated. I made that suggestion and I do not see a problem with it. The draft structure plan contains 160 lots which is a large number, but I do not see a great problem with it. The buffers along the northern and western boundaries, the water pollution potential and other issues are not insurmountable. However, I have a major difficulty with the fact that, along the eastern and southern boundaries of the area covered by the proposed structure plan, the 100 metre buffer zone that was promised to the adjoining landowners has been reduced significantly. The plan is erroneous in that it shows a buffer width of about 80 metres. In fact, I have been advised that the buffer zone is as narrow as 25 metres. I have also provided the minister with these three scheme plans of the light industrial area, indicating what was put before the public three or four years ago. Less than 50 per cent of the site was allocated for light industrial lots. Now almost 90 per cent is allocated for light industrial lots.

The issue I am most concerned about is that while there is a generally accepted need for a 100 metre buffer between the nearest light industrial lot and the private residences, the information I have been given by the ministry is that much of this 100 metre buffer will be located on the adjoining private properties. I believe that it is an infringement upon the rights of the private property owners to use their land, within reasonable constraints, for purposes which would otherwise be allowed under the zoning requirements of the local shire scheme.

This means that the developer is proposing to create 160 lots, provide a less than adequate buffer zone and use adjoining land as a buffer when he, the proponent, will be financially benefiting and financially affecting the adjoining landowners.

This is quite unacceptable. When this issue finally goes public and comes before the minister for final consideration, I hope he will take these various concerns of mine into consideration, in particular the impact on the adjoining landowners.

MR KIERATH (Riverton - Minister for Planning) [5.21 pm]: Before I respond to the specific details, I will give some background to this amendment and indicate to the House, and to the member for Vasse in particular, how this situation arose. To summarise the main points, a rezoning was approved by the former minister in 1996. That was to rezone the land for industry, following selection of the site by the Busselton Shire Council. The rezoning required that a structure plan be prepared before any development proceeded. The landowner prepared and submitted a structure plan to the Busselton Shire Council. The council subsequently rejected that structure plan.

In accordance with the provisions of the council's own scheme, which I will cover when I deal with the detail, the landowner then sought arbitration on this matter. Members will remember that the owner had put forward a plan, the council had knocked it back, and under the scheme the plan was submitted to the WA Planning Commission for arbitration. The commission considered the plan and resolved that, subject to a number of modifications being effected, the plan could be released for the purpose of seeking public submissions. That did not mean the commission necessarily approved it, but that it was in an acceptable form for public comment. The commission generally tends to remove the objectionable matters, which it knows will fail on its grounds, and request modification. The public is then able to make submissions in relation to the plan.

Although the commission has made its decision, the council has yet formally to consider the commission's position. In any event, the council is now required to advertise the plan. I must be very careful because if the council advertises the plan, the landowner has two rights of appeal, either to me as minister or to the tribunal, as the landowner sees fit. Therefore, I will not comment on the detail of the proposal, because I may have to sit in judgment on it.

The first point raised by the member was that the site selection used a flawed assessment process. The land is currently zoned industrial. This followed a previous approval. A structure plan was required, and this was prepared by the owner. Whatever happens will be released to the public. Therefore, without commenting on whether the process itself was flawed, at the end of the day, irrespective of how it was arrived at, the public will have the opportunity to make submissions.

I will not comment on the personal issues of the landowner, except to say that I must deal with many people, ranging from those who are extremely difficult to those who are extremely cooperative, and every shade in between.

Dr Edwards: Some are very charming.

Mr KIERATH: Some people are very charming, like the shadow minister. The third point made by the member was that the shire is disappointed that the matter has been taken out of its hands. I will read two clauses from the council's town planning scheme. Under the heading "Appeal Rights", it states -

3.6.5.1 Where the Council rejects the Structure Plan, or attaches conditions or requires modification which the applicant considers unreasonable, the applicant shall have a right of appeal pursuant to Part V of the Act.

3.6.5.2 Notwithstanding Clause 3.6.5.1, the applicant shall prior to exercising any right of appeal pursuant to Part V of the Act, submit the Structure Plan and Council's resolution to the Western Australian Planning Commission and request the Western Australian Planning Commission to make a determination.

That is in the town planning scheme, and that procedure is being followed properly. It may well be the shire did not want that to happen, but it is in its scheme. It has been through the proper processes, and that scheme is being followed to the letter. It is interesting to note that the Shire of Busselton's scheme is a unique one. Not many schemes contain those provisions. However, it is also a requirement of that scheme that the structure plan be endorsed by the commission.

I have given the member a forthright and frank reply on all those matters, except that I made no comment on point two. Point four deals with the detail, and in some respects I would like to comment. However, it would be inappropriate for me to comment in detail, because the matter may come before me on appeal, and I will have to make those judgments accordingly.

In summing up, whatever else happens, this proposal will go out to the public. The public can have their say, and both the council and the WA Planning Commission must consider their views and make a determination accordingly. If required, that advice will come to me at the end.

I reassure the member for Vasse that despite what may have happened previously, proper process will now be followed. Most importantly in these planning decisions, there now exists a channel for the public to not only have their say, but also make sure that the issues they raise in that process are responded to by the appropriate planning authorities. At the end of the day we look forward to that. It must be advertised so the public can have their say. A judgment can then be made accordingly.

The ACTING SPEAKER (Mr Baker): Grievances noted.

SELECT COMMITTEE ON PERTH'S AIR QUALITY REPORT*Motion*

DR EDWARDS (Maylands) [5.28 pm]: I move -

That this House express its grave concern at the Government's inadequate response to the report of the Select Committee on Perth's Air Quality.

It is with some disappointment that I move this particular motion. Last Thursday the Government released this fine-looking, thick 50-page document which was its response to the report of the Select Committee on Perth's Air Quality. I can only describe this as disappointing. I am bitterly disappointed with the lack of attention the Government has paid to the report and its failure to act on the many initiatives the committee put forward.

The most common phrases in this report are "will be assessed", "will be considered", it "will examine", it "will liaise" and it "will identify". Very little action immediately flows through from that document, and virtually every recommendation goes off to one committee or another. The only recommendations being implemented are either those that were already in train - indeed, the framework for some was laid as late as last year - or those that are easy. The Government has picked up a few of the easy recommendations. The rest were either already in train, or they have been referred for further examination, investigation, assessment and evaluation.

What has gone on in the past three and a half months since the Government formed the committee to come up with this response? The minister was asked to respond within three months. However, she needed more time, and that is fine. What has happened since then? We have spent money, and we have a 50-page report but not a whole lot else. I fear what is about to happen is that we will see the wheel reinvented. At least two more committees will look at all the things that the Select Committee on Perth's Air Quality looked at, and inevitably will come up with the same solutions.

The select committee was made up of members from all parties, and had a government majority. For a year we worked hard, solidly and apolitically as a group to tackle what is a serious environmental problem. The committee's report was restrained and conservative. We copped some flak because it was perceived that the committee had not gone far enough to solve this problem. In addition, the committee's work cost the taxpayers \$195 000. They got value for money. The document we produced was a good select committee report. It was reasoned. We were careful to base our recommendations on scientific advice, because we did not want to be criticised for getting our facts wrong. We got all members together from across parties, and from country and city areas, to come up with a list of recommendations with which we all agreed. I fear that that report may now sit on a shelf. It will certainly be used to formulate policy. However, what was needed, and the way we wrote it, was to seek action, and action is not what we are seeing.

It is a fact that Perth has deteriorating air quality. If members do not believe the select committee's comments on that, they should look at reports produced by the Environmental Protection Authority. In its 1994-95 annual report the EPA warned that Perth was on the verge of a serious air quality problem. It spoke about a crisis. Then in 1997 a report titled "Urban Air Pollution in Australia" was undertaken for the Federal Government by no less august a body than the Academy of Technological Sciences and Engineering. That is a credible report. The report stated that the photochemical smog potential for Perth and Brisbane was higher than in any other cities. We also had comments from the Commonwealth Scientific and Industrial Research Organisation that Perth's summertime climate was the most conducive of all major cities in Australia to smog formation. The CSIRO said that Perth had the potential to experience the worst photochemical smog problems of all cities in Australia. That is because of an accident of climate, geography and having an urban population.

Many and reputable people are telling us that Perth is on the verge of a serious air quality problem. Even the Government recognised that. In 1992 it promised to establish a select committee on air pollution. Unfortunately, it took until 1997 to get that committee together. The committee then needed a year to do its work, and it was not until May 1998 that we finally got what had been promised in 1992. The Government is sitting on its hands and it must do more.

Members might ask why we should be concerned. The first reason is glaringly obvious, but must be put on the record; that is, the quality of urban air is what one might call a merit good - it has value in its own right. If members want to put an economic tag on that they should consider tourism. Tourism provides 10 per cent of Australia's gross domestic product, and the urban air pollution report suggests that conservatively 5 per cent of tourists might be deterred from visiting Australian cities in which they knew there was poor air quality. If we do not tackle the problem we could be interfering with an industry that produces 10 per cent of our GDP.

Air quality could be labelled as a pure public good. We have no alternative to consuming air when we breathe. We all need to breathe, so we all need air. For that reason we must take account of people who are already ill and who are affected by poor air quality. They have no other choice. We all breathe the same air. The other problem is that what anyone does to the air quality affects the air that other people are breathing, so any effect has an effect on the whole community. What is typical of concepts of public good is that they are undervalued until they are under threat, and action is taken when remediation is necessary so the cost is much higher than that which would have been spent in prevention. That is the risk

we run. The longer we ignore this problem, the more expensive it will be to properly tackle it. We need to start putting in adequate prevention measures, so we are not costing ourselves down the track.

I will comment now on the health effects. During its deliberations the select committee was shocked by some of the health statistics put to it. The comment was often made that the health evidence was alarming. The health effects are much more serious than any of us realise. The ozone that is produced by photochemical smog has the potential to cause acute respiratory problems in people. In addition, there can be a lag effect. One can be exposed to high ozone on one day, but not feel the effect in one's lungs for two or three days. We know that ozone aggravates asthma. Perth has some of the highest rates of asthma in the world. We need to look at the impact of air pollution on asthma, because we need to tackle asthma.

Ozone can also decrease lung function. It does not matter to those who have normal lung function. However, people who are working hard physically and using their peak volumes will be affected. Perhaps with the Commonwealth Games on, it is useful to point out that athletes suffer from high ozone levels. We must tackle the smog problem because of the health effects.

It has been estimated that 70 premature deaths occur in Perth each year because of particulate pollution from haze. We do not know the number of hospitalisations or the number of doctors' visits by people who are affected by this type of air pollution. The data from Canada - which in many ways is a similar country, and the area we visited had similar climatic conditions - show that the quality of life and productivity of ordinary people in the community are affected.

What really concerned the committee, with both smog and haze, is the impact that they can have on children. Frankly, we just do not know the effect of these pollutants on the health of children. We do know from studies that have been done that children are more susceptible to these pollutants. That is because they are young and their respiratory systems are developing. It is probably also because they are more likely to be outside and have greater exposure to some of these pollutants. With haze and particulate matter the alarming feature is that there is no threshold level for an effect. No matter how low the level of haze pollution there can be an effect on human health. That is a very serious factor. It means that we must take it into consideration. It also means that whatever we do will be difficult, because to get pollution down to zero is nearly impossible.

As the committee deliberated it became concerned about the lack of knowledge in the health arena. We called witnesses and made it our business to read papers and research this issue. As a result we formulated recommendation 3, which is that the Department of Environment Protection and the Health Department of Western Australia facilitate a 12-month research project correlating hospital admission data to Perth's air quality monitoring data.

Perth has one of the best hospital linkage systems in the world. I have seen epidemiologists literally drool when they talk about our hospital data collection system. We also have good air pollution data. We need to marry those two data sets to work out the effect on the population in terms of hospital admissions on days of bad air pollution. The committee members did not just dream up this notion. The notion was put to us separately by two respiratory physicians and an epidemiologist. It is important to point out the qualifications of these people. At least one of the respiratory physicians is an MD, which is unusual in the medical field in Perth. He is an expert on asthma. Similarly, the epidemiologist is internationally renowned. Those people know what they are talking about.

Mr Bloffwitch: What is an epidemiologist?

Dr EDWARDS: A person who studies the health of populations. Those two people who presented evidence and made submissions to the committee knew what they were talking about. It is, therefore, extremely disappointing that the Government's response to recommendation 3 was to express concern that Perth may not have a large enough population to make the committee's study statistically viable. That is a valid comment on the face of it, but we had already covered that base by questioning the people who appeared before us about the size of the population; and, frankly, those reputable epidemiologists would not have made that suggestion if that was the case.

I had to laugh a bit at the Government's response to recommendation 3, which was that the Department of Environmental Protection and the Health Department of WA will liaise with the Australian Medical Association and the Asthma Foundation to establish an initial investigative project to be carried out by health professionals. I do not want to be too critical of the Asthma Foundation, but when it appeared before us and I asked it about the haze study, it said it did not know what it was. It knew about a lot of other air pollution studies, and it knew its facts, but it did not know about the haze study. That study had a big impact on Western Australia, so most people know about it. Similarly, the Australian Medical Association, a body which I respect, did not make a submission, so I am not sure that it has an active interest in this area.

The Government should go back to the experts who appeared before the committee - the epidemiologists and the respiratory physicians. What we have suggested would be simple to undertake and would probably need only a computer program. The cost given to us was low, and I am reluctant to quote a figure because I could not find it in the transcript; however, from memory it was around \$20 000 or \$25 000. That is not a lot of money to spend to find out more about Perth's air pollution problem.

We were told also that the Health Department is active in this area and will be liaising with the Department of Environmental Protection. I am pleased about that, because that is what it should do. However, the Health Department did not make a submission to the committee either. Many people do not make submissions because they are too busy. The Health Department has hardly any staff left in the public health area, so I am not surprised that it did not have time to make a written submission. However, it did not take up the opportunity to appear before us and make a verbal submission either.

We will be watching carefully to see what the Government does with this recommendation, because we are not sure that it will work. The Health Department has historically had a very fine record on air pollution - it dealt with the clean air legislation; and in the occupational safety and health arena, it was second to none. However, over time, the public health side of the Health Department has been whittled away to virtually zero, and the few people who remain and are expert in the area are fairly close to retirement. If past practice is anything to go by, when they retire they will not be replaced, and that expertise will be totally gone from the Health Department.

I dwell on that matter because the health aspect underlies the notion of why we need to tackle the air pollution problem. Air pollution damages the health of the community, and the effects of air pollution are much more serious than the committee ever knew about; and if the Government cannot get that fundamental part right, one wonders about the other recommendations in the Government's response.

I turn now to transport vehicles. The urban air pollution report summed it up eloquently when it said that at the heart of all the technical arguments, the two basic policy directions for dealing with pollution from transport vehicles are to reduce vehicle usage, especially in congested conditions, and to ensure that vehicles perform cleanly, and that they have and maintain low levels of emissions throughout their lifetime. That report said also that a peculiarity of the vehicle fleet in Australia is that it is quite old, and for that reason, new initiatives to help reduce vehicle emissions and to make vehicles cleaner will be very slow to penetrate into the big body of older cars, and we cannot rely on those new initiatives to give us immediate effects.

The committee was aware of that matter, and it formulated a number of recommendations about vehicle emissions. Recommendation 34 was that the State Government should implement a vehicle emission testing program based on the Vancouver model. The committee wanted to know that those emission testing programs worked, and that they were equitable, cheap and cost effective. After a lot of research, the committee decided that they were, and that the Vancouver model was the best. The committee also recommended the initiation of random roadside emission testing, because it is particularly worried about diesel-fuelled vehicles; the implementation of a vehicle scrappage program; and the implementation of roadside testing of heavy duty vehicles and the depot testing of fleet vehicles. The Government's response can be summed up in the statement that a comprehensive review of management measures designed to reduce vehicle emissions will be undertaken.

We need another comprehensive review! We should have more evaluation! That will do nothing to solve the problem we have with vehicles. The problem with that sort of response from government is that it devalues the currency of a select committee report. Will other select committees be inclined to examine issues in depth if they know that all the Government will do is set up yet another committee to evaluate their recommendations and will not take them seriously?

Ms MacTiernan: Particularly when it was a government-chaired committee!

Dr EDWARDS: That is right. Vehicle emission testing is essential if we are to tackle the problem with vehicles. There is no doubt that vehicles are one of the major contributors to both photochemical smog and haze. I have one note of congratulation: At least the Government has picked up recommendation 32, which is that a 10-second smoke rule be written into the vehicle regulations. I assure the Government that when that legislation comes to the Parliament, we will make sure that it gets through quickly. There is no doubt that as the urban population increases, more cars are on the roads and greater vehicle kilometres are travelled. I think we all know that, but if we want proof of that in Perth, we only need to look at the state transport strategy, which points that out and contains nice graphs and bar charts. The difficulty is that these factors can obviate the anti-pollution gains that are obtained from newer and more modern cars, and if there is not appropriate intervention by government, in consultation with the community, the problem will get worse.

I turn now to wood stoves. The committee was extremely concerned about wood-burning practices and wood stoves. An interesting feature that emerged was that although we know that Perth has a problem, the problem in the country is probably even greater. That matter must be examined. As part of its process, the committee wanted to make sure that it consulted with the community, and it put out five discussion papers. One of the papers that received a lot of attention dealt with wood-burning stoves and open burning. As a result of our deliberations, we formulated recommendation 66, which was that at the time of sale of a dwelling in the Perth metropolitan region, wood heaters not manufactured to comply to the Australian Standard should be removed, replaced or rendered inoperable. That is a very reasonable recommendation. In certain areas in Perth, one of which is in the member for Roleystone's electorate, significant local haze problems arise in the middle of winter when people light up their wood stoves.

We thought carefully about that recommendation and decided it was worthwhile. All of the new heaters that are now sold

comply with the Australian standard, so they would not be affected. Wood heaters have a limited life, and a wood heater that is installed today will not work properly for 50 years but will need to be replaced after about 15 years. The recommendation is not unreasonable, because a person who cannot afford, or does not want, to replace a wood can render it inoperable. However, the Government did not support that recommendation. Similarly, the Government did not support recommendation 64, which is that local government be given the authority to levy rates on the installation of wood heaters and fire places if the shire is badly affected by haze. We would have been happy if the Government had been willing to investigate or further evaluate that recommendation.

Similarly, the Government did not support recommendation 67, which is that the State Government should legislate to ban the further installation of wood heaters in designated areas which have a proved and severe problem; where all of the other measures, such as education and voluntary no-light nights, have not worked; and which have access to gas. We took a lot of information from the community on this issue. We discussed it with many people and gave it a great deal of thought, and we were convinced that the health effects in local pockets can be so severe that measures can be justified. We do not suggest no heating - just switching fuels and operating a gas heater. Unfortunately, the Government did not support this recommendation, although it might undertake further evaluation and do more about this recommendation.

I have said a lot about the committee deliberations and its views. I now refer to what others have said about the wood heater issue. The Australian Wood Heating Association responded in the urban air pollution document. I would have quoted its submission to the committee, which was brief, or the hearing transcript which I could not find. The Australian Wood Heating Association recommended uniform legislation, community education, and the restriction on the resale of old model heaters which are not to standard. This is what the committee wanted. The association also supported an industry sponsored buyback program. The peak industry body is pretty sympathetic to the select committee's recommendations.

Mr Bloffwitch: Would it not be impractical to know who was selling such stoves? I can understand the desire, but practically it would be hard to achieve with old model stoves. How would it be policed?

Dr EDWARDS: They are not sold here any more. Stoves sold must be to a standard.

Mr Bloffwitch: The old ones you are worried about. You do not want them sold.

Dr EDWARDS: The problem is that there appears to be no commitment to that intent.

Mr Bloffwitch: I am saying it would be difficult to achieve.

Dr EDWARDS: If the member's next door neighbour's wood heater constantly belched smoke, a complaint could be made. Smoke problems are identifiable in local communities as indicated by complaints members of Parliament receive in winter months. Resolving these matters is difficult.

I now refer to the Department of Environmental Protection's views outlined in its submission to the committee. In response to the legislative changes requiring all new wood heaters to conform to the Australian Standard, the department pointed out that it would have little short or medium-term effect on particulate levels. The DEP recommends that this major initiative will have little effect. Therefore, the experts signal that we need more than just saying that we sell stoves to the Australian Standard. We need to implement all the recommendations of the committee; that is, all the recommendations sent off to another committee. The Department of Environmental Protection also said that it is probable that even with all other strategies to restrict fine particulates, a restriction in the absolute number of wood heaters will be necessary. It is disappointing that the DEP's advice is not taken in the Government's response to the select committee. The Government is sitting on its hands and not showing leadership on this serious problem.

In conclusion, I comment briefly on the Department of Conservation and Land Management's burn-off policy. The committee knows that CALM is not responsible for all the smoke haze over Perth, and the blame for this can be attributable to CALM on only a few days a year. However, as there is no threshold effect from haze on human health, it is a problem on any day that haze exceeds the standard. It was amusing that on the day that the Government's response to the committee's report was released and received media attention, we heard similar stories about CALM's ignoring the Bureau of Meteorology's haze alert. Recommendation No 77 was that the Government should formalise the procedures between CALM and the Bureau of Meteorology. We received the cheeky response about the department not knowing what was meant by "formalised". I could give a list of definitions. I am told that CALM has "operational procedures and that the problem is being worked out". That procedure does not work. CALM has operational procedures - I have read them. Someone rings someone else, and there is a good flow of information! That is it. If this problem is not to persist, we need stronger action and for the Government to show leadership and initiative.

The community regularly rates urban air quality as its first environmental concern. Surveys on quality of life and Australian Bureau of Statistics surveys indicate that view. When we look at what people want for the future, although unemployment is the big issue at present, the condition of the environment is the big issue for the future. In its response to the Select Committee on Perth's Air Quality, the Government did not listen to the committee. That is extremely disappointing. Even more seriously, the Government has not listened to the community view. I condemn the response and urge all members to support the motion.

MS MacTIERNAN (Armadale) [5.56 pm]: I support the motion moved by my colleague the member for Maylands. I particularly endorse her concerns about government attitudes to select committees and the important work they do. Select committees are an important part of Parliament as they provide an opportunity for the Government to obtain bipartisan support for some difficult and controversial issues. The group of people on this committee showed a great deal of dedication to come to grips with the topic. A unanimous report was produced.

It is true that some recommendations may have created some political controversy in the short term. Nevertheless, it was an ideal opportunity for the Government to grasp the nettle. It had the backing and support of a bipartisan committee in any decision it made. This would have ensured opposition support in some of the difficult decisions required to implement some of the recommendations in the report. If the Government lacks the capacity or courage to address serious problems in this most fortunate of environments, it will certainly not have the courage in other circumstances to make changes to ensure improved air quality in Perth over the next millennium. The Government's reaction was pretty gutless; also, it was pretty stupid as it passed up the opportunity for bipartisan support to put in place some tricky changes for the long-term good.

Also, although the Government in many respects has wimped out in implementing those recommendations, I compliment the committee. Its work has great value, and its report is an important resource for the entire community. I am sure a great deal of reference will be made to it over the next couple of years.

The committee's chairman, the member for Roleystone, likewise chaired a 1995 committee reporting on heavy haulage transport. Many of the recommendations in that report were not acted upon by the Government. Nevertheless, I have found it to be a useful resource in a readily accessible form. It is well-argued and well-resourced information which is useful for taking the debate into the community in developing transport policy.

Sitting suspended from 5.59 to 7.30 pm

Ms MacTIERNAN: Before the suspension I was making some general comments in support of the motion moved by my colleague the member for Maylands, commenting on the role of select committees, and, of course, reflecting on our disappointment with the Government's inadequate response to the important Select Committee on Perth's Air Quality. I will address only one small matter about which I have been concerned for some time, and that is the preponderance of diesel within the Western Australian fleet, in particular the Western Australian bus fleet.

The committee went to considerable lengths in the report to analyse diesel vehicles and their impact on health. It made some interesting observations. It has long been understood - I think the Perth haze study made it clear - that one of the big problems with diesel is the range of respiratory tract infections that it can cause. One alarming point that came out of the report is the impact that diesel can have in another way, and that is through its carcinogenic nature. The report states that the amount and composition of particles emitted from diesel engines varies greatly depending on factors such as load, design, and so on. According to the report, light-duty diesel emits 50 to 80 times more particles than typically catalytically equipped petrol engines, with heavy-duty diesel engines emitting 100 to 200 more than their petrol equivalents. We know that most of our heavy haulage vehicles and most of our buses have heavy-duty diesel engines. As I have said, the alarming point is that they emit between 100 and 200 times more than their petrol equivalents. The report states that diesel exhaust is a complex mixture of gases, vapours and fine particles, that some of the exhaust components such as arsenic, benzene and nickel are known carcinogens, and that at least 40 other components of exhaust, including suspected carcinogens - there is a list of them - have been listed as hazardous air pollutants by the United States Environmental Protection Agency. It goes on to state -

Diesel exhaust particles carry many more harmful organic metals present in the exhaust.

It is not just the simple fact of their particulates causing respiratory irritation leading to asthma attacks; the problem with diesel is far more profound than that, and indeed seemingly is implicated heavily in certain types of cancer. Of course, we have not been able to quantify out of the pollutants that might lead to lung cancers and other sorts of cancers just exactly what role diesel emissions play in that, but there is clear cause for alarm.

The committee, having duly considered that matter and having looked around the world, made various observations about the need to deal with the problem and recommended that the State Government give priority to the introduction of cleaner emission vehicles and cleaner fuels as part of the bus replacement program. I want to dwell on that recommendation tonight, because the Government's response has been the same old tirade of half truths and mistruths which has been a feature of the Government's dealing with the replacement of the bus fleet and its choice of diesel as the preferred fuel for at least 128 of the 133 vehicles that we are supposed to receive in the first instance. I will read the Government's response so that it is clearly on the record. It stated -

The Government supports the intent of the recommendation.

That recommendation is that we should aim towards moving away from diesel to cleaner fuel alternatives. The Government said -

We support the intent of the recommendation subject to demonstration of a positive overall benefit. The funding necessary for the acquisition of 848 buses over the coming 12 years has been underwritten by the State Government.

I imagine that that is supposed to indicate that the Government is doing something about the age of the fleet. The reality is that, other than the now off-the-road CAT buses which were funded by the Federal Government, in the nearly six years in which the Government has been in office, it has not bought a single new bus. The average age of the fleet has gone from 13 to 18 years. We keep hearing about the 848 new buses and we would certainly be keen to hear the minister enlighten us as to just where we are with those 848 new buses that have been talked about ad nauseam for five years. The Government stated that the tender specified an ability to provide both gas and diesel fuelled buses - I will demonstrate that that was a sham - and that diesel emissions must meet Euro II levels. I will demonstrate how that was a completely unacceptable standard to set; it is outdated. The Government went on to state that in the first year, 133 buses will be delivered and that a minimum of five will be compressed natural gas fuelled buses. I am interested to know that the minister said "a minimum of five". I hope that she will tell us whether the figure of 128 to 133 diesel to gas has changed, because we have now seen slipped in the new words "a minimum of five". We would certainly appreciate it if the minister would tell us whether she has managed to get out of that 133 buses any greater commitment than five. The Government went on to state -

the Minister for Transport has established an expert group to assess engine and fuel technologies and to provide advice on acquisition of buses beyond the first year of the Government bus replacement program.

Of course, that is another absolute sham, given that the committee was set up only after enormous public criticism about the fact that it was going down the path of diesel. That committee was not set up before the Government actually decided to buy its buses.

For the benefit of members and the minister, I will go through some of the facts surrounding the circumstances that led the Government to purchase diesel rather than gas buses. It made that decision notwithstanding the very strong recommendations contained in this report, much of the substance of which was known to the Minister for Transport before he made his decision to go down the diesel path.

One of the Government's excuses in defending the indefensible has been that it had a conference called "Fuelling the Future". It stated that that conference, which was pivotal to departmental thinking in framing the scope of the tender, was attended by world experts who came out firmly in favour of diesel. In his first media statement in 1998, the minister said that an international conference called "Fuelling the Future", which was held in Perth in February 1997, had extensively discussed the diesel-gas issue. The conference found that Euro diesel engines, which had been purchased for Transperth as part of the first order of new Mercedes buses, were the best available at that time. He further stated that the conference found that diesel was the appropriate fuel and had become the benchmark against which all other fuels were assessed. He pointed out that the transition to alternative fuels needed to be very carefully planned and based on research.

Members of the Opposition decided not to take those statements about fuelling the future at face value; we undertook some inquiries. We found that those views, which apparently were so pivotal to government thinking, were not resolutions of the conference but, rather, a set of conclusions drawn from the conference papers by Mr Jim Fitzgerald from the Department of Transport. The Opposition decided to get a copy of his paper.

Members should bear in mind that we are talking about a contract of between \$300m and \$400m. The Government used this paper as the basis of its thinking when deciding which technology it would purchase. Mr Fitzgerald's paper is less than two pages long and could hardly be characterised as intellectually rigorous or scientifically based. I will refer to three paragraphs in the paper, which was seminal to the Government's committing itself to the purchase of 128 diesel buses. When describing the conference, Mr Fitzgerald said that there was a "feeling" from at least two operators that the total cost of operating a gas fleet was difficult to determine and that there was a tendency to discount the true cost by applying marginal costing techniques to overhead and regulatory costs. He pointed out that when all costs were considered, natural gas was deemed to be more expensive than diesel. Two other operators claimed natural gas provided significant savings.

Even in one of his crucial paragraphs he stated that some operators said that diesel was the best fuel and others said that gas was the best. Mr Fitzgerald went on to state that a "thought" was also expressed that the use of natural gas in an urban transport fleet would produce only a very slight reduction in pollutants in the atmosphere. The estimate based on the number of kilometres travelled by the government operator would result in a reduction of 0.5 per cent of harmful emissions, which contribute to the photochemical smog in Perth, and because there would be no marked improvement, why bother? Again, that conclusion was not based on rigorous data but a thought.

Mr Fitzgerald also observed that Mr Grenda, of Path Transit Pty Ltd - hardly a neutral observer - "likened" the diesel debate to the transition from petrol in the postwar years and said that transition was completed in a planned and steady program. He pointed out that the change from one fuel to another was evolutionary rather than revolutionary and in that way the infrastructure and training of personnel was in place when operators decided to take up the alternative fuel - he was sitting very firmly on the fence.

These three crucial observations were used to support this pivotal decision by the Department of Transport to go with diesel. It is hardly solid, analytical data. We have a "feeling", a "thought" and a "likening".

The Opposition went further. Having seen that assessment, members on this side obtained the conference papers. I will not read the entire analysis, but the first paper came out in favour of gas, as did the second; the third and fourth were on the fence; the fifth strongly favoured gas over diesel; the sixth saw a need for government to get involved in the provision of alternative fuels; the seventh sat on the fence; and the eighth gave a glowing account of gas. In summary, of the eight papers, three presenters could be said to be promoting diesel: MetroBus; Ken Grenda of Path Transit, and a friend of the Minister for Transport; and Scania, the developer of the CAT buses. On the other hand, three strongly promoted gas: The New South Wales State Transit Authority; Cummins USA, an American bus manufacturer; and MAN, a German bus manufacturer. The remaining two - TransAdelaide and Renault - argued for gas and government involvement in a gas project.

Any reasonable assessment of this conference, which was supposed to have formed the basis for government thinking, would determine that five out of the three papers were in favour of gas as opposed to diesel. Yet, Mr Fitzgerald from the Department of Transport somehow or other produced a flimsy, two-page report that gave a totally wrong impression and orientation of the results. That illustrates the flimsy ground on which this decision was made.

My second point was specifically referred to by the minister in her response to the select committee report; that is, the Euro II gas standards. The minister claimed that the Government's decision to include Euro II standards in the tender documents was a cause for celebration and something of which we should be proud. At most, we could agree that setting a Euro II emission standard was an improvement on the standard for our old buses, many of which are between 13 and 18 years old, so that is hardly surprising. Either the minister does not understand or she has conveniently forgotten to mention that the Euro II standard was introduced as a minimum in Europe in 1997; it will be replaced by the Euro III standard in 2000. Many other countries in the world have already exceeded the Euro II standard. The 1998 ISA EPA standard goes well beyond Euro II levels and is stricter than Euro III. The buses delivering Euro III and 1998 ISA EPA data have been proven technologically. We are not talking about standards that cannot be met by prevailing technology - they can.

This Government has picked up an outdated Euro II standard, which is a minimum and which will be out of date in two years, and has committed this State to that standard. It used that as the standard for tenders to commit this State to the purchase of buses for the next 12 years. It has the cheek to refer in this document to the Euro II standard, as if it has done something positive for the environment.

The diesel buses that we are committing to purchase will not satisfy the Euro III standard, nor will they satisfy the 1998 US standard. Not only are we setting ourselves up with this outdated standard, but also we are being used as a dumping ground for old technology. These European manufacturers know they will not be able to sell these buses in North America, Europe, or even Jakarta. Where will they be able to sell them? They will be able to use that old technology for the next 12 years in Western Australia! Yet this minister crows about this and puts this down as some sort of an achievement in this report that she has presented to Parliament.

A further concern is that on 30 April the Minister for Transport said that the emission figures that were being quoted were using European light or city diesel, with a sulphur content of 500 parts per million. However, when we questioned the Department of Transport, it repeatedly stated that it would be using underground diesel with a sulphur content of 2 000 parts per million. I suggest that, with the use of underground diesel rather than city or light diesel, we will not be able to comply even with the Euro II standards, outdated as they are. It is another sign of how fundamentally dishonest both the Government and its various agencies have been in dealing with this issue. They hold a conference and misrepresent the findings of that conference. They cannot even be straight about which fuel they are proposing to use in these diesel buses.

I find the response of the minister extraordinary, given that she is supposed to be an advocate of the environment. Instead of justifying a flawed decision, I would have thought, particularly with the departure of the previous Minister for Transport, that now was the time to do something to get this right. The Minister for Transport has established an expert group to assess engine and fuel technologies and provide advice on the acquisition of buses beyond the first year. As I said at the outset, the real tragedy of this is that the Government was forced into doing that after its clear failure in relation to the diesel bus debacle had been demonstrated.

I want to make a few things absolutely clear because I understand that a couple of members on the other side do care about the quality of decisions made by the Government in this area. There was absolutely no input from the Department of Environmental Protection, the Environmental Protection Authority or any other environmental advocate in drawing up the specifications for and the evaluation of the tender. We already had the Perth haze study; we had already established the select committee; the select committee had already published some interim papers about these problems, and the problems of diesel; yet what do we see happening in the Department of Transport? The Department of Transport is setting up what will be one of the biggest purchasing contracts in this State for many years and a purchasing decision which will have a significant effect on the environment, yet what do we see? We see no input, not even a little bit of input, from the Department of Environmental Protection, nor from the EPA or any of the environmental advocacy groups.

The committee comprised the following people to draw up the specifications and to assess the proposals: The Director of Transperth, Mr Inchley; the author of that unfortunate paper, Mr Jim Fitzgerald from Transperth; the Assistant Under Treasurer, because it was important to look after the money; the Deputy Crown Solicitor (Commercial) because it was important to look after the law; the Manager of the Department of Contract and Management Services, because it was important to look after the contract; a partner from Skea Nelson and Hager who I think are accountants; the probity auditor from Price Waterhouse; and not one single environmental advocate. We asked whether other people were on the panel who had an input? The answer we received was, "Yes, there is another whole list of people who had input."

Mr Prince: Skea Nelson and Hager are lawyers.

Ms MacTIERNAN: They are certainly not environmental advocates.

The other people who were not on the committee but had input were the General Manager of the Western Australian Turf Club; the senior Treasury analyst; public transport industry research expert, Booz Allen and Hamilton; a financial expert from Bankers Trust Australia; actuarial services from Williamson Nance; actuarial services from William M. Mercer; expert taxation advice from Arthur Andersen; Southern Coast Transit; a Transperth bus service operator; Path Transit; Swan Transit; and MetroBus - again, not one single input from the Department of Environmental Protection or the EPA.

That in my view is a clear demonstration of two things: This Government is not taking environmental matters seriously, and, unfortunately the Minister for the Environment has not been successful in imposing an environmental advocacy upon the Cabinet. It is ludicrous that the Government could have contemplated going down this path without even the slightest reference to environmental factors.

The story gets worse: At the end of the day we called in the people from the Department of Transport and put them under the grill. We said, "Okay, you had no environmental people to assist in drawing up the specifications or in evaluating the proposals, but you have made all these conclusions about various emission standards and the effects. Where did you get them from?" The conclusions came partly, of course, from Mr Fitzgerald's paper, and we have seen how mickey mouse that is. The real coup de grâce was when they produced this little document which shows the relative emissions of CNG and diesel gas engines. Guess who provided it? It was supplied to the Department of Transport by Mercedes Benz Australia Pty Ltd, the company that was pushing its outdated diesel gas technology upon this State, yet the minister comes in here and claims credibility in relation to recommendation 44 of the committee. I do not think so!

MR TUBBY (Roleystone - Parliamentary Secretary) [7.57 pm]: I will make a few comments on the response of the Government to the report of the Select Committee on Perth's Air Quality. I had a great deal of sympathy for some of the comments of the members for Maylands and Armadale. I had a mixed reaction when I first saw the Government's response. First, I was pleased that the Government had decided to go ahead with the air quality management plan for the city of Perth and also to accept our recommendation to set up a committee to oversee this project.

The SPEAKER: Is the member for Roleystone the lead speaker?

Mr TUBBY: No, Mr Speaker.

They are the two key recommendations from the committee's report: Development of an air quality management plan for the Perth metropolitan area and the establishment of a coordinating committee which will oversee the introduction of that plan and the implementation of the recommendations in our report.

My disappointment, which I think was shared by the other members who have spoken, is that the Government did not pick up any of the specific recommendations that we spent a great deal of time researching and included in our report. They were referred to the committee for further evaluation. In many cases we evaluated those recommendations at some length, and we spent quite a bit of the taxpayers' money in the process. In the main we received a bureaucratic response from the various government departments.

Exactly the same information came to our committee as was sent back to the Minister for the Environment as part of the Government's response. As the member for Maylands knows, the committee evaluated what the various experts were saying to it and compared that with what other people had to say. The committee listened to interest groups within the community and the general public. It travelled overseas to see what other jurisdictions were doing and how they were responding to similar problems. The committee analysed all of that information - all of the research, all of the submissions and all of the evidence that was taken - and came down with some fairly strong recommendations in a number of key areas. The Government preferred to refer those to the air management committee for further evaluation. That is fine. At the end of the day, the Government will be judged on whether it accepts those recommendations as a part of the air quality management plan. If it needs further evaluation, then I am content to allow the Government the chance to conduct that but this report will stand at the end of day because it is a bipartisan report, a great deal of research has gone into it and it has produced some good recommendations that the air quality management committee would be quite foolish not to accept.

One cannot make an omelette without cracking a few eggs and some of the recommendations made in the report will not be

widely accepted; for instance, those which relate to wood heating and their acceptance by the Wood Heating Association of Australia. The committee knows that; it received evidence from the Wood Heating Association of Australia and the Western Australian branch. The association spoke to the select committee and castigated it for a discussion paper it had released. The Parliament and the Government must be above that; it must look at what is in the best interests of the community at large and not just one small section of the community, such as those who manufacture and sell wood heaters.

We need to look at the big picture. That may mean we restrict the sale or installation of wood heaters in some areas because they are causing significant problems. Even though each heater in its own right may be producing emissions below the Australian standards, the topography and climatic conditions of an area like Duncraig cause an accumulation of emissions which the community should not be forced to tolerate. It affects the health of people who have respiratory problems, the aged, young children and babies. It has a health effect. Through research undertaken overseas we found that there is no safe level for breathing in particulates from wood heaters. Whatever the level, it is a danger to health. The Government and the committee must accept that and they must take that issue very seriously.

The select committee spent a great deal of time on the health aspects of this report and it has come down with some good recommendations. I agree with the member for Maylands; the health fraternity of Western Australia was not up to speed on air pollution and its effect. When the select committee travelled overseas it found out how seriously lacking that knowledge was, so it recommended that research be undertaken here and research conducted overseas be evaluated. The committee asked the experts if information from research conducted elsewhere was transferable to a place like Perth. The answer was that, in the main, it was. We have industries, wood heaters, wood burning outdoors and motor vehicles, therefore, the problems are similar regardless of location. Climatic and topographical factors have an effect but, in the main, the effects on health will be similar to those elsewhere and the research results can be transferred.

The select committee suggested that we undertake research. The Health Department's response was that it was the expert and it would advise the committee. As the member for Maylands said, we may need to undertake a little more research. I hope the air quality management committee will pick up those recommendations and act on them. The member for Maylands also said that the research may cost only \$25 000. It could cost \$50 000 to get a PhD student or somebody similar to collate all the existing data, but that would be money well spent.

The Government has not ruled out those options. It has referred them to the management committee. I hope that committee will take this matter seriously. If we can establish an understanding in the wider community of the health effects of air pollution on vulnerable sections of our society, then we can sell the message that we must do something about our wood heaters, about our love affair with the motor vehicle and about putting more money into public transport.

Ms MacTiernan: What do you think of the Northbridge tunnel?

Mr TUBBY: I do not deny that we need to spend money on establishing tunnels, building bridges and improving the roads. I am pleased that the Government will spend a large amount of money building bypass roads, completing the Tonkin and Roe Highways, and upgrading Jarrahdale Road and a range of other roads in my electorate which have been sadly neglected for far too long. Approximately \$300m will be spent in and around my electorate where there has been a backlog for many years. The member for Armadale knows that the community has demanded that the Government do something and I am pleased that it is.

Another key recommendation of the select committee was that we should economically evaluate money allocated to transport; that is, money for public transport and roads. It was suggested we should make an economic analysis of this funding and work out exactly how much money is going into propping up the motor vehicle. I have listed some of the costs that we do not often take into account. These include the land acquisition costs for our road networks which are quite substantial as are the costs of road construction and maintenance; the cost of the land that we use for car parking in and around shopping centres and buildings in the Perth metropolitan area; the costs involved in the development of shopping centres because of the insistence on a certain number of car parks for the size of the development; the cost of the signal network, its establishment and maintenance every time somebody runs into it; the cost of installing and maintaining street lighting throughout the metropolitan area; the electricity charges incurred operating the signal and street light systems; the cost of policing the traffic; the cost to the health budget of traffic accidents; the cost to the economy of people who are injured in traffic accidents and can no longer contribute to the economy but may become a burden on the health budget because they are paralysed or incapacitated; and the health costs of breathing air polluted by traffic. These are all hidden costs that the committee did not think the Government took into consideration when it considered spending money on the motor vehicle.

There is no question that the motor vehicle is the most convenient form of transport, but it is also the most expensive. The response from the Department of Transport overlooked that aspect. The committee may not have made it clear in its report that it consider all the costs involved in propping up motor vehicles in an urban environment. If the Government intends to spend \$2b over the next 10 years establishing and maintaining the road network and building tunnels and bridges, the committee asked how much money was to be spent developing and extending the public transport network.

Ms MacTiernan: Heaps! What you do not understand is that the Minister for Transport says every time the Government builds a road, if a bus goes over that road it is a public transport initiative.

Mr TUBBY: However, the buses must be purchased. We need to look at other means of public transport such as the heavy and light rail networks. Other matters must be looked at. If members take into account all the costs we as a community contribute to supporting the car as a means of transport in the metropolitan area, they will be astounded at the total figure. We should then look at how much money we spend on the provision of public transport. Members will be surprised to find that it is insignificant by comparison.

We say in the report that we should look at that matter, set up an independent committee to analyse it and then give advice to Government. If members want to spend \$2b on propping up transport by car over the next 10 years, maybe we should also look at spending an equivalent amount to prop up public transport. At the end of the day far more people will travel by public transport and they will do so far more cost effectively. I do not think that message got through to Transport. As I said, the response in the main was a bureaucratic one: "Yes, we like your suggestions, but will refer them to a committee which will be made up of bureaucrats, and we will analyse it in depth and make sure it fits in with our preconceived thoughts." I hope I am being a little cynical and that will not happen. If it does, not only opposition members, but also a few government members will look very closely at the committee to make sure it does something positive.

This report is significant. We are very pleased with the response from the Minister for the Environment who will manage all the various players in the field - the Ministry for Planning, the Department of Transport, the Department of Environmental Protection, and everyone else connected with transport and related issues in the wider community. I am very pleased with the Minister's response to the report so far. I include here the amount of money allocated to it; the establishment of the committee; and the development of the air quality plan. However, we must watch very closely to ensure the Government tackles some of the hard issues and does not duck and dive and take the soft options.

Education sounds good and we have put a lot of money into it. Maybe we can change the patterns of behaviour of a few people, but without the infrastructure we cannot convince people to change to using public transport. Some people will continue to use wood heaters, no matter what and maybe we will have to get tough with them. Some will continue to drive around in vehicles that produce lots of smoke. Unless we get tough with them, there will be no incentive or reason for them to change their behaviour.

The report contains some very good recommendations and I hope the committee will pick them up. I congratulate the Minister for her response to the report to date and put her on notice that everyone will be watching to see what happens over the next few years.

MRS EDWARDES (Kingsley - Minister for the Environment) [8.12 pm]: I will respond to some matters that have been raised. Firstly, I reassure members of the select committee that this report will not just be left to sit on a shelf. The committee members want to see action, and that is what they will get. It is not easy to respond to the report of a select committee within three months, when it covers a wide number of departments and agencies.

Mr Barnett: It is unprecedented.

Mrs EDWARDES: That is right. I sat on a number of committees when I was in opposition, and I did not see such a quick response to a committee report in those days. The Government has provided a response to the recommendations covering a large number of departments and agencies. Of the 96 recommendations, 93 are supported in the main. That is pretty impressive.

Ms MacTiernan: Do you count recommendation 44 as something you are supporting? Is that an example of one you are supporting?

Mrs EDWARDES: I will go through the recommendations. I have some empathy with the sentiments expressed as to the direction in which members would like to see the recommendations go. We support the approaches that have been recommended and I will explain how we will go about implementing them. We have responded that we can support 17 recommendations in full and have said how we will go about that. In some cases we have even started to do this and in others we will further enhance the situation in accordance with the recommendations. The balance of the recommendations, bar three, we either support in the main or support the outcome the committee wishes to achieve, but not necessarily the manner or the mechanism which has been provided. We identified three as not being supported, and I will explain that.

Two critical points arise as to the outcome of the implementation of the recommendations in that, most importantly, the Government wants to deal with the whole issue of air quality. In addition to the issues which the select committee recommended in the first instance to deal with air quality in Perth and other regional areas, many other issues arose. The first is the establishment of the air quality coordinating committee. The member for Maylands said that all we achieved from the Government's response was the establishment of two committees, but I think the committee got more than that. The Government supported recommendation No 6 to establish the air quality coordinating committee, and it is underway. The first meeting is on 13 October.

Dr Edwards: I find it hard to get excited about that when we had that in our policy before the last election. We would have done it much quicker.

Mrs EDWARDES: It is easy to speak from the opposition benches. We provided money to support that committee in the budget prior to the recommendations of the select committee; however, we are proceeding with recommendation No 6 which relates to the establishment of the committee.

Another issue which the committee was most concerned about, and we are too, is the health consequences of air pollution. Members made a number of comments about the lack of skills and expertise within the Health Department and recommended further research be undertaken, and identified the epidemiologist who provided advice and expert opinion to the committee. The health research committee will be established and will meet two weeks after 13 October, with the specific terms of reference to work out exactly what research will be required and how it will be undertaken, and funds will be provided for that. That is another positive initiative we have taken to pick up the issues the select committee was very concerned about and recommended strongly on. It is not just a matter of the Government setting up two committees in response to the recommendations. These are positive actions which are taking place soon after the Government's response which was provided not long after the select committee's recommendations came down.

Many of the committee's recommendations require funding through the budgetary process. We are already into the 1998-99 budgetary process. Here we are talking about new initiatives that have not already been provided for being included in the bilateral discussions that occur between the ministers and the officers of Treasury, and the respective departments and agencies for 1999-2000 and beyond. They are very clear objectives and we want to achieve them. From the point of view of the Department of Environmental Protection funding is the top priority for the implementation of any new projects.

We have taken very seriously the recommendations of the select committee. I want to reassure members of that because it is not the case that we have dismissed the report and that it will sit on the shelf. We will take a number of actions which will be able to be seen. As to the member for Roleystone's commitment to the committee and how it will oversee the recommendations and their implementation and his saying that he has very little faith in the public servants on that committee, it would be a damned good idea if I nominated the member for Roleystone to be a member of that committee. As chairman of the select committee, he would be in a very good position to make sure that not only will the recommendations from the select committee be properly seen to but also that they will be implemented, and implemented in accordance with the select committee's intentions. The chairman of the select committee becoming a member of the air quality coordinating committee will give confidence to the House. The first meeting is on 13 October. The member for Roleystone should mark his diary.

I will turn to a number of issues which will be dealt with by the AQCC. One of the tasks with which it will be faced is how to identify perhaps more realistically the funding requirements for implementing future strategies. It was not possible to assess those funding requirements in the three months that it took for the Government to respond. There are some limitations in the Government responding to the expectations of the members of the select committee within the available time and identifying realistically the funding requirements for implementing some of the future strategies. It will take a little more time to identify the funding commitments that will need to be made.

I will go through the recommendations and the actions that the Government is implementing. As I have said, the Government fully supported 17 recommendations. A further 76 recommendations received either qualified support or support for the intent but perhaps not necessarily the specifics because of our identifying a different mechanism or approach to achieve the same level of outcome. The Government did not support three recommendations. In a number of cases the select committee's recommended actions were already being undertaken or planned to be implemented in the near future through the respective programs of the relevant agency. Some of the 17 fully supported recommendations can be linked to clear programs. Recommendation 4 was a very key recommendation on general air quality management and monitoring. It was for the development of the air quality management plan, which is under way. The target completion date is the third quarter of 1999. The AQCC will clearly have a very strong role in respect of that recommendation.

Recommendation 8 deals with local government. Quite clearly, local government needs to be represented on the AQCC because it has an enormous role in local environment management. Local government has a very key role to play, particularly in the recommendations applicable to nuisance smoke. We all know and understand the complaints that arise from nuisance smoke. I live in Woodvale. As one comes down the freeway one knows when one is approaching Woodvale because one can see the smoke long before one sees the signs to turn off to Woodvale. As a person who is quite sensitive to smoke, I understand the concerns that have been raised by many members of the community about health issues and smoke. I am also very conscious of the concerns raised by many members in the community who regard themselves or others as having the right to own a potbelly stove or wood-fired heater. The question is how to get those wood-fired heaters to comply with the Australian standards. The committee expressed a positive sentiment in its recommendations but we must get the community moving. At the moment the community is divided. The level of division between those who support and those who do not is too large. One of the values of having an all party select committee coming out with that recommendation is that it is a first step towards ensuring that we get people to change their habits. How the Government

does that in its response is a matter for reference to the AQCC. It may well come back with a plan on how it can be achieved over a period and the kinds of incentives that might be developed to encourage people who already have an old wood fired heater to change over to one complying with the new Australian standard.

As to banning wood fired heaters in the suburbs in particular, I am still to be convinced that the new Australian standard heater does not meet the necessary requirements. Although the member for Maylands said that the Department of Environmental Protection said that in the short term there would be only a very small effect as a result of the new Australian standard, it will not be until people start to move over to the new Australian standard that there will be an effect. Our education program has not been going very long. It has been in existence for two winters. We have had regulations and additional regulations are being drafted and finalised to ensure that the Australian standard applies to the wood fires that are being sold and to the level of moisture in the wood that is being sold. After two winters there is already some reaction; however, it is not large and cannot be quantified. People are now talking about their stove or wood fire according to the Australian standard. We are therefore starting to get the message through. People are already saying that the smoke from their neighbour's chimney obviously does not conform to the Australian standard, according to the chimney brochure we sent out. It will take longer than two winters to change people's pattern of behaviour, but we have made a start. Further funds have already been identified in the budget process. We need to change people's pattern of behaviour in order to ensure that when any tougher requirements or restrictions come from government there will already be a greater level of acceptance in the community of how results will be achieved.

The committee identified health issues and research aspects. I will report back to the Parliament the decision made by the health research committee on the proposed research and how it will be undertaken. We fully support community transport and planning, which is referred to in recommendations 21, 22, 28 and 11. We are already making improvements to public transport in the Perth area. For example, the circle route is operational and popular. Light rail options are being considered for transport in the Perth area. For example, the planning scheme for the Peel region includes a reserve to extend the metropolitan rail system to Mandurah and the Kwinana Freeway transit extension will include options for light rail.

Private funding and development of rail in recommendation 28 is also supported. Transport WA is seeking to maximise the involvement of the private sector in the funding and implementation of the south-west metropolitan railway.

The other program of recommendations is industry emission management and planning. Recommendation 48 dealt with a best practice emission control approach. That is in place under the Environmental Protection Act and is being implemented by the EPA as well as the Department of Environmental Protection. As for cleaner fuels, I am pleased to be able to report to the Parliament that the Minister for Energy and I are having discussions with the BP Refinery (Kwinana) Pty Ltd which will continue. They have been very positive to date. The latest discussions took place only two weeks ago.

Ms MacTiernan: What are they about?

Mrs EDWARDES: They are about cleaner fuels. It is important for me to comment on the controlled burning process. I do not think anyone was more disappointed than I about the lack of communication that occurred a couple of weeks ago over a controlled burn. When we think we have the protocols in place and every single aspect is covered, along comes a mishap, misunderstanding or lack of communication and we end up with the problems that occurred only two weeks ago. The member was right: Ironically, I provided the Government's response on air quality while the consequences of a Department of Conservation and Land Management burn were hanging over the city. I indicated that, as is supposed to be the case under the current protocols, if a haze alert is issued, no prescribed burn will take place. That is very clear.

Mr Barnett interjected.

Mrs EDWARDES: The Minister for Energy is correct - these things happen, particularly when a minister is making a speech in the Parliament. I have asked that the circumstances be reviewed and I want policy put in writing. It is an operational matter in which I do not involve myself. However, I have made it clear that it is not acceptable to have the lack of communication that occurred on that occasion. I will not apportion blame; where the breakdown occurred is irrelevant. I do not want it to happen again. I want to ensure the procedures provided to the respective bureaus and departments that provide advice on meteorological conditions prior to a prescribed burn are implemented and everybody is given the same message. I will not say it will not happen again because weather patterns change. They are not always able to be forecast to the nth degree. Notwithstanding that uncertainty, it is not acceptable and we will work extremely hard to ensure the risks are minimised as much as possible.

The committee will be established and it will meet shortly. We are taking the health issues very seriously. Funds have been earmarked in the DEP budget for health research, which has been found from various places in order to support the recommendation of the select committee. We are very serious about that and will pick up on the epidemiological research so that we can address the health aspects of air quality.

Ms MacTiernan: Will you address recommendation 44 in your comments?

Mrs EDWARDES: I am getting there. I refer to investigation of air quality in rural areas. Some people in the community

believe that haze is a problem only in the metropolitan area. That is not the case. The DEP is already undertaking air monitoring in the south-west region having installed equipment there. Additional monitors are to be installed in Mandurah and Busselton. A mobile monitoring station will be installed in Geraldton. It is important, even in the metropolitan area, to better forecast where we are having the most problems in the metropolitan area.

At present we are completing five pilot air toxic monitoring programs throughout Perth. Main Roads is also conducting roadside air toxic monitoring. That will give the Air Quality Co-ordinating Committee a far better idea of where the major problems have been identified and what we can do to address some of them.

Regarding vehicle emission management - I have missed a couple of recommendations because this issue was raised by members opposite - recommendations 34, 35, 37 and 45 referred to further evaluations of the economic and technical effectiveness of vehicle emission screening tests. They will be undertaken in development of the Perth air quality management plan.

Reference was also made to the Vancouver model. Although the advice we have is about whether the Vancouver model for testing is appropriate, the Government has said that it will assess the Vancouver model for testing in the light of the differences in the character of Perth and Vancouver air sheds and the smog formation. The committee visited the place, but I did not. I have read the report and the information that was provided and I have spoken with the member for Roleystone on this recommendation.

I have also spoken to the DEP's experts on this issue. They have identified some significant differences in the characters of Perth and Vancouver. We must identify the differences and talk about the appropriateness of the Vancouver model and whether we can pick up on the model and use it here. We are not saying we will not use it; we will assess it, but some of the recommendations require extra work so that we can be certain of what we can do.

The cost effectiveness of vehicle disposal incentive schemes will be assessed as part of the development of the AQMP. We are not saying that we will not do it. It will be assessed in the light of the development of the air quality management plan on which the AQCC will have a clear role to report.

One of the other issues the member for Maylands identified as a positive measure, is the ten-second smoke rule. Once the regulations are amended to include the capacity to act on smoky vehicles, if black smoke pours out of a vehicle or truck for 10 seconds as it leaves traffic lights, we will be able to take appropriate action. Also, DEP's smoky vehicle program will be reviewed. It is very positive with the number of responses that we get and I am encouraged. I wish that I had the number handy sometimes as I am travelling around the metropolitan area, as I am sure many members here and other members of the community would. It would be nice to have something while you are driving in your motor vehicle that is readily available to be able to immediately make the telephone call or record the registration numbers of smoking vehicles that we see regularly on the roads.

The member for Armadale is obviously very keen to hear a response to recommendation 44. The evaluation committee, which has been established to look at the 128 buses, includes the Department of Environmental Protection.

Ms MacTiernan: Yes, but this is the evaluation committee you have now, minister. You have already made a decision to get 128 diesel buses.

Mrs EDWARDES: The member for Armadale said that the decision had been made to purchase diesel buses for the next 12 years. She knows that is not correct. The first purchase of buses totalled 128 with a minimum of five gas buses and the balance to be diesel. The Department of Environmental Protection is part of the evaluation committee, the expert reference advisory group, which will evaluate all the information. I have no doubt that all the information the member for Armadale has provided to this House will be picked up by the expert reference advisory group. I am a mere lay person; I am not an expert in this field. The expert reference advisory group, which includes the DEP, will be able to assess the expert advice to which the member for Armadale referred, including the research and experiences that have taken place around the world in the light of the requirements in the Perth metropolitan area.

Ms MacTiernan: Can you explain something to me, because you are not going to be able to re-issue tenders. The tenders have already been sent out. Have the contracts been sent?

Mrs EDWARDES: I do not know. I can ask the Minister for Transport to advise on that. I cannot respond on information that I do not have.

Ms MacTiernan: Because that is obviously an important part of your response here - the fact that you do not abide by these views.

Mrs EDWARDES: I do not have specific information on whether the contracts have presently been signed. However, the tender allowed for both diesel and compressed natural gas buses. The information that has come back to me is that we are now talking about a minimum of five buses. Again, I do not know the outcome of that process.

Ms MacTiernan: Given the information that I set out, as the Minister for the Environment are you happy with the Department of Transport, without any advice from any environmental agency, setting the standard as EURO II.

Mrs EDWARDES: It is important that the Department of Environmental Protection is part of the evaluation committee because if there is to be any confidence by the Government or the community in the purchase of those 128 diesel buses, we must have environmental input in respect of that.

Ms MacTiernan: But your evaluation committee is not looking at that 128, is it?

Mrs EDWARDES: No, that is exactly what it will be looking at. It will look at the long-term future.

Ms MacTiernan: Not the 128?

Mrs EDWARDES: That is very much part of the evaluation for the long-term future. Part of its terms of reference will be to evaluate the impact of those diesel buses.

Ms MacTiernan: But it cannot reverse the decision. You have not been able to get the Government to look at its decision given that there was no environmental input into the initial issuing of the tender and the setting of standards.

Mrs EDWARDES: I do not know where the contracts are situated currently. However, when the evaluation of those first purchases occurs, the Department of Environmental Protection will be able to be very much a part of that.

I return to industry emission management and planning because the issue in that area is equally important. The management of the emissions from the Kwinana power station will be reviewed in the development of the Perth air quality management plan. In addition, future power generation will be subject to the Environmental Protection Act. BP Kwinana has given a commitment to implementing best practice and is working with the Department of Environmental Protection to consistently achieve improved environmental performance. One of the things we intend to do is offer direct incentives to industry for environmental performance through the best practice licence system which we have recently introduced and which will be given a statutory basis with the new legislation. I would like to say that the legislation will be introduced in this session of Parliament. However, the consultation process has taken longer than was anticipated. As it is such a huge piece of legislation, which will have a tremendous impact, particularly the contaminated sites aspect of it, it will not be introduced until the autumn session. We are hopeful that we will be able to get it passed in the autumn session. However, it will be circulated publicly and we will ensure that members get full briefings during the consultation phase as well.

Dr Constable: Will it be out there over summer?

Mrs EDWARDES: Yes, we are hopeful of that. I will not be able to introduce the Bill then but we hope to release a paper on its contents. In addressing the motion and the major issues which have been raised, I have been able to respond to most of those concerns.

I now go to three of the 1996 recommendations that are not supported by the Government. The first one which the member for Roleystone referred to was recommendation 26, the establishment of an economic advisory committee. This is not supported because we do not require only economic matters to be considered when considering assessment of major transport and urban infrastructure projects. We also require environmental and social factors to be considered. However, I understand that it is important to better align the evaluation and funding allocation process for transport sectors and modes with the objectives and targets of the metropolitan transport strategy. The identification of the real cost benefit of the transport system perhaps needs to be considered in some way. Again, perhaps that is an issue that the Air Quality Coordinating Committee in the development of the AQMP will advise on. Therefore, it will not be just an economic advisory committee but one that will also ensure that the environmental and social impact assessments are carried out. Therefore, an across the board approach has been taken.

Recommendation 66 which I have addressed briefly, recommends legislation to remove wood heaters which did not comply with Australian standards at the time of selling a dwelling. We rejected it on the grounds that it was inequitable. We considered very carefully whether it was able to be implemented in a practical way. Although we have rejected that, part of the AQCC's role will be to investigate alternative mechanisms as part of the AQMP development. Again, although we rejected that as something we could not do at this time, we have not dismissed it totally; that is something the AQCC can consider as part of the AQMP development. The Government is already regulating the sale of wood heaters and fuel and we will continue to develop a program that encourages the upgrading or replacement of wood heaters to cleaner heating devices.

The other recommendation which was not supported, and which has not been referred to in this debate, was legislation for a separate green waste collection. That was felt to be counterproductive to the objectives of the Government's policy for the management of green and solid organic waste, as it would prevent other appropriate or innovative means of managing that green waste. The objectives of the select committee and the Government are similar. However, the Government did not support the mechanism put forward by the committee, namely, legislation for a separate green waste collection.

I thank members of the select committee for their time and commitment. Having served on select committees, I know what that involves. It is a tremendous commitment. The select committee had a very strong commitment to achieving something positive and capable of implementation. Rather than being disappointed that the Government did not adopt what the committee felt were a number of key issues, the committee can take credit for the fact that 93 of the 96 recommendations have been supported wholly or in part. The fact that a few recommendations have been referred to the Air Quality Coordinating Committee for further assessment, evaluation or consideration in the development of the air quality management plan, should be seen as a positive, not as a negative. It means this report will not just sit on the shelf or be put in the top drawer but that it has been taken seriously. This Government has a very strong commitment to ensuring that the quality of air, not only in the Perth metropolitan area but also around major regional city centres, will support the communities living in those areas. The Government wants to ensure there is good quality air, and it wants to minimise the risk to people's health. Western Australia has weather patterns that cause tremendous haze, which, combined with inappropriate wood-fire burning, burn-offs in backyards and development sites and the like, contribute to the problems. The Government can do something about that with the community to improve the quality of the air in the Perth area and regional centres.

The Government, together with members in this House, including the members of the select committee, has a very strong commitment to improving the quality of air in Perth and regional centres. Again, I thank members of the select committee for their commitment and their recommendations.

Question put and a division taken with the following result -

Ayes (19)

Ms Anwyl	Mr Graham	Mr McGinty	Mrs Roberts
Mr Brown	Mr Grill	Mr McGowan	Mr Thomas
Mr Carpenter	Mr Kobelke	Ms McHale	Ms Warnock
Dr Edwards	Ms MacTiernan	Mr Riebeling	Mr Cunningham (<i>Teller</i>)
Dr Gallop	Mr Marlborough	Mr Ripper	

Noes (27)

Mr Ainsworth	Dr Constable	Mr MacLean	Mr Sweetman
Mr Baker	Mr Cowan	Mr Masters	Mr Trenorden
Mr Barnett	Mr Day	Mr McNee	Mr Tubby
Mr Barron-Sullivan	Mrs Edwardes	Mrs Parker	Dr Turnbull
Mr Bloffwitch	Dr Hames	Mr Pental	Mr Wiese
Mr Board	Mr House	Mr Prince	Mr Osborne (<i>Teller</i>)
Mr Bradshaw	Mr Kierath	Mr Shave	

Pair

Mr Bridge

Mr Court

Question thus negatived.

PUBLIC HEALTH AND HOSPITAL SYSTEM

Motion

MR MCGINTY (Fremantle) [8.59 pm]: I move -

- (1) That the House express its concern at the continuing failure of the Government to provide an effective public health and hospital system for the people of Western Australia.
- (2) The House notes in particular -
 - (a) the failure of the Minister for Health to properly account to the people of Western Australia for the financial position confronting the State's hospitals;
 - (b) the failure of the Government to honour its election promises in relation to surgery waiting lists; and
 - (c) the failure of the Minister for Health to develop an effective strategy to deal with suicide and related mental health issues.

In the past few months I have been to the north west of the State on three occasions. On each of those occasions I have been confronted with the issue of youth suicide, particularly in the Kimberley region. It is very upsetting to be told, upon arrival

in distant parts of the State, of the latest suicide of a nine-year-old boy in Broome or an 11-year-old boy in Beagle Bay. Those suicides are distressing to the entire community.

As a result of those matters being drawn to my attention, I have made inquiries and extracted the figures. Among professional people in the know, there is considerable alarm at the extent of suicide and attempted suicide, particularly in Aboriginal communities in the Kimberley region of Western Australia. The TVW Telethon Institute for Child Health Research at Princess Margaret Hospital for Children provided me with the suicide figures in the Kimberley region. They have been kept since 1986. In the early days there were one, two, or three suicides a year in the Kimberley region. That number has grown somewhat, with the trend being a slight increase occurring over time. For instance, in 1992 there were two suicides; in 1993, seven; in 1994, six; and in 1995, three. The average figure over the 12 years that records have been kept is just over four suicides a year in the Kimberley region of the State.

The alarming issue and that which has been brought to my attention in the north-west of the State and which has been alarming the health professionals dealing with it is that if the current rate of suicides continues we will see a 400 per cent increase in the number of people committing suicide in the Kimberley region of the State. Those figures are of actual suicides, but the issue is broader and includes attempted suicides and other forms of self-harm in the Kimberley which are occurring at a rapidly escalating rate. During the period 1986 to 1996, the incidence of suicide in the Kimberley involving Aboriginal people was about 60 per cent. In other words, if in an average year four people in the Kimberley region committed suicide, they would include two and a half to three people of Aboriginal descent.

The figures for 1998 have been extracted from the Coroner's Court and at this stage they are classified as possible suicides because the coroner has not completed his report into each of those deaths. Although it is clear they were suicides, they remain to be formally categorised and entered into the statistics on that basis. In the first seven months of this year 10 people in the Kimberley region committed suicide. If that rate continues until the end of the year, it will translate into approximately 17 people committing suicide in the Kimberley region of the State. That figure of 17 is enormously higher than the long term average of four suicides in the area.

It is an important issue that is worrying health professionals who are aware of those figures. The issue which arises out of this staggering increase is the need to recognise that it is predominantly a problem with young Aboriginal men in the Kimberley region. I indicated before that approximately 60 per cent of suicides in the Kimberley region on an historical basis were from the Aboriginal community. So far this year that figure has jumped to 80 per cent - eight of the 10 possible suicides in the first seven months of this year involved young Aboriginal males. The youngest of those was a nine-year-old Broome boy. I hope that every member in this place was as appalled as I was when they read this headline, "Boy 9 commits suicide". At the age of nine, under law, a child is not even capable of having the intent to commit criminal acts. A child is not regarded as having sufficient capacity to be able to formulate in his or her own mind what he or she is doing, yet a nine-year-old child in this State has committed suicide. That boy died in Broome in July of this year; he hanged himself. Not long after that - this has not been reported in any area in the media, but was drawn to my attention recently - an 11-year-old boy at Beagle Bay also hanged himself.

Why is this happening? Why is it occurring on such a scale this year and is so disproportionate to what has been happening over the preceding years when there has been an average of four people commit suicide? We have had the benefit of a considerable number of reports that dealt with this matter. The World Health Organisation has identified that Australia as a whole has experienced a three-fold increase in the number of young Australian males between the ages of 15 and 24 who have committed suicide in the past 40 years. There has been a significant increase over time and that is reflected in the figures as well. Last year the House of Representatives issued a report which highlighted the problem saying that Australia had one of the highest rates of suicide for 15 to 24 year olds in industrialised countries anywhere in the world. That report was useful in that it identified six groups in the community who were particularly at risk: Those who were living in rural or remote areas; those of Aboriginal descent; those with a mental illness; those with access to lethal means; those who had previously attempted to commit suicide; and those who were confused about or ostracised because of their sexuality.

One can see from those groupings that a number of factors are present in respect of Aboriginal communities in the Kimberley region of this State. It is appalling, in the light of the findings made last year by the House of Representatives identifying the groups most at risk of suicide, that members of those groups are committing suicide in such dramatic numbers today in the Kimberley region in this State, and yet we do not have a plan to address Aboriginal-specific causes of youth suicide.

That is a major shortcoming, and it is not as though that matter has not been raised with the Government. The Government currently has sitting before it a plan to do exactly that. A plan is before the Government currently from the Youth Suicide Advisory Committee which recommends policies and programs for preventing suicide and suicidal behaviour among Aboriginal youth in Western Australia. It contains recommendations which are designed to address the long-term issues. We can do things today to train people and to change what is in place today. However, the real solution in the long term is to look at the underlying community and health issues. They require strategies relating to suicide among young Aboriginal people such as those recommended by the Youth Suicide Advisory Committee in its proposal which has been sitting before the Government for many months now.

That report contains a number of specific recommendations on hospital and health service practice guidelines, on Aboriginal juveniles with severe mental health disorders, and on how government and non-government schools deal with young people of school age who are at risk from suicide. That report also deals with Ministry of Justice admission risks screening procedures and its special services team; and the WA Police Service policy manual, and the training of police officers and police Aboriginal liaison officers.

The recommendation that struck a very responsive chord with me was the recommendation about the training and employment of Aboriginal mental health workers and counsellors, and the opportunities for Aboriginal people to train in the mental health professions and as counsellors.

Some of these recommendations have an implementation date of December 1998. We are now three months away from that implementation date. Some of these recommendations are to be implemented during the course of next year. However, as yet the Government has not approved and implemented across government these recommendations from the Youth Suicide Advisory Committee, which have been before government for some time now. The situation is now desperately urgent. When the suicide rate primarily among young Aboriginal males in the Kimberley has increased by 400 per cent, and when the Government has been told by the House of Representatives committee which reported last year that that is the group most at risk, it is obliged to treat the matter with a sense of urgency and to start implementing the recommendations from its expert bodies.

The recommendations of the Youth Suicide Advisory Committee cannot be lightly ignored. Its recommendations are before government in the form of a recommended policy and programs for preventing suicide and suicidal behaviour among Aboriginal youth in Western Australia. The first page of the report of that committee outlines four reasons that the policy and programs which it has outlined are necessary. The first reason is that the rate of suicide among Western Australian Aboriginal youth is double that of their non-Aboriginal counterparts. The second reason is that the reports from Aboriginal groups indicate that deliberate self harm and other suicidal behaviour among Aboriginal youth appears to have increased substantially over recent years. That is certainly borne out by the statistics to which I have referred tonight. The third reason is that a number of Aboriginal deaths in custody occurred during 1996 and 1997, after a period of several years when no cell deaths occurred. The fourth reason is that although Western Australia has implemented a statewide youth suicide prevention strategy since 1989, no systematic effort has been made to address the specific issue of suicidal behaviour among Aboriginal youth.

I emphasise that we do not have a specific program or policy designed to address suicidal behaviour among Aboriginal youth, yet that is the group most at risk, and that is the group who today, in the Kimberley region of this State, are killing themselves at desperately young ages.

That is a most depressing matter to have to raise in this House. It is clear that there are no simple answers to the vexed problem of youth suicide, and in particular the vexed problem of Aboriginal youth suicide. We see increasingly as we move in Aboriginal communities that the notion of a depression in those communities which is born of oppression accounts for a significant amount of the alienation that is felt by a large number of young Aboriginal people, particularly young Aboriginal men. It is not appropriate in this debate to suggest that the answer can be reduced to a few words, or that the problem can be identified in a few words. However, it is appropriate to say to the Minister for Health: "Get on with it as a sense of urgency and stop these young people from killing themselves, as they are doing in dramatic numbers in the north of the State at the moment."

That is the third of the three matters that are identified in this motion. The first matter that is identified is the failure of the Minister for Health to properly account to the people of Western Australia for the financial position confronting the State's hospitals. I will put the matter simply, and I hope the minister will respond this evening. We are aware that the metropolitan hospitals ended last financial year with an over-expenditure of \$71m compared with the amount that they were allocated in the budget at the beginning of the year, even after taking into account the \$30m bail out that occurred in November of last financial year. The minister has not accounted to the House for where that extra \$71m has come from. I would like to know, and the people of Western Australia have a right to know, whether supplementary funding was provided by Treasury to prop up the Health budget; if so, what amount; and if not, where that \$71m came from, because it was not in the public hospital budget at the beginning of the year. That is a matter of great importance, and it deserves to be explained to the House. I suspect that what has happened, although the minister has denied this on the public record, is that supplementary funding in addition to the \$30m that was provided in November of last year when the member for Albany was the Minister for Health has been provided at or since the end of the financial year to prop up the hospitals. It is not good enough for the minister to cover that up.

Mr Day: There was no shortfall of \$71m in the Health budget.

Mr McGINTY: Was there an over-expenditure of \$71m?

Mr Day: No.

Mr McGINTY: That was in the figures that the minister produced to the House.

Mr Day: The expectation during a certain part of the financial year may have been that there would be a \$71m shortfall, but that was not the outcome at the end of the financial year.

Mr McGINTY: The minister produced figures which showed that at the end of the financial year, the metropolitan hospitals had spent \$71m more than they had been given. Let us not be cute about it. I would not raise this issue if there was no substance to it. Has any additional funding been provided by Treasury?

Mr Day: Yes, additional funding of \$29m was provided by Treasury in the last financial year.

Mr McGINTY: The minister needs to explain why the figures that he presented to the House in the past month differ by \$71m from the figures that were produced by his predecessor in April. If that money has been raised by shutting down other projects or taking money from other areas, that is fine - and there is a bit of a suggestion that is the case - but the minister still needs to explain, and he has not done that to date.

The second issue is the failure of the Government to honour its election promises with regard to surgery waiting lists. The last time the Government made a grand statement about waiting lists was prior to the last state election. It promised at that time to halve the hospital waiting lists and ensure that all of the people on the waiting lists were treated within the prescribed time for their conditions. I applauded that policy at the time. However, it has been honoured in the breach ever since.

Mr Prince: But you concede that the waiting lists and the whole of that structure are good?

Mr McGINTY: I have no argument about that, but today 25 000 people are waiting for surgery in metropolitan hospitals,

Mr Prince: It was not just a promise made without foundation but something on which we had been working for a long time, and the concept is good.

Mr McGINTY: I was not surprised when today, two and half weeks from the next federal election, that promise has been repeated. I hope that this time it will be honoured in practice rather than in the breach, as was the case last time. I also ask the minister to explain whether any of the additional Medicare funding will be used to reduce the dental waiting lists. It was obvious today that the minister was very embarrassed that he had no answer to Labor's promise to reinstate the commonwealth dental scheme. That scheme was a Labor initiative in the first place; the Liberal Party abolished it; and the Labor Party has now promised \$100m to reinstate it. That will be of enormous benefit to the 40 000 Western Australians who are no longer eligible for dental care. The minister should tell us whether he plans to spend any money on the dental waiting lists, as distinct from the elective surgery waiting lists.

The proposal to fund an additional 3 000 cases of elective surgery, when 25 000 people are already on the waiting lists, is an appreciated but small addition to the problem of elective surgery waiting lists, and if further significant initiatives are not undertaken, we will still have a significant problem in 12 months, because we will still be left with an enormous number of people on the waiting lists.

MS McHALE (Thornlie) [9.20 pm]: I refer particularly to the paragraph of the motion referring to the failure of the Minister for Health to properly account to the people of Western Australia for the financial position confronting the State's hospitals. I particularly refer to the parlous state of Aboriginal health. I shall then comment on youth suicide, Aboriginal youth suicide and suicide within the gay community.

It is very clear that the health of indigenous people in this country is much worse than that of any other demographic group in Australia. We know, for instance, that Aboriginal people die at three times the rate of other Australians. For certain indigenous groups, the rate is as high as seven times the rate for the rest of the population. Life expectation at birth for Aboriginal men is 17 years less than it is for non-indigenous Australian males. Significant health indicators make it clear that as policy makers we are failing the Aboriginal community. Therefore, it is timely to record what we are doing and not doing for Aboriginal Australians.

The health crisis is a major issue in the federal election this year. However, putting that aside, a more important issue for the long-term health of Australia is the increasing division and social inequality within our country, as evidenced by the health indicators. A commentator in the *British Medical Journal* in 1997 stated -

. . . one of the most important predictors of overall health status in developed countries is the extent of social inequality. The more equal a society the better the overall health status.

Unfortunately for us as policy makers and parliamentarians, social inequality in Australia and this State is increasing with the likely result of worsening health for the country as a whole.

We know that Aboriginal Australians have the worst health outcomes of any identifiable group in Australia. Social disadvantage translates into poor health. We know that the gap between the number of Aboriginal people who live and those who should be alive is one measure of inequality. I argue for a recognition and for that to translate to proper funding and

strategies to be developed by a decent Government. I argue for a decent standard of health for Aboriginal people as a right, not a favour - which appears to have been the approach over the past few years.

In 1997 the President of the Australian Medical Association stated that the status of Aboriginal and Torres Strait Islanders was well known. He said -

They are the sickest, poorest, most imprisoned, the highest unemployed and the most studied group in Australia today.

That last point is interesting, although it does not seem to do them much good. Recently the Governor General released a report by the Australian Bureau of Statistics which indicated that the life expectancy of Aboriginal Australians was 20 years less than the rate for non-indigenous Australians. Census figures indicate that 48 per cent of indigenous families receive \$20 000 per annum or less, which compares to the equivalent figure of 25 per cent for non-indigenous Australians. The average income for non-indigenous Australians is \$35 000, and for Aboriginal people, \$22 000. These indicators must be considered to develop an understanding of the health issues which arise from this social disadvantage. They are well documented and clear. I place some of them on the record.

Aboriginal infant mortality is three times higher than non-indigenous rates. That is the 1960s rate for white Australians, yet Aboriginal communities face that prospect in 1998. We know that 30 per cent of maternal deaths occur among Aboriginal women, yet they contribute only 3 per cent of confinements. As I said, life expectancy is much shorter for Aboriginal people. Their current life expectancy is what was expected and experienced at the beginning of the twentieth century for white Australians. That is the context in which we must deal with the Aboriginal health issue.

We know that death rates are higher for Aboriginal people than for any other group. However, Aboriginal people aged between 25 and 60 years die at rates five to seven times higher than those experienced by non-Aboriginal Australians. We also know from studies carried out by the commonwealth Department of Health and Family Services that the pattern of government expenditure for indigenous Australia is very different from that for the non-indigenous population. For instance, Aboriginal people are admitted to hospital much more frequently and almost entirely in the public sector. They rely heavily on state hospital outpatients departments, community health services and the commonwealth funded and community controlled health services. By contrast, they benefit little from the Medicare and pharmaceutical benefit schemes. Their joining rate is only 27 per cent of the non-indigenous levels. Discrepancies exist in the patterns of expenditure and the demands on the health service by the indigenous community.

Another interesting indicator arises from the 1998 study of expenditure for health for the indigenous community. The report states -

... a comparison of government expenditure on indigenous and non-indigenous people in the same economic position ... indicated that they were approximately the same in 1995-96.

However, there is one very big difference, which relates back to what I articulated earlier. The health of indigenous populations is almost certainly worse. If both these assumptions and assessments are correct, the health care needs of indigenous people could not have been equally well met. To put it another way, Aboriginal and Torres Strait Islander people appear to have been equitably treated in relation to their income, but not their health. That is the real factor facing policy makers today. We are not dealing with the health issues of Aboriginal people in a way that they deserve. We should correct that situation.

We know from the Estimates Committees that this Government - notwithstanding those health indicators which clearly demonstrate the social inequity between indigenous and non-indigenous members of this community - underspent its Aboriginal health budget by 30 per cent in the last financial year. The previous minister defended this by saying that the family futures program was not up and running, so it was a bit silly to spend the money.

Mr Prince: It was not then, but it is now.

Ms McHALE: The minister defended that at the time. It may well be running now.

Mr Prince: It is and I had the great pleasure of opening the Albany branch of the family futures program a little while ago.

Ms McHALE: I am pleased to hear that it has been opened by the Minister for Police, but I doubt whether that will deal with the real indicators that I have articulated.

Mr Prince: It took a lot longer to set up than anticipated. Consequently, the money was not spent in that financial year.

Mr McGinty: It was not spent in that financial year. You are not using it and you do not have a suicide policy.

Mr Bloffwitch: Medibank is not doing it in a lot of country centres because we cannot get doctors there. If you cannot get a medical practitioner to go up there, how can you get the service?

Mr McGinty: It is not a question of having doctors up there. The recommendation is to have Aboriginals train people in those areas.

Ms McHALE: That is precisely the point and that is what is not happening. Carnarvon has people who are ready to be employed, but for some reason the Health Department says that there is not enough money. We need trained Aboriginal health workers on the ground. They are there, but they are not being employed. The fact that the budget has been underspent is a sell-out to the Aboriginal community. They do not need further evidence of the inequality in their health; they know they are being disadvantaged. We know from the statistics that are available that they are not being treated equitably.

I turn now to the third point which is the failure of the Minister for Health to develop an effective strategy to deal with suicide and related mental health issues. In my inaugural speech 18 months ago, I called upon this Government to commit itself to a fully integrated approach to tackle the multiple causes of suicide. We have seen an increase in those figures in the past 18 months. Each week, 10 young Australians kill themselves and 1 000 make unsuccessful attempts at self-harm or suicide. A couple of months ago the *Medical Journal of Australia* dedicated a significant part of its journal to suicide among young males. The member for Fremantle has referred to these statistics but I will revisit them. It stated -

Suicide rates for 15-24 year old Australian men have trebled since the early 1960s. However, these rate increases have not been uniform. In metropolitan areas they have doubled, but they have increased as much as 12-fold in towns with fewer than 4 000 people.

The method of suicide has also changed. It continues -

The rates for suicide with a firearm in 15-24 year old men have declined overall, and in metropolitan areas since the late 1980s, but they have continued to rise in rural areas. Rates of suicide by hanging have risen in all locations.

There are two elements: Firstly, the overall increase in suicide over the past 20 to 30 years has increased threefold and, secondly, the trend in suicide in rural areas is also of great concern. That is why we are seeing that trend among Aboriginal youths to which the member for Fremantle referred. The greatest increases have been recorded in towns with a population of under 4 000. In four States in 1964, the metropolitan suicide rates exceeded those of small rural areas. By 1993 that position had reversed.

When I gave my inaugural speech, I made a plea to recognise the relevance and the importance of understanding youth suicide in the context of sexual preference and sexuality. No strategy has been introduced to deal with that. Yet we know that as an indicator, same sex attraction - homosexuality - is a strong and critical issue when trying to understand youth suicide. From recent studies which were undertaken in the United States, it is clear that young men with same-sex attraction - homosexuals or bisexuals - are about 14 times more at risk of a serious suicide attempt than straight or heterosexual young men. Young men, regardless of their sexuality, are experiencing increasing rates of suicide. For this group in our community, the rate is much more significant and worrying.

Twelve North American studies of male homosexual youth showed that the rates of suicidal behaviour range from about 20 to 50 times more than straight young men. The mean was approximately 31 per cent for young men with an average age of about 19 years. It is clear that if we are to deal with youth suicide, we must deal with it in the context of sexual preference. It is not something that we can ignore or decide that we do not like and therefore we will not look at strategies to cope with the alienation that young men feel. Information from the sexuality and youth project in Western Australia indicated that young men - Mr Acting Speaker, do I have your attention or is something amusing you?

The ACTING SPEAKER (Mr Baker): I am sorry. I was distracted.

Ms McHALE: Perhaps I will regain your attention when I talk about homosexuality. The youth project indicated that young men in the Kimberley and in rural areas have significantly more problems than in the metropolitan area.

The next point I wish to make is a very sensitive one. Not a lot of research has been done about it. If we are serious about youth suicide, we must look at the impact of sexual preferences among young Aboriginal men. For many Aboriginal families and communities, sexual preferences are more hidden than in non-indigenous families or communities. The problems faced by young men, regardless of their cultural background, are more difficult for young Aboriginal men because of the cultural taboos surrounding them. Perhaps we have not looked at that matter in detail, but if we are to understand the rising suicide rate among young Aboriginal people we need to consider sexual preference.

Clearly, there is still considerable homophobia in our community, and against that it will never be possible to deal effectively with youth suicide; but against the backdrop of the poor health of Aboriginal people, which I have articulated, the politics of race, the findings of the report on the stolen generation and other reports, there is enough evidence and research to guide us, as policy makers, to appropriate strategies. However, until we deal more effectively with sexual preference there will not be a will to address youth suicide and one of the key underlying problems in relation to youth suicide. For instance, there is no representative from the gay youth community on the Government's Youth Advisory Council of Western Australia. There should be such representation because it is a significant issue, yet the Government has decided against it. There is

still unwillingness to remove barriers within our education system to deal with sexual preference. There are few anti-homophobic policies to enable young people to understand who they are and what their sexual preferences are, in an environment which is considered and which does not hurry or push them to make a decision. One of the greatest needs is for adequate training and resources for people who work with young people to deal with sexuality.

As I have said before, suicide is the ultimate opting-out of an alienated and dysfunctional society. Somehow, young people who attempt suicide believe that they will actually wake up from it - that somehow, if they commit suicide, everything will be all right and that they will actually wake up again. From a rational point of view we cannot comprehend that, but that is felt by people who face the decision to suicide, and that is a most tragic thought. We need to do more about the issue. The Government has not addressed it in a holistic, fully integrated way because it will not consider issues such as oppression, sexuality and unemployment. The loss of our youth in that way is a shameful indictment and a sign that we are out of touch with our youth. Until we get back in touch with our youth and examine policies, we will not be serious in our attempts to deal with youth suicide.

Our record on Aboriginal health is insufficient. We have not spent enough and we have not spent it at the right time. The indicators of poor health in our indigenous communities are worsening, and the gap between the indigenous population and the non-indigenous population is no longer narrowing; unfortunately, it is widening. In particular, in a range of causes of death, our record is appalling. That record says much about the way in which we, as an advanced nation, treat our community, and it is an indictment of our health policies.

MR OSBORNE (Bunbury) [9.44 pm]: I wish to make a few comments about health care in the south-west region generally and in Bunbury in particular. I am cognisant that the members for Fremantle and Thornlie have remarked on Aboriginal health and circumstances in the north-west. It is impossible for me to deny that there are enormous challenges in respect of Aboriginal health in that region of Western Australia. Unfortunately, I am not in a position to comment directly on them. I want to speak briefly about some of the great advances that have been made in health care in Bunbury and the south west.

It is worthwhile to say that the Government, like any Government in the western world, faces challenges which, in a sense, are out of control in terms of delivering health care outcomes to the people. Specifically, the forces that are driving up costs in the health care system are out of our control. Australians in general are healthy, with the exception of specific populations such as the ones that have just been outlined. We are not subject to the chronic diseases or maladies that affect other populations in other parts of the world, and, apart from diseases of lifestyle such as obesity and heart disease, alcohol, smoking and so on, generally speaking, Australians are healthy. However, on average, Australians visit doctors about 10 times a year, which is about twice the average in America. Some psychosis or psychology in Australians makes us concerned about our health when, in reality, there is no real problem.

The cost of pharmaceuticals and orthotics also is outside our control, and such items can be horrendously expensive. If someone needs medical aids or pharmaceuticals, naturally they must be supplied. The cost of pharmaceuticals alone for people on AIDS treatment is about \$50 000 to \$60 000 a year. Of course we will meet that expense - there is no alternative - but it is a severe cost drain to government. Expensive procedures are freely available now in health care. Even in my memory, surgical procedures such as heart surgery and hip replacement surgery simply were not available when I was a younger man. Now, those procedures, although they are horrendously expensive, are not only considered to be normal but also demanded by people who go into our health care system. People who possibly have neglected their health throughout their lives might develop heart disease and then expect the public health system to provide remedial care that they need to stay alive.

A good friend of mine in Bunbury, a principal of a major real estate firm, was walking down Ocean Drive a couple of months ago. I had not seen him for a couple of months. I stopped my car, got out and started talking to him. He told me that he had had triple bypass surgery. I asked, "How do you feel?" He said, "I feel fantastic, because 20 years ago I would have been dead." That attitude is normal now. People have complicated, expensive procedures - they expect them, and the Government must provide them.

Another factor which contributes to the problem of costs continually being driven upwards and Governments - ours included - not having any control over it is the growing expectation on the part of the general public that the Government will fix it and that the Government should take responsibility for it. If someone becomes sick, the immediate reaction is to ask, "What is the Government going to do about it?" Far too little personal responsibility is taken in our country today. People do not take enough care with their diet and they do not look after their own exercise programs well enough. Their expectation is that if they become sick - or when they become sick - the Government and the public health system will simply pick up the tab and fix them again. That is the automatic response.

This Government spends about \$1.7b of its \$7b budget on health care; that is 24 per cent, or nearly one-quarter of the state budget. Any Government has very few options if it intends to spend money at that level. It can increase taxes, but taxpayers do not like that; it can increase its debt, but that simply passes the costs to future generations and is unacceptable; or it can make allocative choices - it can take funds from other areas and put them into health if the objective is to increase spending

in health. The Government must make those hard decisions. Critics in the public arena, the media and the Opposition can easily say that more should be spent. However, Governments have other responsibilities. This Government has done a satisfactory and capable job in managing the increasing pressure on health costs and managing it within the context of a budget -

Mr Carpenter: Do you think they are the only options available?

Mr OSBORNE: The member should tell me the others.

Mr Carpenter: Could you extract more from the Commonwealth Government?

Mr OSBORNE: That is still government. If we get more money from the Commonwealth Government, it will increase income taxes.

Mr Carpenter: Could you lessen your obsession with repaying debt?

Mr OSBORNE: There are only three options: Increase debt; increase taxes; or take money from somewhere else and dedicate it to health. Those things can be done and are done, but they must be done in balance. This State Government manages the state budget and the economy very capably, keeping everything as balanced as possible.

I will bring my remarks closer to the south west and Bunbury, and perhaps south of Perth generally. The State Government has done a remarkable job in health care in Western Australia. It has built new hospitals in Mandurah and north of the city in Joondalup. If the member for Armadale would let the Government do it, it would build a new hospital in Armadale. The south west health campus in the electorate of Mitchell, near Bunbury, is very near completion. That \$70m project is a remarkable achievement given what it has replaced and what it will bring to the people of Bunbury and the south west. Most members will be familiar with the health campus at Bunbury. It is the biggest hospital and health care complex in regional Western Australia. It is even bigger than the establishment at Joondalup, and I am sure that you, Mr Acting Speaker (Mr Baker), would agree that that is remarkable.

St John of God Health Care System and the public hospital system at Bunbury have been collocated and will be cooperatively managed on a greenfields site at the Edith Cowan University campus. It is a wonderful access position on Bussell Highway at the southern entrance to the City of Bunbury. Because it is a cooperative venture between St John of God Health Care System and the Western Australian health system and because they are sharing very significant areas of expenditure, this move will achieve a better service as well as cost savings for the people of Western Australia.

The hospital will comprise a 115-bed public hospital and St John of God is constructing an 80-bed private hospital. It will include an independent medical centre, operating theatres, a 15-bed mental health unit and an Aboriginal health unit. A range of outpatient services will also be available, including day surgery, radiology, oncology, hydrotherapy and community health care services. Those health services will be independently managed and will avoid duplication by sharing resources such as sterile equipment services, a pharmacy, engineering, security and maintenance services and so on.

One of the great things that will happen as a result of the collocation in Bunbury and the construction of the new health campus is that the economies that will be achieved will allow us to introduce a range of new health services in the south west. At the moment we have the typical services one would expect to find in a major regional hospital - accident and emergency, intensive care, therapy, radiology, pathology and so on. The most important aspect of the new hospital is the new services. These are firsts for the south west. I refer to restorative care, palliative care, renal services, psychiatric care, Aboriginal health, medical research and so on. That is a remarkable achievement for the south west. Not only do we have a new hospital, we have also achieved efficiencies and structured a cooperative arrangement with St John of God Health Care System. Within that structure we have achieved a range of new medical services for the people of the south west. Many of the new services will be provided by the public system and the private system, but public patients will still be able to access all the services.

When the original work was done on the campus, it was found that about \$26m worth of medical business was going out of the south west to hospitals in the metropolitan area. One of the key objectives of the south west regional health campus is to retain that business in the south west. That obviously means more effective health care because people will not need to travel to very expensive providers such as the teaching hospitals in Perth. More importantly, the health outcomes for the patients will be better. A key objective for the campus that I look forward to is the massive savings that will be achieved on an ongoing basis; that is, people will not be spending money going to Perth to access expensive care in teaching hospitals. They will get better health care because they will be closer to their homes and families, and they will recuperate more quickly because they will be in familiar surroundings. Not only will the south west health campus provide new services but the services currently available to the people of the south west - sometimes in the metropolitan area - will also be provided more effectively locally.

I pointed out that the campus is located on Edith Cowan University site at Bunbury. That gives us a unique opportunity in the south west - it is certainly unique in Australia if not the world - to have a major public and private hospital next door to

a university. The opportunities that that provides for a hospital are immediately obvious. It can get into medical research and that is what it intends to do.

Mr Barnett: That happens in many universities in the United States.

Mr OSBORNE: Yes.

The Val Lishman Health Research Foundation was established in Bunbury in 1997. As members from the south west know, Val Lishman is a very distinguished and well regarded surgeon. He was the first surgeon to practise in regional Western Australia, and he has practised in Bunbury for the past 30 years. The community has cooperated in establishing the foundation. Its purpose is to attract international quality research into health issues relevant to the south west. Because the hospital will be located on the university campus, and because of the establishment of this foundation, we will get a relevant approach to health issues for country Western Australians.

There are such matters as Ross River virus which is a problem in the south west of Western Australia. There are higher than national average incidences of asthma in the south west. There are local issues such as pesticide use, mine safety, and Aboriginal health which are all special interests for people in the south west which the Val Lishman foundation will be able to address. I think that is a direct outcome of the Government's decision to establish the new south west health campus on the Edith Cowan campus in Bunbury.

[Leave granted for speech to be continued.]

Debate thus adjourned.

BILLS - APPROPRIATIONS

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills -

1. Taxi Amendment Bill.
2. Western Australian Meat Industry Authority Amendment Bill.

GAS PIPELINES ACCESS (WESTERN AUSTRALIA) BILL

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Mr Barron-Sullivan) in the Chair; Mr Barnett (Minister for Energy) in charge of the Bill.

Clause 4: Enactment for participation in national scheme -

Progress was reported after the clause had been partly considered.

Mr THOMAS: When the committee adjourned, the minister was responding to a hypothetical scenario that I put to the Chamber in which I made some comments about the Kingstream project and the minister construed those comments as being negative about the project. I should explain what I meant by my comment.

The phrase that I used was "fell over". Some members may be aware of the fact that prior to entering Parliament, I was a union official in the building industry and that the phrase is used commonly in the building industry; when a project ceases, it has fallen over. I was referring to the cessation of work on that site and that is something that the building industry, a industry with which I am associated, regrets because we are looking forward very much to doing that work. I am very supportive of that project, as is this side of the Chamber. That is evidenced by the support that we gave the project when the agreement Act went through this Parliament. In fact, we have been more supportive of the project, in the corridors at least, than has the Government, but I am sure both sides of the Chamber support the project. I agree with the minister that the notion of this sort of development in the more settled areas of the State is a fantastic possibility and we wish the proponents well in overcoming the problems which have led to the cessation of work on the site. I hope that clarifies the Opposition's position on this matter.

What led to my comment is that a situation could come before a regulator in which, for example, a person may have purchased an asset such as the Dampier to Bunbury natural gas pipeline and have paid a very good price for it, and feels he needs a return which will service that capital investment. The person may well have paid that good price in the anticipation of obtaining particular markets which for some reason or other do not eventuate; perhaps the markets are secured by somebody else or the markets themselves do not arise as anticipated. As we know, these things happen all the time in the resource industry. Pressure will then be placed on the regulator to allow access regimes to enable that proprietor to obtain a return which is necessary to stave off bankruptcy, or at least to get what it would consider to be a fair return on that investment. That is something which I believe the regulator should strenuously resist. They should be in a position whereby they will be hit quite hard.

A number of the amendments that we are putting forward this evening seek to create a degree of detachment - a lack of sympathy in some sense - towards applicants who might come before the regulator, so that the code is applied without fear or favour, and the most competitive situation possible is achieved. It is probably better if I give an example of the sort of pressures that can be placed on government; presumably the same sort of pressures will be placed on regulators when these types of situations arise. I will give an example outside of Western Australia rather than one which is close to home which could give offence to some people. It is not related to the gas industry. When the proponents of the Crown Casino in Victoria wanted a licence to build a casino, they made all sorts of undertakings to the Government about what they would do in order to obtain that casino licence. Those undertakings included, as I understood, an obligation to build a further hotel, and if those obligations were not met, they had to pay a fine of some description or a levy to the Government.

[The member's time expired.]

Mr BARNETT: I will respond very briefly. Prior to the break, the member for Cockburn described the An Feng-Kingstream project as having fallen over. I regarded that to be a highly irresponsible statement to be made in a Parliament when we have passed legislation supportive of the development of that project. Nevertheless, I accept that the member has effectively withdrawn those comments and corrected it and I appreciate the fact that he has done so.

We discussed another couple of issues on which there was some debate, somewhat unrelated to this Bill, about when the North West Shelf agreement was put in place. Members will recall that the Labor Party was elected to power in February 1983. In November 1977 the then State Energy Commission, in support of the State Government, entered into the memorandum of understanding for the North West Shelf joint venture for the purchase of natural gas. The state agreement was signed by Sir Charles Court in the presence of Hon Andrew Mensaros on 27 November 1979 and the agreement was ratified by Parliament and assented to on 21 December 1979. A contract for the south west and Pilbara gas volumes was signed between the State Electricity Commission and the Woodside organisation on 13 September 1980. The agreement and the gas purchase contracts were signed during the term of the previous coalition Government. The contract was disputed by an incoming Labor Government, resulting in an agreed statement of principles being signed in 1985. That should clarify the situation.

Mr THOMAS: I was never in doubt about those matters. As to the final matters being signed in 1985, in fact, quite lengthy negotiations involved the then Federal Minister for resources and energy, Gareth Evans. The Commonwealth was involved.

I referred earlier to the pressures which can be placed on the Government in these circumstances. The proponents of the Crown Towers entertainment complex in Victoria, in anticipation of certain revenue from that project, made undertakings to the Government that they would build another hotel and, if they did not, they had to pay a fine or levy of \$50 000 a day or a week. I may be wrong about the amount, but effectively it was a fairly substantial amount of money, a fine for not undertaking all the work they said they would do.

The casino project has not been as lucrative as the proponents hoped it would be and they put considerable pressure on the Victorian Government to be relieved of the obligation between them which led to their being awarded the licence. It was common speculation, particularly in Victoria, that there was a close relationship between the proponents of that project and the Premier of Victoria, Mr Kennett. He was under quite strong pressure to relieve them of that obligation. To give him credit, he resisted that pressure and acknowledged the friendship between him and the people associated with the casino, and he gave the matter to another minister to determine. That minister was quite hard-headed and held the proponents to their obligations.

Similar sorts of analogous types of pressure are likely to be brought upon regulators in projects such as the one to be encompassed by this sort of legislation relating to gas pipelines. To gain licences we are likely to get people who will make investments based on projections of the profitability of a project. If it does not work out, they will be able to spin a very good story to the regulators that some form of relief be given because of the circumstances in which they find themselves. If these codes are to apply properly, we need hard-headed regulators who will be in a position to resist those overtures. It is great to have regulators because they will be detached from a minister who might be subject to political pressure. In a sense it is more objective. If the regulator comes from the small circle within the gas industry in Western Australia, he is more likely to be subject to that sort of pressure than if the regulator is the Australian Competition and Consumer Commission. There will be a state regulator because of distribution, but that person should not have recent experience in the industry in Western Australia. The minister must acknowledge that in the administration of this industry, it is very likely that those pressures will be brought to bear on Governments. Under the scheme for which we are legislating, those pressures will be placed on the regulators; therefore, they must be people who are hard-headed and detached.

In the second reading speech the minister talked about the need for local regulators because they will be aware of the unique circumstances of Western Australia. I read that as code, intentionally or otherwise, that a local regulator will not apply the code and enforce the principles of competition as rigorously as would the ACCC. That is most desirable. For us to join the national scheme, which we are seeking to do in passing the Bill, our amendments are essential. We need a national regulator.

Mr BARNETT: I find that to be the most extraordinary attitude. It is saying that people appointed by the Western

Australian Government are incapable of dispensing their duties, or of behaving in an honest and honourable way. I find that an absolute slight on the people who are appointed. It might equally be argued that the judicial system might be subject to pressure. Essentially these people will undertake a financial arbitration process. For the member to say that somehow people in Western Australia within industry or academia or from the legal profession who might have this role - they might be from an accounting or finance background - cannot do that in an impartial way is an appalling comment and shows a total lack of confidence in the professionalism of people within this community. The implication is that, therefore, if we give the regulator role to the ACCC, somehow because it is Canberra, it is federal and it will be perfect; that it is beyond reproach; that there will not be political influence or the like.

The member earlier referred to the pipeline episode in this State a year or so ago. We can argue that till the sun comes up. However, I make one comment: The ACCC - this body the member is holding up to be so high and mighty - behaved in an overt, lobbying, political manner over the AlintaGas-Epic arrangements, putting out press releases at 6.00 pm on a Thursday or Friday, feeding the media public comment, doing everything the member might suggest is inappropriate. I do have a beef with the ACCC.

Mr Thomas: Your beef is that it caught you out.

Mr BARNETT: The member should just dry up. The beef is not about what the ACCC is charged to do, but the modus of its conduct. The ACCC is seen by the business community throughout Australia as overstepping the mark. It was set up to administer essentially a competition policy, but it has spent much of its time running around closing down newsagents in country towns, pursuing all sort of strange little agendas and behaving in an intimidatory way to business; it has lost the confidence of the business sector in many areas and of government throughout much of Australia, at both federal and state levels. It must be rethought.

Mr Grill: The chamber of mines and the CCI favour the ACCC.

Mr BARNETT: Good luck to them, but we will not do it. We will administer this code, and through a state based regulator.

Mr Thomas: You won't; the regulator will.

Mr BARNETT: We, being the Government. This Parliament will enact it. That will happen and the Government has chosen to do that. If those opposite are returned to government at some stage in the future, they may change that if they wish to at that time. That will be their option. If we are in opposition at that time, we will not stand in their way if that is what they choose to do. We will go ahead with this policy and implement that code. The member for Cockburn drew a parallel to the Crown casino in Melbourne. That is a long bow in terms of political influence. If he wanted to talk about that, he need go no further than Western Australia in the 1980s - the Petrochemical Industries Co Ltd project, the Rothwells rescues, the city property deals. There were overt political interests, and payments were made to Labor Party organisations - and people went to gaol as a result of it. The member did not have to search out the Crown casino.

Beyond that, the Crown casino was a new project. It was not set up against a base of detailed regulatory framework or law. This is a system of regulation that I think is overly prescriptive but, nevertheless, it has been established and agreed. The regulator will operate under those rules. The interest from a government perspective is that the regulator will keep to that task and interpret and apply the code, and will not play an active role in promoting economic development policies, either for or against, or enter into the broader energy policy debate. That is why we will have a regulator based in Western Australia.

There is a sensitivity to the issue of providing access to Western Australian business. That may be all right for the large companies, or for some of the members of the Chamber of Minerals and Energy of Western Australia or the Chamber of Commerce and Industry of Western Australia who are at the top end of the scale, because they often have national affiliations, but what about the small to medium businesses in this State that want to buy, sell or trade gas? Given our separation from the national system for both gas and electricity, we will maintain a regulator in the system. If we had an interstate pipeline, clearly it would go into the ACCC - I have no argument about that; and if we ever had an interstate transmission line, which I doubt, again we would enter into the national grid system. We do not have that; therefore, we will apply an agreed national code within Western Australia, in full cooperation and consultation. I remind members that the Federal Government and all state Administrations have agreed with Western Australia having a state based regulator.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Application to coastal waters -

Mr THOMAS: What does this clause mean? Will pipelines that are in commonwealth waters be subject to the local regulator, assuming the Bill is passed without our amendments, or will they come under the ACCC?

Mr BARNETT: This clause will allow the code to apply to pipelines that come from offshore to onshore in Western Australia, such as the pipeline from Varanus Island. Gas pipelines are effectively the customer side of a gas processing plant.

Mr THOMAS: I do not think that pipeline passes through commonwealth waters. Do any of the pipelines in Western Australia pass through commonwealth waters; and, if so, would they come under the jurisdiction of the ACCC rather than the local regulator? That question may seem a bit odd, but the pipeline that comes from the North West Shelf onto the processing plant on the Burrup Peninsula is not covered by this legislation because it is on the production side of the processing plant. There is a processing plant on Varanus Island, and the pipe that carries the product to shore there may be covered - although it is not in the schedule - because it is on the customer side of the processing plant. Some of the operators of that pipeline are concerned that they may be covered by the operation of the code, whereas their competitors a few hundred kilometres away are not. The decision rests purely on where they decide to put the processing plant. If it were possible, and they chose, to put the processing plant for the North West Shelf on a platform, the pipeline between the platform and the shore would be covered. The proponents of that pipeline have made representations to the minister on this matter. They believe that it is unfair and somewhat arbitrary that it is possible to put the production plant on an island nearby, and they make the point that a lot more capital per kilometre is invested in an underwater pipeline; therefore, the implications of having to comply with third party access obligations are much more profound for them than they are for the proprietors of a pipeline onshore.

They say that, in practice, the underwater pipeline between their plant on Varanus Island and their plant for the main Dampier to Bunbury natural gas pipeline both produce infrastructure. I understand that if we define it as being one side of the production plant rather than the other, in a technical sense it is not, but in practical terms it is, it does seem to place an obligation on them which is much greater than for the onshore pipelines, which is what the legislation really seems to envisage. These people have made representations to the minister, and I recall that the minister said in this place at one stage that he did not think the code should apply to offshore pipelines. I would be interested if the minister could explain his thoughts about this matter, seeing that potentially he has a significant role to play in extending the coverage of the code to such a pipeline.

Mr BARNETT: The member is correct. I have expressed concerns, and I continue to have concerns, about this code applying to offshore pipelines. The member has provided a perfect example of why we need a state-based regulator. This issue is unique to Western Australia. We can imagine the lack of sensitivity to the mixture of onshore, three-kilometre limit, territorial sea and offshore gas reserves. It is precisely because of those types of considerations that we want a locally based regulator who understands what is taking place in the industry. If we get arbitrary decisions and a lack of understanding of the realities of production, the access code regimes will be applied further and further upstream, with the inevitable consequence that upstream producers will build smaller infrastructure, so it physically will not be available for open access, and that will be subeconomic and suboptimal. That is not the result we want. We have managed to get it to the stage where the code will apply only up to the gas processing facility, but even that, as the member has indicated, will produce anomalies. That is why we want a local input and some local say over the way in which this code is applied.

The code has great potential to cause enormous disruption and cost to our developing offshore gas industry. This State produces 52 per cent of Australia's natural gas and has 80 per cent of Australia's natural gas reserves. The code has been developed to suit a developed, stable situation in New South Wales and Victoria, not the developing gas sector that we have in this State; hence we want a local input, for exactly that reason.

Mr GRILL: I am still a bit confused about clause 6. Subclause (1) states that "This Act, the Gas Pipelines Access (Western Australia) Law and the Gas Pipelines Access (Western Australia) Regulations apply in the coastal waters of this State". Subclause (2) states that "coastal waters" means any sea that is on the landward side of the adjacent area of this State but is not within the limits of this State. The member for Cockburn put to the minister the proposition that a pipeline may go through commonwealth waters in a particular set of circumstances.

Mr BARNETT: It may in the future. We do not have that situation at present.

Mr GRILL: In the event that it did go through commonwealth waters, would there be joint administration in terms of the regulator of that pipeline? Would the ACCC have jurisdiction for part of the pipeline?

Mr BARNETT: The state-based regulator will operate under this code and will have a close working relationship with the ACCC. These people would not work in divergent directions. If there were a case of shared jurisdiction, obviously they would work together, as we do with the Commonwealth in a lot of areas.

Mr GRILL: Is the minister concerned that we could have two regulators for the same pipeline?

Mr BARNETT: Yes. If we had a processing plant on an offshore platform in commonwealth waters, the member would be right.

Mr GRILL: That point is worth making.

Mr Barnett: Yes.

Mr THOMAS: Given the important role that the minister has to play in this matter, I hope he will continue to observe the interests of people.

Mr Barnett: A review of the upstream implications is currently taking place. The State Government, through the officers here, is strongly arguing that the code should not go upstream. That is a particularly strong Western Australian position which is not shared by other States, which do not really give a damn about it because it is not an issue for them.

Mr THOMAS: The minister is obviously having a hard time with some of his colleagues in other jurisdictions.

Mr Barnett: No I am not.

Mr THOMAS: That is obviously jaundicing his view. If he were to take a detached view and look at our amendments, he would notice that we would retain the right for the state minister to exercise the functions of the minister, and not the commonwealth minister, even for transmission. He would continue to exercise all of his roles, notwithstanding that the Australian Competition and Consumer Commission would be the regulator, and the same goes for the appeal body and the arbitrator. Having a commonwealth body exercise powers under our legislation would not prejudice the coverage of those important roles.

Mr Barnett: You would have a commonwealth body exercising powers responsible to a state minister. Do you think that the Commonwealth would agree to that?

Mr THOMAS: It does it in South Australia.

Mr Barnett: To achieve that, it would have to be accepted by the Commonwealth and all other state jurisdictions. The code would have to be changed. It has been enacted in other places. There is not a snowball's chance in hell that the Commonwealth would agree to do that. What you are proposing is a nonsense. You will talk about it for another two hours and then we will go home.

Mr THOMAS: I was trying to make a minor point that under our amendment, if the legislation were to be carried, there would be the protections of having a state minister, a state arbitrator and a state appeal body to exercise various functions under the code.

Mr Grill: Under our amendment there would not be the potential for two regulators of the same pipeline.

Mr Barnett: That is a long bow.

Mr THOMAS: We know that the minister has had an unhappy experience with the ACCC. Obviously he is having unhappy experiences in his meetings with his colleagues in other jurisdictions.

Mr Barnett: They are all happy; everyone has agreed.

Mr THOMAS: In the negotiations of extending the principles upstream, the minister seems to feel that people in other jurisdictions are not attuned to our circumstances.

Mr Barnett: They are not interested because they do not have an offshore gas industry. It is not an issue for them.

Mr THOMAS: We are not talking about the offshore gas industry.

Mr Barnett: Upstream in this State means offshore.

Mr THOMAS: The fact that the minister has had those unhappy experiences and is still having them should not jaundice his view against all bodies established by the Commonwealth.

Mr BARNETT: What the Opposition is proposing, even if anyone could imagine some sentiment for it, is simply not practical; it is not legally possible; and it will not politically happen. To require the Commonwealth to amend its legislation and all other States to amend their legislation to accommodate a proposal by the Opposition that the federally-based ACCC will on these issues report to a state minister is simply a nonsense. Members opposite know it is a nonsense and that it will not happen. The only way in which Western Australia will retain any sort of role will be to have a state-based regulator.

The example the member raised of offshore upstream petroleum is of major concern to us because that is where the future wealth of the industry lies in Western Australia. It is not a big issue for Queensland or Victoria because the Bass Strait fields are depleted or declining. It is not an issue for New South Wales because it does not have any offshore industry. It is not an issue for South Australia because although it hopes it has some offshore gas it has none. It is not an issue for Tasmania. Those States are talking about the Cooper Basin, where they measure the processing plant and the distribution pipelines through metropolitan areas. Those are all important issues there but they are not the main game here.

We are concerned about making sure that we are able to see things happen at a local level on the main game; that is, the development of this industry. We will apply that code. Our regulator will work closely with other jurisdictions. He or she will apply the code. That is the regulator's job. The regulator will not be out there setting policy and arguing points. No doubt points of difference will emerge but I expect at a professional level between the state-based regulator and the ACCC those points of difference will be resolved. They will be in constant dialogue and obviously work together. Most of the

issues will be dead straightforward and will be dealt with. There will be questions of access, pricing, contracting and whatever else. They will be fairly simple cases which will be handled locally here. Under the Opposition's scenario, a small to medium-sized business would be shooting all over the country every time it had a problem. That is great for the big companies and the Chamber of Minerals and Energy, which would much rather have their lawyers out of Melbourne deal with it, but for smaller and medium-sized resource and manufacturing companies and commercial enterprises, we will provide a service which will mean they will not be jumping on aircraft every five minutes to try and get decisions out of the ACCC.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Extension of the Law and the Regulations to certain pipelines reticulating gas other than natural gas -

Mr THOMAS: The intent of the clause is fairly obvious but I want the minister to explain where he thinks this might be applied. The pipelines envisaged in this legislation are those that carry natural gas but this clause extends to gases other than natural gas. The definition of gas other than natural gas means hydrocarbons. The minister might like to seek advice from his advisers. Could it possibly include gas on the production side of a process plant; that is, gas which is not market ready but which would meet some, if not all, of those criteria?

Mr BARNETT: This again is an example of where there is a difference in Western Australia. We have liquid petroleum gas reticulation. Effectively treated liquid petroleum gas is reticulated in Mandurah and Albany. To the best of my adviser's knowledge there is no other place in Australia where LPG is distributed by reticulation. The situation is unique, representing the fact we have a State with huge dimensions, and that simply accommodates a local issue.

Mr THOMAS: The minister was talking to his adviser when I asked the question, so he might not have heard the whole of it. Could this clause conceivably be used to extend the law and regulations to gases on the well side of a processing plant?

Mr Barnett: Such as CO₂?

Mr THOMAS: No. Would gas that has not been through the processing plant be covered under this clause?

Mr Barnett: No. It is natural gas whichever side of the processing plant it is on.

Clause put and passed.

Clauses 9 to 14 put and passed.

Clause 15: Conferral of functions on NCC -

Mr THOMAS: I placed an amendment on the Notice Paper. Subsequently I had it redrafted. I have had it reduced to writing and have circulated a copy to the minister and his advisers. I seek to move the amendment.

The DEPUTY CHAIRMAN (Mr Barron-Sullivan): The member must oppose the clause. If his opposition is successful, he may then move the amendment.

Mr THOMAS: I intend to oppose the clause with a view, if successful, of substituting another clause. The substitute clause is outlined on the paper circulating the Chamber. The principal difference between the amendment on the Notice Paper and the one being circulated is that here we will import into the scheme the Australian Competition and Consumer Commission and the National Competition Council. Previously, I proposed to import the commonwealth minister, the Australian Competition and Consumer Commission, the National Competition Council and the Australian Competition Tribunal. Under the Opposition's scheme, the commonwealth minister and the Australian Competition Tribunal will have no role. Therefore, it is unnecessary to import them into the scheme at this stage.

This is the first amendment to establish the comprehensive alternative scheme. It would be economical to now conduct debate on that scheme. Most of the other amendments flow and many would make little sense without the passage of my substitute clause. A number of amendments stand on their own which we will debate, but I propose to conduct the principal committee debate on this clause.

The Opposition's proposition is that we are part of Australia, which has decided to have a national code and a national regulator. In the sparring that has taken place between me, my Labor colleagues and the minister, it has been said that Western Australia is unique. In fact, it is claimed that people operating at a national level appointed by the national Government do not have a propensity to understand the unique features of Western Australia; therefore, decisions are likely to prejudice Western Australia's interest: At best, they will be overlooked; at worst, those people will be uncaring about the unique interests of Western Australia.

That is not a credible argument. The minister has had a couple of unhappy experiences with the feds, which has jaundiced his view, particularly in relation to the Australian Competition and Consumer Commission. The fact is that the ACCC would

be exercising jurisdiction conferred on it by this legislation. The minister's unhappy experience relates to the Australian Competition and Consumer Commission exercising jurisdiction conferred on it by the Trade Practices Act. The minister may or may not agree with the Trade Practices Act and the way the Australian Competition and Consumer Commission discharged its function under that Act. I am sure we would all agree with him in the notorious example he cited.

Mr GRILL: The member for Cockburn is developing a coherent argument which he should develop further.

Mr THOMAS: The fact that the minister does not like what is done in discharging the Trade Practices Act, or some other function, does not mean that the ACCC will necessarily display the same qualities in relation to jurisdictions under this Act. We should be a little imaginative. If the Labor Party wins the 3 October election, and the amendments are successful in this Chamber or another place, I will make representations to the newly elected Beazley Government. I will say that as Western Australia produces 52 per cent of Australia's gas and the ACCC has the role in regulating the gas industry, the ACCC gas division should be based in Perth.

Mr Barnett: The issue of volume will not be the point. The issue will be access to a larger market on the east coast. The issues which will arise here will be distinct from such matters. That is the point. Western Australian businesses will be flying backwards and forwards waiting for a decision, and be dropped to the bottom of the queue.

Mr THOMAS: We have heard this call from the conservative side of politics since Sir Charles Court in the 1960s. The conservatives rabbited on about the gnomes of Melbourne before the national capital was moved from Melbourne to Canberra. They said that people in the east did not understand the problems faced in this State. That is not so. The fact that the minister has had a couple of unhappy experiences is colouring his view. The unhappy experiences related to the Trades Practices Act in association with an illegal deal. If a state-based regulator had enforced that law, one would hope that the same result would have occurred.

Mr Barnett: If you are talking about Epic-AlintaGas, who said it was illegal?

Mr THOMAS: The Australian Competition and Consumer Commission.

Mr Barnett: Will you withdraw that tomorrow if you are shown to be wrong? Will you apologise?

Mr THOMAS: No. I certainly will not apologise.

Mr Barnett: It is just another careless slur.

Mr THOMAS: It is a deliberate slur.

Mr Barnett: We now understand: It was a deliberate slur. We had earlier a contrivance to embarrass the minister, and we now have a deliberate slur rather than an ad hoc slur!

Mr THOMAS: The minister used the word slur - I repeated him.

Mr Barnett: You said it was a deliberate slur - your choice, not mine.

Mr THOMAS: It was a deliberate choice of words directed at the minister.

Mr Barnett: The member says that the deal was illegal when it was never found to be illegal.

Mr THOMAS: Who will spare me from this troublesome minister? I do not want to labour the point. The Epic-AlintaGas deal, which the minister originally said was wrong and should go to tender, was in the end canned by the ACCC. The minister said that it was wrong and not illegal. It was not found to be illegal in the sense of anyone being convicted in court. However, the ACCC said that this would have happened, but the proponents decided to concede. The minister beat his chest and said the ACCC was wrong. It was not illegal, but he would not call its bluff by taking the matter to court. The minister backed off. In practice - the minister has chosen not to listen to what I say - that is precisely what happened. We said that the Epic-AlintaGas deal, the most recent of the Barnett shady deals, was wrong. We said it would be caught out and prohibited by the Australian Competition and Consumer Commission. The minister said we were wrong. However, ultimately we were vindicated.

Mr BARNETT: The AlintaGas-Epic deal was not illegal, and it was not prohibited by the Australian Competition and Consumer Commission. It is currently in place. The only difference is that instead of AlintaGas, it is Epic, and the arrangements with Kingstream are in place. They were ticked and approved by the ACCC. It is in place as a current commercial arrangement. End of story.

Mr THOMAS: It was found to be a restraint of trade.

Mr Barnett: You cannot make it up; it is a contract that is binding and is accepted. It is not under challenge; it applies today. Never mind, just make another deliberate slur.

Mr THOMAS: The minister is starting to lose it because he does not like to be reminded of the fact that he was caught out

by the Australian Competition and Consumer Commission as a party to an arrangement that was in breach of the Trade Practices Act. It is as simple as that. The parties had to act accordingly, prior to the sale of the pipeline.

Mr Barnett: If you were a person of any honour and integrity you would make these statements outside, but you will not.

Mr THOMAS: Now we see the minister's form. I mentioned during the second reading speech that - I did not want to go into these matters - the famous Ord hydro deal put to the minister by the treasurer of the Liberal Party as a great deal. He handed over the resource base of a substantial industry without engaging in any competitive process. The kindest description is to call it one of the most bizarre actions of a Resources Development minister in the history of this State. There was no pretence of a competitive process. The treasurer of the Liberal Party said he could generate electricity much cheaper than diesel in Kununurra. One would not have to be too much of an engineer to be able to generate electricity cheaper than diesel in Kununurra. The minister went along with it.

I said that if this were 1992 it would be a term of reference at the Royal Commission into Commercial Activities of Government and Other Matters. His mate, Mr McKinnon, the treasurer of the Liberal Party, said it was libel and tried to prevent me from undertaking my duties as a member of Parliament with portfolio responsibilities in the energy area by trying to sue me. He tried to intimidate me. Ultimately he had to withdraw his action.

Mr Barnett: He withdrew it; he did not have to withdraw it. Do you know why he withdrew it?

Mr THOMAS: No.

Mr Barnett: He discussed it with me and we concluded that it was not worth bothering with someone like you, so he gave it a miss.

Mr THOMAS: I am not a person of any great means, but I have a house. If he had a legal basis on which to proceed he could have got the value of my house. It is only humble, but it is better than nothing. The minister is saying that he had the legal basis on which to proceed, but I am of such low consequence it was not worth taking the \$100 000 or whatever that he could get from me.

Mr Barnett: He was not interested in your financial assets; he could not be bothered with you at the end of the day. He had other things to do.

Mr THOMAS: I am glad the minister tendered that advice, if that is what he did. My legal advice was that the case was something with which I could wipe a part of my anatomy if I had a mind to do so, it was so absurd. Perhaps at the same time the minister also gave advice and he took it. I think his legal advice was that it was without substance. That is not the point. The point is that those people like to use the courts and threats of suing people to silence criticism. The fact is that he defended the Alinta-Epic deal days before the pipeline sale went through. The ACCC came out with its finding, but the minister said it was wrong, although he was not prepared to challenge it, in the same way his mate Mr McKinnon was not prepared to challenge me. I was happy to go to court and argue that what I said was correct and that I was entitled to say it, but he was not game to go through with it.

Mr Cunningham: I would like to hear more from the member for Cockburn.

Mr THOMAS: We can put that behind us. I am happy to make comments outside this place; I do that all the time. The minister should ask the journalists in the press gallery what I say. He should subscribe to my press releases.

Mr Barnett: You know very well that privilege applies within the confines of the Parliament.

Mr THOMAS: Does it apply to the press releases that are sent through the fax machines of Parliament? If the minister subscribes to my press releases he will see that I say publicly what I am saying now. I could produce a litany of shonky deals.

Mr Barnett: I would not bother to sue you because I would not waste my time.

Mr THOMAS: Why did the minister ask me to say it outside?

Mr Barnett: You are the sort of person who will say anything in here. When I pointed out that you said something incorrect a while ago, you said that was a deliberate slur on that occasion. What an extraordinary statement. If you want to accuse me effectively of corrupt behaviour, you should have the courage to say that publicly. I will not sue you but you should have the courage to make those statements in the public arena and see what happens to your credibility.

The DEPUTY CHAIRMAN (Mr Barron-Sullivan): I remind members to address remarks through the Chair.

Mr THOMAS: I do make those comments about the minister outside the Chamber.

Mr Barnett: You should do it tomorrow.

Mr THOMAS: I refer to my credibility and the statements I make about the minister. I made a statement outside this Chamber when I made a submission to the Commission on Government using, I am sure, the same words, although some

time has passed since then. The transcript is probably available. I made very similar observations to those I am making now to Mr Gregor and the other members of the COG, Frank Harman and others. Two or three of them were not there. I cited some of the same examples and others have occurred since then. The COG said that I was right. When it gave its report on commercial confidentiality and government trading enterprises, who did it cite as an example of how a minister should not behave in terms of accountability? The Minister for Energy. That is an example of my making these remarks. The COG said I was right and the minister got it wrong. Many others have said that. As we have found regarding the other jurisdictions, the minister is the only person in step, for which I congratulate him!

The minister said that if the ACCC were to undertake the role of regulator people would be on planes to Canberra all the time. We could be a little bit imaginative and suggest that, as 52 per cent of Australian gas is produced in Western Australia, people within the ACCC who are responsible for regulating the gas industry should be based in Western Australia.

I am sure that if a Labor Government is elected on 3 October members on this side of the Chamber will make that representation to the Beazley Labor Government. If, perish the thought, the Howard Government is re-elected, I hope the minister will make similar representations about the people who are responsible for the regulation of the industry being placed where they should be; that is, in the capital city of the State that produces most of the product. It might seem rather fanciful that that might occur, but it is not at all fanciful.

Mr CUNNINGHAM: I am not quite the Opposition Whip at this stage but I would like to hear more from the member for Cockburn.

The CHAIRMAN: That is not the right response. If that is all that the member for Girrawheen has to contribute to the debate, I will call the next speaker. Members should not say that they would like another member to continue; they must add to the debate.

Mr Barnett: Let us hear the views of the member for Girrawheen about the regulator.

Mr CUNNINGHAM: My views are very similar to those of the member for Cockburn - in fact, they are nearly exactly the same. I believe that the member for Cockburn is about to blow up the debate. He will make sure that the Government pays for what it has done.

Mr THOMAS: It might be thought that it is rather fanciful that I should suggest that the Australian Competition and Consumer Commission should be responsible for regulating gas in Western Australia, given that Western Australia produces 52 per cent of the nation's gas. In fact, it is not fanciful. There was a time, perhaps 10 years ago, or much less in some cases, when it would have been thought fanciful that gas producers should be based in Western Australia. One by one they are all coming over. Westside, BHP Petroleum and the like are locating their operations in Western Australia. As the centre of gravity of Australia's petroleum industry has moved from Victoria to Western Australia, they are all locating their head offices in Perth. In time to come, the ACCC or other bodies that are responsible for administration of the industry should also be based here.

The minister should be a little more imaginative. It is not simply a matter of people catching planes. Many people who are involved in the industry are national operators in any event. They are national companies and their executives are national managers. They routinely move between States as they undertake their duties as executives in those companies. It is wrong to suggest that people catching planes will be inconvenienced. We have found that the majors - I agree with the minister that there is not the same unanimity among the minors, but that is understandable - who operate in more than one State, and that is a very substantial proportion of the industry, say, "This should happen if for no other reason than the fact that we have to deal with only one organisation." Under the minister's proposals, those who operate in more than one State must deal with more than one organisation. A marked preference has been expressed - they would prefer to deal with only one organisation. Such arguments about the convenience of the people involved in the industry have no substance.

Finally - almost finally, anyway, or the penultimate point - the minister has painted a scenario which suggests that insensitive bureaucrats from the east would consider the industry in Western Australia, and that they are not capable of understanding our so-called unique circumstances. The minister seemed to indicate that he did not understand the structure in his own legislation, because a substantial number of the functions that he talked about which he would not want to be exercised by the ACCC are exercisable either by the State's Minister for Energy - him, regrettably - and will continue to be the Minister for Energy in Western Australia, by the arbitrator when there are disputes between parties in terms of the access regime, or by the appeal body. Each of them would exercise those functions for distribution and transmission under the scheme that we have put forward.

It must be said that the minister's opposition to the project is jaundiced by his unhappy experience with the ACCC and his unhappiness, apparently, in persuading his ministerial colleagues in other jurisdictions to come to his point of view. It is very difficult, I know, when one is the only person in Australia who is in step, as the minister is, it would seem. That has coloured his perceptions of commonwealth public servants. It is such that he should reconsider his position and support an eminently reasonable, practical, well-thought-out proposition as is reflected in the amendment.

Mr BARNETT: I will restate what is happening. This measure implements a national access code for gas transmission pipelines - big pipes - and gas distribution pipes - little pipes. It is an agreed code to apply throughout Australia - a code developed cooperatively between federal and state jurisdictions. Other States have interstate pipelines, and the interstate pipelines are the big ones - the transmission pipes, not the local distribution pipes. They cross state borders. Clearly, one regulator is appropriate. The ACCC is the regulator on the east coast, in the other States, of the transmission pipeline.

When it comes to distribution pipelines, there are separate state regulators in every State. Indeed, the ACCC does not act anywhere as the regulator for distribution pipelines. On the east coast - New South Wales, Victoria or wherever else - if a gas transporter wants access to a pipeline, if it is a distribution pipeline he deals with a state regulator in Sydney or Melbourne. If it is a transmission line - one that crosses state borders, typically, or one of the larger volume pipelines - he deals with the ACCC. They are all around Sydney and Melbourne it is all pretty convenient. If he has a circumstance - for example, a gas transporter or a customer and the gas is going through both a transmission pipeline and a distribution pipeline - he will deal with the ACCC on an access regime for the transmission line, and he will deal with the state regulator for the distribution line, probably all within Sydney and Melbourne or wherever it might be. In Western Australia, though, we, like every other State, are required to have a state-based regulator for distribution. The only difference is that our state-based regulator will also deal with transmission, so the gas customer who wants to bring his gas molecules down a transmission line and through a distribution line can deal with the one state-based regulator who can deal with both issues in Western Australia.

That is the difference. Otherwise, the Western Australian producer or customer would have to deal with the state regulator here on distribution, and then jump into a plane and fly to Sydney or Melbourne to deal with the transmission issues. That is the difference - the same code, the same rules apply. A state-based administrator in Western Australia can deal with both transmission and distribution within Western Australia. That is a damn sight more sensible. It also allows that person to be close to the scene, to be conscious of the upstream issues that we have debated and all the other issues that apply, and to understand the history of resource development projects, of the agreement Acts, of the development of the Dampier to Bunbury natural gas pipeline and the goldfields gas pipeline - all unique, special circumstances here. That is what it is about. Opposition members oppose it and suggest that somehow we can turn it on its head and have the ACCC work here but respond to the state minister. Come on, that is loony-tune stuff!

Mr GRILL: I do not believe that there are clear-cut arguments on either side of the debate. Members of the Opposition thought about the matter for some time before we brought forward the amendment. We canvassed the industry, and it is divided on the matter as well. The minister indicated that smaller companies probably favour a locally-based regulator. But the great majority of the industry favours the ACCC as the regulator. Organisations such as the Chamber of Mines and Energy, the Chamber of Commerce and Industry and the Australian Pipeline Industry Association, although they have been somewhat muted in expressing their opinion, all favour the ACCC. They favour the ACCC because, first, they believe that it is in their best interests, and, secondly, because they think that it makes a much more coherent policy for Western Australia to be part of an Australia-wide system.

Unfortunately, there are a few unpalatable facts about Western Australia. One of them is that the Western Australian business community is very small in Australian terms and tiny in world terms. A great percentage of the business community is not in Western Australia. That also applies to the petroleum industry. The problems in selecting independents in this arena will be very important.

Mr Barnett: Why do you assume that the regulator will be someone from the petroleum industry?

Mr GRILL: I do not presume that.

Mr Barnett: That seems to be the argument.

Mr GRILL: The minister should listen to the argument.

Mr Barnett: There is no reason. It could be a lawyer, God forbid!

Mr GRILL: That would be unfortunate; however, it could be a lawyer. I do not think that would be welcomed by the industry.

Mr Barnett: It will need a lawyer to understand the code!

Mr GRILL: The larger part of the industry in this State - as represented by the Australian Petroleum Exploration Association, the Chamber of Mines and Energy and the Chamber of Commerce and Industry of Western Australia - would favour the Australian Competition and Consumer Commission. We thought about taking advice on the issue. There are no clear-cut arguments on either side. However, looking at the situation on balance, we favour the ACCC to carry out that function. Even the legislation proposed by the minister contemplates that situation under certain circumstances. His proposition for the regulator in this State to cover both transmission and distribution lines would change overnight, according to him, in the event that a pipeline went out of the State. It is possible in future that we will have a pipeline going out of the State.

Mr Barnett: For that one pipeline, yes, and it makes it very clear that it is an interstate pipeline regulated by the ACCC. We recognise that for any interstate pipeline.

Mr GRILL: The minister is just confirming the point that I am making.

Mr Barnett: We have deliberately agreed that; there is no question about that either.

Mr GRILL: That could change overnight.

Mr Barnett: For that one pipeline, yes.

Mr GRILL: The minister concedes that the situation he proposes may not work because he believes there should be a review of a Western Australian independent regulator within five years. The truth about Western Australia is that we have a tiny business community and it will be very hard to select an independent arbitrator from that community. There is a history all around the world, and in Western Australia, of these types of regulators - and they have a whole range of names - being captured by the industry that they serve. This capturing does not necessarily occur in the first few months or the first year or two. However, almost invariably a situation arises where these regulators are captured. The ACCC is not perfect and I have been prepared to criticise it previously in this debate. However, one thing we know about the ACCC is that it is fiercely independent. It will administer this law as regulator in all the other States. It will build up a body of expertise. It is unlikely that it will be captured by the industry. It is primarily on that basis that the Opposition favours the ACCC carrying out that role.

Clause put and passed.

Clause 16: Conferral of power on NCC to do acts in this State -

Mr THOMAS: I would like to continue the argument made by my colleague, the member for Eyre, in our opposition to clause 16.

Mr Barnett: Are you moving your amendments or not? You did not move them.

The CHAIRMAN: No, he cannot.

Mr THOMAS: Under the standing orders I must oppose the clause and if my opposition is successful, I move my amendment.

Mr Barnett: But you did not vote against the clause.

Mr THOMAS: I did, actually.

The CHAIRMAN: The clause must be defeated for the member to move his amendment.

Mr Barnett: I will give you a tip: If you want to defeat a clause you vote against it, you do not remain silent.

Mr THOMAS: My recollection is that I did vote against it. However, I thank the minister for his advice.

The CHAIRMAN: Members, we are now discussing clause 16.

Mr THOMAS: To add to the point that has been made by my colleague, the member for Eyre, there are books written about the incidence of regulators being captured by the industry which they regulate; and there is a need to give the regulator in this industry a breadth of vision such that it is able to be independent and detached from the industry that it is seeking to regulate. In this case the Government has rejected both options. It had two options of giving the regulator some breadth. One is to give it a jurisdiction which would extend beyond gas to electricity, rail, water and other areas where similar questions arise such as those under this access code. In that case, even though the regulator might be Western Australian based, it would have a breadth of vision such that it would be less likely to be captured by any one part of the jurisdiction for which it is responsible. However, the Government has not backed that option; and that is unfortunate. It also knocked back the other way of ensuring an independence and detachment from the industry which is being regulated; that is, to pick up one that is already there, which is able to be accessed and which does not require all of the steps necessary to set that up. Under either of the options, the Government is not taking the steps that we hoped it would in order to ensure that degree of independence; hence the amendments that we are moving.

Finally, on this point, the minister asked whether the ACCC would be prepared to undertake the work in these circumstances. We will have to ask the Parliament which passes the legislation. I do not think we could command it but it has shown a desire to extend its turf. I have been talking to some colleagues who have been involved in discussion in another place in one of the committees in relation to rail access. They have been assured that the ACCC is keen to play a role in Western Australia in relation to rail. I have no doubt that it would be prepared to do the work here under the excellent scheme proposed in this legislation as we would amend it. Therefore, there is no substantial reason for rejecting this excellent proposition put forward which would give Western Australia an independent regulator and a scheme that is regulated in

every State. Although the minister might say there is a convenience for people who are involved in transmission in more than one State, that is a much more common scenario.

Mr BARNETT: Very few Western Australian gas producers or gas customers must deal with transmission in more than one State; in fact, no-one does. Until a pipeline goes across a state border, no-one will.

While members opposite oppose a state-based regulator for transmission - they suggest that such a regulator would not be competent - they implicitly accept a state-based regulator for distribution. The issues can be exactly the same and just as complicated. According to members opposite, the State can have a regulator for distribution, but for transmission it must be the ACCC on the other side of Australia dealing with the same code and rules and the same companies, gas producers, gas transporters and buyers. It has me beaten.

Mr THOMAS: I am glad we have the minister beaten.

Mr Barnett: The strategic move was when you did not vote; that was stunningly brilliant.

Mr THOMAS: I suggest that the minister have his ears cleaned. I will shout louder next time so that he hears. In fact, I will ensure he hears by calling for a division.

The CHAIRMAN: I heard the member for Cockburn vote no.

Mr Barnett: It was gentle opposition.

Mr THOMAS: The minister should clean his ears.

The regulator's primary customers will be the operators of the pipeline, who will submit their access regimes and seek to have them approved. For the most part they operate in more than one jurisdiction. A substantial majority of those who have spoken to the Opposition have indicated a preference to deal with one regulator in Australia. Not many pipeline providers, as opposed to shippers, operate in both transmission and distribution. In this State, those involved in transmission are not involved in distribution. The argument of convenience that the minister put up is false.

He put an argument in his school project presentation about interstate pipelines. The reason for the ACCC's original involvement in gas transmission was the advent of interstate pipelines. However, one does not need an interstate pipeline to have ACCC involvement. We can avail ourselves of its independence and those services without having an interstate pipeline. Obviously, the Opposition believes that the State should avail itself of those services.

The agreement between the States provides that after five years, the position of the Western Australian regulator will be reviewed. If an interstate pipeline is built, it will be reviewed then. There is a review process. It is a sound proposition that the role of the ACCC in Western Australia be reviewed. The Opposition has gone one step further in seeking to have that included in the legislation.

If the problems that the minister envisages in his xenophobic fear of people on the other side of the continent were to be realised and were he or the other bodies involved - specifically the regulator and the appeal body - not able to legislate to prevent that, after five years it would be reviewed and the situation could be reversed. It is by no means irrevocable.

However, at this early stage when we are setting up the system, why not avail ourselves of the services of a body that has the experience required and the confidence of industry? People do not look fondly on regulators any more than they look fondly on football umpires. However, most people believe the ACCC does a reasonable job in its regulatory functions. They do not have the minister's jaundiced view, because they have not had his unhappy experiences. There is no reason that we should not avail ourselves of those services. If in five years or sooner we do not like what it is doing, we can reverse this arrangement.

Mr GRILL: The Opposition appreciates the parochial arguments put by the minister in favour of an independent, Western Australian regulator. My every instinct is to favour a local regulator. Anyone who has had any dealings with the bureaucrats in Canberra would want to deal with someone in Western Australia. It is a frustrating business. It is even more frustrating to find that at ministerial conferences the Commonwealth sticks with New South Wales and Victoria and excludes the other States in many debates. My every instinct and the instinct of my colleagues is to favour a locally-based regulator.

However, there are profound arguments against a locally-based regulator. Some of the biggest players in this field in Western Australia - Western Power and AlintaGas - are government owned. This regulator will be appointed by the Government; his appointment will be determined by the Government; the conditions under which he can be suspended will be determined by the minister; and his salary will be set by the minister, as will the overall funding for his staff. The minister will be able to issue directions to this regulator. It gets back to the old golden rule: Financially this regulator will be almost totally controlled by the State Government. The State Government is one of the major players in this arena. How can we be sure that a regulator whose position is controlled by the Government or the minister will be independent?

We can include rhetoric in the Act. It already provides that, despite all of this, the minister cannot interfere in the day-to-day

operations of the regulator. However, if the minister or the Government has control over these other features of the regulator's activities, can we be sure that that person will be independent, especially when at least two key players in the market are government-owned enterprises? It looks wrong to the Opposition, and it certainly looks wrong to a number of the players in the arena. From the beginning the regulator does not appear to be at arm's length.

All the points I have mentioned about control, direction, salary, remuneration and funding are set out clearly in the Bill. It is not an arm's length situation, although I know that the minister would like it to be. The advisers would say that they have included safeguards in the Bill, but they do not achieve their goal. It cannot be at arm's length, and the Government is a big player in this arena. For that reason a number of commercial operators are not happy about this situation.

Mr BARNETT: The member is suggesting that if there is improper conduct, there may be an undesirable outcome. That may be the case. The community must have some confidence in elected Governments and ministers to perform their duties and to appoint people who not only administer the code, but also have the professional expertise and integrity to maintain their independence. A number of so-called independent groups, individuals and bodies report to the Government, and to me in particular. I do not think I am any different from any other minister.

Mr Grill: There is already a rumour circulating that the regulator will be someone straight out of a government department.

Mr BARNETT: Who knows? There may be lots of rumours, but I will not speculate.

Mr Grill: It does not look wholesome.

Mr BARNETT: Immediately the member has cast a slur on it.

Mr Grill: No, I am talking about perceptions.

Mr BARNETT: The member can talk about perceptions as much as he likes; I will talk about the reality. One of my advisers has a range of responsibilities, quite independently administered of whatever I might think, and I assure the member that he administers his responsibilities totally independently. He would strongly resist interference from me or anyone else. There is a number of similar areas across government. Indeed, the boards of the two utilities are fiercely independent on commercial matters, and if the Government wants to achieve anything, it must explicitly set up arrangements to do so, such as the mid west gas pipeline. Clearly, that is an explicit, open arrangement because there is no way I can dictate to them.

Mr Grill: If it is all that open, why not answer my questions on the subject?

Mr BARNETT: I do not know which questions I have not answered. I answer 20 questions a day in my portfolio, and I cannot remember them all. The whole basis of the member's argument is that because this person is appointed by government, he is somehow dependent upon or influenced by government. It could be argued that the higher the level of Government, the bigger the jurisdiction and the more distant the relationship might be. However, who appoints the Australian Competition and Consumer Commission? It is the Federal Government. It might be argued that it is a larger jurisdiction and, therefore, there is greater separation. There is an element of truth in that. However, the member should not for a moment believe that the Federal Government and, implicitly, the ACCC does not have a number of agendas, one of which has been the national grid and national pipeline networks. These things have not necessarily been in the interests of various State jurisdictions, contracts and obligations. Hence, the push by the Commonwealth and various agencies to get interconnection with Queensland, which will probably eventually happen. Clearly, the Commonwealth has a series of agendas on energy, and the ACCC - its agent and its appointee - tends to pursue those agendas.

The member is talking about a matter of degree. There can be conflicts of interest at a commonwealth level and at a state level but, at the end of the day, what will the regulator do? He will approve or disapprove of access arrangements, set reference tariffs if they are not agreed or not acceptable, and so on. They are pretty limited roles, and any disputes can be referred to the arbitrator.

Mr Grill: We agree that the arbitrator should be Western Australian based; we agree that the court that decides matters of law should be the Supreme Court; we agree that the minister who decides questions of coverage should be the Western Australian minister; but, in this arena of the regulator, we feel it is open to abuse especially in the situation in Western Australia.

Mr BARNETT: It is not open to abuse. The member claims there might be a conflict of interest. I concede that in a relatively narrow jurisdiction there might be some conflicts but that presupposes the minister and the Government of the day will somehow influence the regulator. I do not believe that will happen. If a regulator were influenced inappropriately in that way he would be failing in his or her job and the matter would be raised in this Parliament, and industry would raise it.

Mr THOMAS: The minister said that there would be conflicts of interest and that people might act improperly. The minister does not understand the point. It is not that people would necessarily have a direct conflict of interest - in fact, the legislation provides for that - or that people would act improperly in the sense of corruption or an evil act for personal gain. What

would happen is that the culture of the milieu in which they operate is likely - to use the minister's second reading speech - perhaps to be a little too conscious of Western Australia's unique circumstances. We either do or do not support competition and the code. We want somebody who will rigorously enforce the code and perhaps not be too understanding. Ministers may be faced with companies in difficult economic circumstances and the net result will not be that the asset ceases to work and convey its benefits; it may be that it is devalued and someone ends up owning it, but its functions will be the same. If we believe in a rigorous competitive economy that is the sort of regulation that we want. The Opposition's concern is that the culture of light-handed regulation that has prevailed in this State up to now, which we have demonstrated in the second reading debate has failed the State in efforts to achieve lower prices, will be the milieu that will prevail in the State. For that reason it is not the most desirable structure. It is best to have something which is detached, and the Australian Competition and Consumer Commission is sitting on the shelf waiting to be picked up.

Clause put and a division taken with the following result -

Ayes (22)

Mr Ainsworth	Mr Day	Mr McNee	Mr Trenorden
Mr Baker	Mrs Edwardes	Mrs Parker	Mr Tubby
Mr Barnett	Mr House	Mr Prince	Dr Turnbull
Mr Barron-Sullivan	Mr Kierath	Mr Shave	Mr Wiese
Mr Board	Mr MacLean	Mr Sweetman	Mr Osborne (<i>Teller</i>)
Mr Bradshaw	Mr Masters		

Noes (16)

Ms Anwyl	Mr Grill	Mr McGinty	Mrs Roberts
Mr Brown	Mr Kobelke	Mr McGowan	Mr Thomas
Dr Edwards	Ms MacTiernan	Ms McHale	Ms Warnock
Mr Graham	Mr Marlborough	Mr Riebeling	Mr Cunningham (<i>Teller</i>)

Pairs

Mr Court	Dr Gallop
Mr Omodei	Mr Ripper
Mr Johnson	Mr Carpenter

Clause thus passed.

Clauses 17 to 21 put and passed.

Clause 22: Application of Commonwealth AD(JR) Act in relation to other scheme participants -

Mr THOMAS: Perhaps if members opposite keep an open mind and listen to the arguments for the amendments, they might change their minds. I do not intend to oppose this clause. It applies the commonwealth Administrative Decision (Judicial Review) Act in other jurisdictions. It is a rather strange provision. I assume it relates to pipelines that are envisaged in the Bill, but could not conceivably exist; for example, distribution systems that cross state boundaries or whatever. In any event the intent is quite clear.

When we were contemplating the way in which we would seek to amend this legislation, we were desirous of importing the commonwealth administrative law into the state tribunal. We seek to bring the Australian Competition and Consumer Commission to regulate this legislation in Western Australia, although the state regulator will obviously oversee transmission and distribution if our amendments fail. Even if they were to succeed, the regulator would have responsibility for distribution. The state regulator will exist. However, he is not directed to any body of law about the way in which he will act. For that reason, we have an amendment on the Notice Paper.

The state regulator would have a body of administrative law provided to him in terms of appeals - law which has arisen under the commonwealth Administrative Decisions (Judicial Review) Act. Most people who have considered the law covering the judicial review of administrative decisions believe the body of law and precedents that have been built up under this commonwealth Act is very desirable. When the Commission on Government contemplated the notion of judicial review of administrative decisions in Western Australia, it said that that sort of system should apply in the state jurisdiction.

No systematic administrative law in this State is equivalent to the commonwealth Administrative Decisions (Judicial Review) Act. I have raised that matter in clause 22 because while it has no direct application to this clause, it is incidentally relevant because this clause cites that commonwealth administrative law with regard to other jurisdictions. Could we not import that law into the regulatory system in Western Australia by directing the appeals body to have regard to that body of law and hence set up a systematic set of principles against which decisions that go to that appeals body will be able to be measured? I commend that to the minister as a separate variable. The minister does not need to accept our principle that the ACCC

should come into Western Australia in order to accept that variable. It is quite separate, because it applies to the state regulator.

Mr BARNETT: As I understand the judicial system and the way in which decisions are made, as a matter of course the state-based regulator will take into account decisions made at the commonwealth level and by other state regulators. That is the way the system operates judicially, and it is the way it will operate in practice.

Mr THOMAS: That is not necessarily the case, because the jurisdiction is being created, and there is no direction. I hope that it will take that into account, but nothing will prevent it from not doing so. It is appropriate to have a direction from this Parliament that it should do that. The best established body of administrative law in Australia is able to be cited, and the appeals body should be directed to follow that body of law. I again ask the minister to be a bit more considerate of suggestions from outside his immediate circle.

Clause put and passed.

Clause 23: Exemption from taxes-

Mr THOMAS: This variable is separate from the main thrust of our argument this evening, which is that the ACCC should undertake the regulatory role. When the interstate agreement was reached and the code was devised, there was an understanding between the parties - that is, the States and the Commonwealth - that neither state stamp duty nor commonwealth capital gains tax should apply to transactions which were necessitated by the ring-fencing provisions. We might ask how stamp duty or commonwealth capital gains tax could apply to the provision of third-party access to natural gas pipelines. The reason it applies is that because of the need to break up vertical integration monopolies, there is a provision that the operators of the pipelines need to be ring-fenced from any other activities that they may be undertaking, particularly the production of gas, if they are a gas producer, or if they are a major consumer of gas, so that the old AlintaGas-type model where the person is a purchaser of gas, a seller of gas and an owner of the pipeline, cannot exist.

The provisions of the Bill go further than the provisions of the Gas Corporation Act under which AlintaGas had to keep separate accounts. In this case there must be a separate legal entity. If the same people are engaged in different phases of the same industry, they must be separated out and incorporated into a separate entity to be proprietors of the pipeline. In some cases that can involve the transfer of assets from one party to another, which in the normal course of events could be expected to attract stamp duty. If a capital gain were made as a result of that transaction, it could attract capital gains tax. It was agreed between the States and the Commonwealth when the legislation was introduced to give effect to the gas access law that they would ensure that those liabilities did not arise. This Bill is faithful to that idea and exempted transactions, as defined in the Bill, do not attract capital gains tax or stamp duty. That is as it should be. We support that proposition. However, sadly, when the matter went through the Senate on the last day before the Commonwealth Parliament rose for the federal election, having sat in the Senate for quite some time, no amendment was made to the commonwealth legislation to exempt those transactions from capital gains tax.

The Labor members in the Senate raised that matter. A document was produced, which I believe is described as an additional memorandum. Perhaps one of the officers with the minister might know something about it. That additional memorandum was read into *Hansard*. I understand that an additional memorandum has a similar effect to a second reading speech. Under the principles of judicial construction and the construing of statutes that have applied for the past 10 to 15 years, what is said in a second reading speech can be used as an aid to construing legislation if the plain meaning of the words is not all that clear. It is then of some assistance to determine what the Act means. The additional memorandum read into *Hansard* indicated quite clearly the intent of the parties.

Mr GRILL: The argument outlined so far by the member for Cockburn has great merit.

Mr Barnett: In which particular respect?

Mr GRILL: The minister has the opportunity tonight to do something quite constructive to help one of those smaller companies that he indicated earlier he was motivated to help. We would both agree that the major petroleum companies in Western Australia would probably prefer to have the Australian Competition and Consumer Commission as a regulator. The minister has argued otherwise on behalf of the smaller operator. Here one smaller operator is directly affected and may well be liable for capital gains tax in the event that the right sort of safeguards are not put in place. The request being put to the minister is very simple; that is, we want him to make sure that the Federal Government remains honest on this point. This amendment will give the minister the mechanism to ensure that the Federal Government remains honest. It does not in any way interfere with the structure of the Bill. It merely gives the mechanism to the minister to ensure that one of those small companies to which he has referred gets its just deserts. It is a very good amendment and worth taking on board.

Mr THOMAS: As I understand it, the action of the Commonwealth was to read in Parliament a document which has the status - I do not think there is an equivalent document in our Parliament - of an aid in construing the Income Tax Assessment Act. People have told us that their advice is that it may, or probably will, exempt them from capital gains tax; the stronger word is "probably". I am not a lawyer. My colleague the member for Eyre could probably speak with more authority on

this matter. However, I find it difficult to understand that a document, the equivalent of a second reading speech, associated with the passing of the commonwealth Gas Pipelines Access (Commonwealth) Act can be used to construe the meaning of the Income Tax Assessment Act. It is a separate Act of the Commonwealth from which the liability arises. I can understand why people are a little concerned.

The requirement is that they should divest themselves of the asset and revest it in another entity because Parliament requires them to do so. The national third party access code outlined in schedule 2 of the Bill relates to ring fencing. The Opposition states that section 4 of the code should not come into effect until the minister is satisfied that the capital gains tax will not apply. He may make a statement or undertake some action to demonstrate his satisfaction, in which case that part of the code can then come into effect. If we do not do that, consider what we might be doing: We might be requiring people who own pipelines to divest, revest and transfer the ownership of the pipelines into a different legal entity to satisfy the ring fencing requirements. That may render people liable for a taxation liability which no party - certainly neither the Commonwealth nor the States in drawing up the proposal - intended to be the case. The clearest way of clearing the ambiguity would be to amend the taxation legislation in a two or three-line Bill.

For some reason, that was not done. The matter went through the Senate on the last sitting day before the Commonwealth Parliament rose for the federal election. It seems that the Commonwealth Government had other matters on its mind. Maybe the matter was overlooked in the overall scheme of things. It may not be regarded as a big deal in the Federal Parliament. However, it is a big matter if one is to pay substantial capital gains tax. The Opposition strongly supports this part of the code. However, before the matter is clarified, the code should come into effect. If Crown Law can clarify the situation and indicate that people will not pay capital gains tax, the minister can make a declaration to that effect. We will require people to dispose of assets in these circumstances. Therefore, we should make absolutely certain that the person undertaking the action will not be subjected to unanticipated tax.

Mr BARNETT: I agree with the importance of ensuring that a company such as Tap Oil N.L. is not caught by capital gains. There is an important circumstance here in which it may be required by the regulator to divest itself of certain assets or rearrange them or ring-fence them which could bring them into a capital gains net. That issue was raised by me, the Federal Government and the Opposition. The federal minister, Senator Warwick Parer, tabled an addendum to his explanatory memorandum. It refers to "After paragraph 43" and reads -

The purpose of clause 20 of the Bill is to mirror the *Gas Pipeline Access (South Australia) Act 1997* and relieve a party from those transaction taxes (such as stamp duty) which would otherwise be payable as a result of the 'ring fencing' obligations in the Code. In respect of clause 20 of the Bill, a prescribed tax is any tax or levy which the Commonwealth may prescribe from time to time but it is not intended to include any tax within the definition of either the *Income Tax Assessment Act 1936* or the *Income Tax Assessment Act 1997*. Income tax may be payable in circumstances where a party is required to divest an asset for the purposes of complying with the 'ring fencing' obligations in the Code where it derives a profit or a gain in the transfer of the asset. Where a transfer of assets for the purposes of complying with the 'ring fencing' obligations in the Code is undertaken between wholly owned group companies, those entities can avail themselves of the roll-over relief under the income tax law. Clause 20 therefore has no application in relation to income tax.

That has been addressed by the Federal Government. As a state minister I will undertake to ensure that is complied with and that companies are not inadvertently caught with an income tax-cum-capital gains tax net. The mechanism proposed by the Opposition is entirely inappropriate. We cannot use legislation to hold a gun at the head of another jurisdiction. We do not behave in that way.

It is ironic that the argument we heard for several hours tonight was that we cannot trust a state-based regulator; we must rely on the Australian Competition and Consumer Commission because it is at arm's length and independent. However, here the Opposition is suggesting that the application of an essential part of the code is left not even to the ACCC or indeed to the state-based regulator, but to the state-based minister. How arbitrary can we get? I agree with the sentiment, but the mechanism is inappropriate at law, for relations between Commonwealth and State Governments and for an independent objective process.

Mr THOMAS: I move -

Page 17, after line 18 - To insert the following -

(3) Section 4 of the Code shall not apply until the local Minister is satisfied that any Commonwealth capital gains tax does not affect an exempt matter.

If the system messes up it will be on the minister's head. I resent his comments that it is inappropriate and arbitrary. There is nothing arbitrary about this. Arbitrariness applies when a person capriciously -

Mr Bloffwitch: A state law cannot override a federal law. It will always have supremacy over the state law.

Mr THOMAS: Precisely. The member for Geraldton is familiar with section 109, I think it is, of the Constitution. However, that is not what we are suggesting; this is a state law.

Mr Bloffwitch: You cannot exempt something under our law.

Mr THOMAS: We are passing a state law which provides that people must ring-fence their assets and transfer them from one legal entity to another. That may give rise to capital gains tax, although everyone has agreed it should not. I am not suggesting that we should seek to override in any sense the Income Tax Assessment Act. Although I should seek to do so, I cannot. We can withhold the effect of that requirement that companies should ring-fence until we are satisfied that they should not have to pay that tax. I think that they should.

As I have said, I am not a lawyer, but I am a member of Parliament. The action that the Commonwealth has taken to ensure that people will not have to pay tax under the Income Tax Assessment Act is to read in something that will be an aid in construing the Income Tax Assessment Act. If it were my liability, I would like something better than that. It is well within the capability of the Commonwealth to amend the Income Tax Assessment Act to make it absolutely certain, but it has not done so. Perhaps what it is doing is effective, I do not know. As a member of the Western Australian Parliament, I do not want to put that imposition on industry in Western Australia until I am 100 per cent certain. I hope that the minister, who is responsible for the legislation, who introduces it into the Parliament and who says that it should be carried, will be similarly eager to protect participants in the industry which he is responsible for administering. He has got it totally wrong, as is often the case; however, he says that it is arbitrary. There is nothing arbitrary about it.

If the amendment were carried there would be no scope whatever to exercise discretion arbitrarily one way or the other. The minister must satisfy himself that the capital gains tax is not payable for exempt transactions; that is, exemptions that are not liable to stamp duty. If he is satisfied, he can make a declaration and then, under section 4 of the code -

Mr Barnett: A declaration in an individual case or a generic declaration for all cases?

Mr THOMAS: A generic declaration for all cases.

Mr Barnett: So the minister must satisfy himself as to what cases have arisen and what cases he anticipates might arise, and the member for Cockburn says that that is not arbitrary. What nonsense.

Mr THOMAS: I will call for the dictionary so that the minister can look up the word "arbitrary". He does not want to do so. I will tell him what the word means. It means that he is able to exercise discretion capriciously or in a way that is up to his discretion. All that we are saying is that the minister must satisfy himself that the mechanism that the Commonwealth has undertaken purporting to exempt transactions from the capital gains tax is effective. If it works for one, it works for all - as I have indicated several times, I am not a lawyer, I am a member of Parliament - but I wonder whether it is effective. We all know that in many cases what was sought to happen did not happen when the taxation commissioner construed the legislation and it was tested in the courts. If I were an operator in the industry, I would expect the minister to pass this simple amendment so that he can satisfy the industry in Western Australia that we are not inadvertently making operators liable for taxes for which they should not be liable.

Amendment put and a division taken with the following result -

Ayes (15)

Ms Anwyl	Mr Grill	Mr McGinty	Mrs Roberts
Mr Brown	Mr Kobelke	Mr McGowan	Mr Thomas
Dr Edwards	Ms MacTiernan	Ms McHale	Mr Cunningham (<i>Teller</i>)
Mr Graham	Mr Marlborough	Mr Riebeling	

Noes (22)

Mr Ainsworth	Mr Bradshaw	Mr Masters	Mr Trenorden
Mr Baker	Mr Day	Mr McNee	Mr Tubby
Mr Barnett	Mrs Edwardes	Mrs Parker	Dr Turnbull
Mr Barron-Sullivan	Mr House	Mr Prince	Mr Wiese
Mr Bloffwitch	Mr Kierath	Mr Shave	Mr Osborne (<i>Teller</i>)
Mr Board	Mr MacLean		

Pairs

Dr Gallop	Mr Court
Mr Ripper	Mr Omodei
Mr Carpenter	Mr Johnson

Amendment thus negatived.

Clauses 23 to 27 put and passed.

New clause 28 -

Mr THOMAS: I move -

Page 20, after line 22 - To insert the following -

Restriction on who can be appointed Regulator

28. Notwithstanding any other provision of this Act, the Regulator appointed under section 27, or a person appointed to act in the office of Regulator under section 34, shall not be -

- (a) an employee of or a consultant to a business engaged in production, transmission, distribution, sale or substantial purchase of gas in this State in the 12 months prior to such appointment; or
- (b) an employee of or consultant to a government department involved in the regulation, administration or assistance to the gas industry in this State in the 12 months prior to such appointment.

This is one of the more important amendments that we seek to move tonight. Again, this is a clause that stands separately from our proposition that the ACCC should be the regulator for the gas transmission industry in Western Australia. Even if that proposition of ours were to be carried - and it appears it will not - there would still be a state regulator. Our arguments on the type of person to be appointed regulator in the gas transmission industry apply also, although it is of lesser importance in the gas distribution industry.

Why do we move the way that we do? We are moving to ensure that the person appointed to the position of regulator is a person who is not only detached from any influence of major participants in the industry in Western Australia but also is seen to be so. The Opposition is concerned that the Government has been going through the motions of selecting a regulator before the legislation creating such a position has been passed.

Members on this side are concerned that the person occupying this position, which is of critical importance to the future of this very important industry in Western Australia, should be independent of all facets of the industry. For that reason, the Opposition has proposed a new clause providing that that person should not be an employee of or a consultant to a business engaged in the production, transmission, distribution, sale or substantial purchase of gas in the 12 months prior to such an appointment. The phrase "substantial purchase" is used because otherwise it might exclude a restaurateur who buys gas for his stoves. We are talking about people whose primary business was the purchase of gas in the 12 months prior to their appointment. Nor should they be employees of or a consultant to a government department involved in regulating, administering or assisting the gas industry in the State in the 12 months prior to such an appointment.

When we refer to businesses engaged in that activity, we envisage that it will include the energy utilities, both Western Power and AlintaGas. The reference to government departments relates to CRF-type departments that are involved in regulating, administering or assisting the industry. Some departments have responsibility for regulating those industries and others have responsibility for administering the agreement Acts. Other departments provide assistance in one form or another to industry. The Opposition does not want anyone appointed who has been involved in the industry, because they will have connections.

The point has been made by me and the member for Eyre on many occasions that Perth is still a small town and this industry looms large; one does not have to be here for very long to know everyone. There are connections and networks. It could be difficult to find a person with that background who would not be subject to pressure or be perceived to be subject to pressure or influence. To have a completely clean slate, it is best to have a person who does not fall into any of those categories. Plenty of people in Western Australia or elsewhere would be eligible, but they would not come with recent background in the industry.

Mr BARNETT: Not surprisingly, the Government does not agree to this additional clause. Obviously the appointment is critical and it is important not to appoint someone who has a conflict of interest. However, to include a clause that simply narrows the field of applicants is silly. One looks at the calibre of the person and ensures that he does not have a conflict of interest.

The clause refers to this person not being an employee of or consultant to a government department involved in regulating, administering or providing assistance to the gas industry in this State in the 12 months prior to such an appointment. Who is that? That encompasses all sorts of people, including those in the ACCC. This amendment would rule out the ACCC as the regulator because it has been heavily involved in the regulation of this industry, including the Alinta-Epic deal. It wipes out the other part of the amendments to impose the ACCC as regulator. It is totally inconsistent. It is a nonsense.

Mr THOMAS: Sadly, once again, the minister has shown he does not understand his own legislation and, more to the point, he does not understand my amendments.

Mr Barnett: I concede that I do not understand your amendments at all.

Mr THOMAS: If the minister will shut up for a moment and listen, he might learn something. When the minister considers the merit of the argument, he might be disposed to vote for the amendment. This seeks to amend the qualifications of the person who would be appointed as the local arbitrator. The fact that we are proposing the ACCC as -

Mr Barnett: Sorry, but your amendment relates to the regulator. It reads "Notwithstanding any other provision of the Act, the Regulator". That begins with the letter "R". It is a minor detail; sorry to draw it to your attention!

Mr THOMAS: Perhaps we can ask the lawyers where it sits. It falls within part 6 of the Bill.

Mr Barnett: Get your act together.

Mr THOMAS: Sadly, this troublesome minister is unnecessarily delaying the proceedings of the committee because he is determined not to accept any arguments from the Opposition, whatever their merit.

Mr Barnett: You said the amendment is to do with the arbitrator; it is not. The words in the amendment refer to the regulator.

Mr THOMAS: The minister is right, but it is not the ACCC and it cannot be.

Mr Barnett: You have advocated that the ACCC be the regulator. This would rule out the ACCC.

Mr THOMAS: How about the minister keeping quiet and listening? If the minister closes his mouth and opens his ears, he might learn something.

Mr Barnett: You carry on and I will go for a walk.

Mr THOMAS: Sadly, the minister is spitting the dummy and it appears he is not prepared to consider a reasonable argument. This provision, which applies quite correctly to the question of who can be appointed regulator, would be a new clause 28. It would sit in part 6 of the Bill under the heading "Local Administration and Enforcement, Division 1 - Local Regulator, Subdivision 1 - Preliminary". In clause 26 "regulator" is defined as the regulator appointed under section 27 and, except in sections 27(2), 28 and 32, includes a person acting under section 34. Clause 27 states that -

An office of the Western Australian Independent Gas Pipeline Access Regulator is established.

Therefore, it is the independent regulator, who is the state regulator. If the amendments were carried, this provision would apply to the independent state gas pipeline access regulator, who would still have the jurisdiction of regulating distribution. If the amendments are not carried, and it seems that that will be the case, it will apply to the regulator whose jurisdiction is both distribution and transmission. The absurdity of the minister about who can be appointed regulator clearly indicates that either he has not read the Bill or, if he has, he does not understand the basic principles of judicial construction. If he wants to know the meaning of a word in the legislation, he should look first at the definition clause. The definition indicates that it applies to the local regulator. I understand that the Opposition's regulator would be the ACCC.

New clause put and a division taken with the following result -

Ayes (16)

Ms Anwyl	Mr Grill	Mr McGinty	Mrs Roberts
Mr Brown	Mr Kobelke	Mr McGowan	Mr Thomas
Dr Edwards	Ms MacTiernan	Ms McHale	Ms Warnock
Mr Graham	Mr Marlborough	Mr Riebeling	Mr Cunningham (<i>Teller</i>)

Noes (22)

Mr Ainsworth	Mr Bradshaw	Mr Masters	Mr Trenorden
Mr Baker	Mr Day	Mr McNee	Mr Tubby
Mr Barnett	Mrs Edwardes	Mrs Parker	Dr Turnbull
Mr Barron-Sullivan	Mr House	Mr Prince	Mr Wiese
Mr Bloffwitch	Mr Kierath	Mr Shave	Mr Osborne (<i>Teller</i>)
Mr Board	Mr MacLean		

Pairs

Dr Gallop	Mr Court
Mr Ripper	Mr Omodei
Mr Carpenter	Mr Johnson

New clause thus negated.

Clauses 28 to 36 put and passed.

Clause 37: Provision supplementary to the Code -

Mr BARNETT: I move -

Page 26, line 3 - To delete "domestic" and substitute "residential".

Page 26, line 7 - To delete "domestic" and substitute "residential".

Amendments put and passed.

Mr THOMAS: In view of the fact that the issues seem to have been canvassed and most of amendments I have on the Notice Paper arise consequentially from the key amendments relating to the role of the Australian Competition and Consumer Commission as the regulator, rather than the local regulator for transmission - that debate occurred on an incidental clause - there is little point in rehashing that argument a dozen times between now and dawn and dividing on each occasion. It is not my intention to proceed with the amendments. The next matter I wish to raise is by way of query, rather than amendment and relates to schedule 1.

Mr Grill: Did I hear the Minister indicate that if this matter winds up fairly shortly, we will have the opportunity to proceed with the third reading of the Bill tomorrow?

Mr BARNETT: Yes. There is a government amendment to the Bill, so consideration of the Bill in committee would be an order of the day for tomorrow. There is an amendment to the Bill, so we will not be able to do the third reading tonight in any case. That will come on tomorrow.

Clause, as amended, put and passed.

Clauses 38 to 94 put and passed.

Schedule 1 -

Mr THOMAS: I refer to clause 10(2) which states -

If a distribution pipeline is, or is to be, extended so that it becomes, or will become, a cross-boundary pipeline, an authorised applicant may apply under this section for a determination of the scheme participant with which the pipeline is most closely connected.

When I read that clause in conjunction with clause 10(1)(b), I wondered what clause 10(2) does that clause 10(1)(b) does not do and whether it is possible that there is a typographical error and clause 10(1)(b) is meant to refer to transmission, rather than distribution.

Mr BARNETT: That is a very specific point. I will see whether the advisers can comment on that. I will clarify that tomorrow if I am unable to do it now.

Mr Thomas: If it is as I think it is, it could be a matter of some moment.

Mr BARNETT: If the member is right and there is a typographical error, we can either recommit to the committee or deal with it in the House tomorrow. I am not sure whether the point raised is the case. Perhaps I will take that on board and if the member's point is right and it is necessary to recommit to the committee stage to correct it because it is a typographical error, we will either do it in this Chamber or the upper House.

Schedule put and passed.

Schedules 2 and 3 put and passed.

Preamble put and passed.

Title put and passed.

Bill reported, with amendments.

House adjourned at 12.36 am (Thursday)

QUESTIONS ON NOTICE

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

MILLENNIUM BUG

146. Ms McHALE to the Minister for Health:

- (1) Is the "Millennium Bug" computer problem an issue for any of the departments or agencies under the Minister's control?
- (2) If so, when will those departments or agencies have installed and tested all Year 2000 corrections?
- (3) What have been the total funds expended to date to correct the "Bug"?
- (4) What is the total cost estimated to be to install all corrective measures?
- (5) Do those departments or agencies intend to engage external resources to manage the process?

Mr DAY replied:

HEALTHWAY

- (1) Yes.
- (2) 30 September 1998 (A delay has been experienced with some software modifications).
- (3) \$7,000
- (4) \$17,000.
- (5) No.

HEALTH DEPARTMENT

- (1) There are risks for the health sector, as there are for all public and private sectors, of the Year 2000 Bug.
- (2) The timetable for Health's Year 2000 program targets completion of all major activities by the end of September 1999.
- (3) As of 26 August 1998, the Health Department had expended \$357,320 directly on Year 2000-related activities. It is not possible to identify overall expenditure across the public health sector because all Year 2000-related outlays are not separately classified.
- (4) Installation of corrective measures, (excluding assessment, awareness and testing activities) are estimated to cost \$45 million at this stage. Conclusive costing will need to rely on actual experience with remediation, and is not available at this stage.
- (5) Both internal and external resources will be used.

OFFICE OF HEALTH REVIEW

- (1) Yes.
- (2) All computing applications and equipment have been checked. The OHR's complaints database Raemoc 2 has been identified as not complying with the Y2000 policy. Action has been taken to either upgrade the existing database or implement a new version of database which would meet the Y2000 requirements. This implementation will be effective within the next six months.
- (3) Nil costs have been expended to date to correct the "Bug".
- (4) Approximately \$5,000 - \$10,000.
- (5) There is no need to engage external resources to manage the process. The Office of Health Review will be in liaison with the Health Department of WA's Y2000 Working Party, following their Y2000 preparation arrangements.

GENDER REASSIGNMENT BILL (No 2)

244. Ms McHALE to the Minister representing the Attorney General:

I refer to the Gender Reassignment Bill (No 2) 1997 and ask -

- (a) what has the Minister done to facilitate the debate of this Bill in the Legislative Assembly;
- (b) how much longer will people who have had gender reassignment operations have to wait for legal recognition of their new gender;
- (c) what is the current estimate of people suffering from gender dysphoria;
- (d) how many people have undergone gender reassignment surgery in 1997 and 1998;
- (e) does the Government have any intention to debate this Bill; and
- (f) if yes, how is this intention demonstrated?

Mr PRINCE replied:

- (a),(e)-(f) Unlike the previous Labor government the current State government has been prepared to introduce into the WA Parliament a Gender Reassignment Bill. That Bill was debated and passed by the other place. However, in view of a ruling by the Speaker that Bill was not able to be proceeded with in this place. Therefore the government reintroduced the Bill as Gender Reassignment Bill (No 2) 1997 and has now again restored it to the Notice Paper. The government does intend to proceed to facilitate debate on this Bill in this Chamber and that intention is clearly evidenced by the restoration of the Bill to the current Notice Paper.
- (b) Until the Bill is enacted and comes into operation and they obtain a gender reassignment certificate.
- (c) Neither I nor the WA Health Department have statistics on the number of people in WA suffering gender dysphoria.
- (d) No procedures have been performed in WA during the period 1997 to 1998.

WORNECLIFF MILL REDEVELOPMENT

336. Mr BROWN to the Minister for the Environment:

- (1) Has the Minister received a letter from about 15 tourist operators in and around Margaret River about the Department of Conservation and Land Management (CALM) planned redevelopment of the old Wornecliff Mill into an accommodation facility?
- (2) Does the Government intend to instruct CALM to stop this development as it is in direct competition with private providers?
- (3) Is the Government dissatisfied with the level of private tourist accommodation in the area?
- (4) If not, why has the Government decided to develop this facility in direct competition with the private sector?

Mrs EDWARDES replied:

- (1) Yes.
- (2)-(4) The facility which has functioned as a camping area for years was offered to the private sector but was rejected by the preferred proponent on grounds of viability. Following this, based on demand from schools, community groups and recreation clubs, the site was redeveloped to meet the requirements of these groups. The facility also supports volunteer groups, firefighting operations and people involved in training and employment schemes.

MILK PRICES

346. Mr BROWN to the Minister for Primary Industry:

- (1) Is the Minister aware of a row that has broken out in New South Wales over the cost of milk with the State Government claiming the price of milk is too expensive because the major retail chains are not passing on the price drop to consumers?
- (2) Does the Minister agree that deregulation in the dairy industry has generally benefitted large retailers at the expense of milk vendors and the farmer?
- (3) If not, why not?

Mr HOUSE replied:

- (1) I am aware that concern has been expressed that the retail price for milk in New South Wales has not fallen following a reduction in the price paid by processors and received by farmers in July 1998.
- (2)-(3) The beneficiaries of deregulation can vary depending on particular market circumstances.

WORKSAFE WESTERN AUSTRALIA

Mr John Margio's Complaint

391. Mr KOBELKE to the Minister for Labour Relations:

- (1) When did Mr John Margio lodge a complaint with WorkSafe Western Australia?
- (2) What was the date on which Mr Margio was taken to Fremantle Hospital when he collapsed from carbon monoxide poisoning while working as a bus driver?
- (3) Did MetroBus report Mr Margio's accident or incident to WorkSafe Western Australia prior to the complaint by Mr Margio?
- (4) Did MetroBus lodge notice of the accident or incident with WorkSafe Western Australia and if so, when did they do so?
- (5) Is it acceptable practice for government agencies such as MetroBus to fail to report a serious accident such as Mr Margio's to WorkSafe Western Australia?
- (6) What action was taken by WorkSafe Western Australia?
- (7) Which WorkSafe Western Australia officers met with Mr Margio and what were the dates of each meeting?
- (8) Does the Minister stand by his statement in the Parliament on Wednesday, 10 June 1998 to the effect that Mr Margio had meetings with WorkSafe Western Australia inspectors and the hygienist who investigated the matter?
- (9) If not, will the Minister apologise to the House and correct his statement records?

Mrs EDWARDES replied:

- (1) 27 July 1995.
- (2) 24 February 1995.
- (3) Yes.
- (4)-(5) Yes. 13 March 1995.
- (6) A WorkSafe Western Australia inspector Mr Luciano Muriale, a qualified occupational hygienist, carried out an extensive investigation into the likely causes of the incident, including literature research and a full day with scientific monitoring equipment measuring the carbon monoxide levels on the bus in question. The investigation was unable to determine the source of the concentrations of carbon monoxide which would be necessary to cause poisoning. An improvement notice was issued to MetroBus requiring foot vents in all buses to be kept closed when buses are being operated in congested traffic. The basis for the notice was that the major carbon monoxide hazard for bus drivers was thought to be from exhaust emissions from petrol powered cars in congested traffic, not from diesel powered buses such as that driven by Mr Margio.
- (7) Inspector Luciano Muriale, a qualified occupational hygienist, investigated the incident and met with Mr Margio on 15 August 1995. Inspector Evelyn Lee, an occupational physician, met with Mr Margio on 15 August 1995 and 25 September 1995.
- (8)-(9) I am advised that departmental officers did meet Mr Margio as per the dates in (7) above.

ABORTION

Doctors Chang and Lee

513. Mr PENDAL to the Premier:

I refer to a circular sent to all Members by the Women's Abortion Action Campaign (WAAC) in New South Wales complaining about alleged "... gross human rights violation" of the two doctors charged in the abortion case and ask -

- (a) is the Premier aware that the WACC is seeking the assistance of "... a sympathetic Member of the Western Australian Parliament" to move in Parliament for the Court Government to pay compensation to Drs Chang and Lee by way of an *ex gratia* payment for the so called "harassment, intimidation and trauma" that they have allegedly experienced; and
- (b) will the Premier give an unequivocal undertaking that regardless of any outcome of any such motion he will under no circumstances even consider so called compensation for two medical practitioners who have made huge sums of money performing abortions?

Mr COURT replied:

- (a) No.
- (b) I will not give an undertaking not to consider a motion agreed to by this House. As the honourable member should be aware, to do so would not be consistent with a member's parliamentary duties and responsibilities.

PRISONERS

Contracts for Electronic Monitoring

554 Mr RIEBELING to the Minister representing the Minister for Justice:

- (1) Have any contracts been awarded for the electronic monitoring of prisoners on home detention, parole and/or work release since 1 January 1996?
- (2) If yes, were the contracts advertised?
- (3) If yes, where and when were they advertised?
- (4) Will the Minister provide -
 - (a) the name of the winning tenderer;
 - (b) the cost of the contract; and
 - (c) the term of the contract?
- (5) How many prisoners were subject to electronic monitoring in Western Australia in -
 - (a) 1995-96;
 - (b) 1996-97; and
 - (c) 1997-98?
- (6) How many prisoners are expected to be under electronic monitoring in Western Australia in 1998-99?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (1)-(2) Yes.
- (3) West Australian newspaper, Saturday 13 January 1996.
- (4)
 - (a) Telsol Pty Ltd.
 - (b) \$146,000 per annum.
 - (c) 12 months with 2x12 month options.
- (5) Electronic monitoring is currently used only for offenders released to community supervision. Ministry of Justice data and records reflect the following numbers for the respective calendar years:

(a)	1995	265
(b)	1996	267
(c)	1997	246
- (6) 260, 50 to 60 individuals at any one time.

FORESTS AND FORESTRY

Ash and Fixed Carbon Content

618. Mr MASTERS to the Minister for the Environment:

- (1) With reference to question on notice 3760 of 1998, while acknowledging that young plantation grown bluegum (eucalyptus globulus) has a high ash and lower fixed carbon content than jarrah, how do the ash and fixed carbon contents of plantation-grown bluegum vary with age ?

- (2) Does the timber from older bluegum trees ever reach a quality where it is -
- (a) similar to jarrah in respect to those parameters that make jarrah suitable for charcoal production for use in silicon smelting; and
 - (b) different, yet still suitable, as a substitute for jarrah in this industrial process?
- (3) What are the typical ash and fixed carbon contents of -
- (a) jarrah as supplied to Simcoa;
 - (b) young plantation-grown bluegum; and
 - (c) 30-year old plantation-grown bluegum?

Mrs EDWARDES replied:

- (1) The ash content of plantation-grown bluegum and other species should increase as the extractives content increases, which occurs with increasing age and the increased proportion of heartwood compared with sapwood. The fixed carbon content is a measure of the percentage of fibres in the wood, and should remain constant.
 - (2) There is no data available from older plantation-grown bluegum with respect to the parameters suitable for silicon smelting. Silicon smelting is a commercial process carried out by Simcoa Operations Pty Ltd and the company has to consider a wide range of quality and cost factors in its choice of a reducing agent. Questions regarding the commercial process are therefore best directed to the company.
- (a)-(b) Data not available.
- (3)
 - (a) 0.3% ash, 92% fixed carbon.
 - (b) 0.68% ash, 82.7% fixed carbon.
 - (c) No data available.

MINIM COVE

Residential Land

641. Dr EDWARDS to the Minister for the Environment:

- (1) With respect to the LandCorp development at Minim Cove, Mosman Park, what statistical evidence has been made available to the Environmental Protection Authority (EPA) or the Department of Environmental Protection (DEP) to ensure 100 per cent cleanup on land potentially for purchase for residential use?
- (2) What are the results of those calculations?
- (3) Will the Minister table the source and detail of those reports?
- (4) On what dates did Consulting Engineers Halpern, Glick and Maunsell or another agent conduct column testing on the mobility of contaminated wastes from the Tom Perrott reserve site?
- (5) What were the results of the mobility of all chemicals tested?
- (6) What were the results of varying transmission in rate and volume of solutes and solvents through the respective columns?
- (7) Was this evidence made available to the first EPA Webster Committee on the extension of the "cell"?
- (8) If not, why not?

Mrs EDWARDES replied:

- (1)-(8) I refer the member to Question 3768, page 3723 of *Hansard* dated 10 June 1998.

MINIM COVE

Leakage from Containment Cell

646. Dr EDWARDS to the Minister for the Environment:

What mathematical and statistically determined level of confidence can the public be given regarding -

- (a) potential leakage vertically;
- (b) potential leakage horizontally; and
- (c) possible reactions within the containment cell producing cyanide or other noxious gases?

Mrs EDWARDES replied:

- (a)-(c) I assume that this question relates to the Minim Cove development proposal. Calculations of the flow of moisture through the cell and the acid neutralisation and generation capacities of materials in the cell indicate a low probability that any of the three possibilities listed will occur. Mathematical and statistically determined confidence levels are not applicable. On-going monitoring of the ground water upstream and downstream from the cell will detect any leakage of contaminants vertically and horizontally. Horizontal leakage can be expected to report to ground water due to the sandy soils surrounding the cell. In the event of leakage being detected, contingency plans are outlined in the proponent's Environmental Management Program.

LOCAL GOVERNMENT

Construction of Warehouse on Stirling Highway, Claremont

653. Mr McGOWAN to the Minister for Local Government:

- (1) Will the Minister confirm that he upheld an appeal to allow the construction of a new warehouse at the corner of Stirling Highway and Reserve Street, Claremont to proceed?
- (2) If yes, who was the appellant?
- (3) Is he aware that a stop work order had not been placed on the construction before he upheld the appeal?
- (4) Is he aware that work continued on the construction during the hearing of the appeal?
- (5) Is he aware that the building was completed, or near completion, prior to his decision?
- (6) Is he aware that the Council is taking legal action against the developer for breaches of planning approval?
- (7) Will he table his reasons for upholding the appeal?

Mr OMODEI replied:

- (1) On 26 May 1998, I upheld an appeal to allow the construction of a new warehouse at the corner of Stirling Highway and Reserve Street, Claremont.
- (2) The appellant was Mr Peter Barry Bacich.
- (3) The appeal was not related to a Stop Work Order but was against the Town of Claremont's refusal to issue a building licence.
- (4) The appeal was not related to the progress of works but was only against the Town's refusal to issue a building licence.
- (5) Substantial works had been executed to progress the building while it was the subject of another building licence, prior to the appeal and prior to my determination.
- (6) I am aware that the Town of Claremont had concerns with town planning matters related to the building. Town planning matters are not pertinent to the law relating to building appeals, but are properly addressed by the Town of Claremont using town planning powers. The Town of Claremont advised me that the building for which the licence was sought complied with the Building Code of Australia.
- (7) The appeal was upheld because the Town of Claremont did not have valid building control reasons for withholding the building licence sought by Mr Bacich.

SCHOOL VOLUNTEER PROGRAM, FUNDING

679. Mr PENDAL to the Parliamentary Secretary to the Minister for Justice:

- (1) I refer to the School Volunteer Program which works with students at risk of not achieving satisfactory learning outcomes, especially in literacy, and ask, is it acknowledged that this program, which has been widely acclaimed by the Australian Institute of Criminology because of its violence-prevention value, assists in increasing self esteem and in the fight against crime?
- (2) Is it correct that the Director-General of Education has requested your department to assist funding because of the established value of the scheme?
- (3) If yes to (2) above, what has been the result of such a request?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

- (1) Yes, the Ministry of Justice's 'School Volunteer Program' - titled the 'Teen Assist Program', has been operating in juvenile detention centres since August 1996. In conjunction with the Intergenerational Activity Network Inc., a number of senior volunteers interact and assist with juveniles in both remand and detention centre classrooms.
- (2) The Ministry of Justice is unaware of any request by the Director-General of Education to assist funding of the School Volunteer Program.
- (3) Not applicable.

WORKPLACE AGREEMENTS

714. Mr BROWN to the Minister for Labour Relations:

- (1) In the 1996-97 Annual Report of the Commissioner for Workplace Agreements was reference made to the development of a checklist for employers?
- (2) What does the checklist seek to ascertain?
- (3) What is the purpose of the checklist?
- (4) What information is contained or sought by the checklist?
- (5) Has the Commissioner developed a checklist for employees?
- (6) If not, why not?

Mrs EDWARDES replied:

- (1) Yes.
- (2)-(4) The purpose of the checklist is to assist parties to workplace agreements in ensuring that all of the legislative requirements for lodging an agreement are met prior to the agreement being forwarded to the Commissioner's Office. Additional information is also included in the checklist in respect to the requirements for registration and information that may be required by the Commissioner's Office in making a registration decision.
- (5)-(6) The checklist has application equally to both employees and employers in understanding the requirements for lodging an agreement but in practice the majority of applications are received from employers.

WORKPLACE AGREEMENTS

715. Mr BROWN to the Minister for Labour Relations:

- (1) In the 1996-97 Annual Report of the Commissioner for Workplace Agreements did the report advise that policies, rulings and procedures had been revised for inclusion in a comprehensive manual?
- (2) Is the manual publicly available?
- (3) If not, why not?

Mrs EDWARDES replied:

- (1)-(3) The manual is an internal working document used only as a reference guide for the Commissioner's staff and therefore is not publicly available. The Commissioner advises however that the manual can be made available to the member on request to the Commissioner.

WORKPLACE AGREEMENTS

717. Mr BROWN to the Minister for Labour Relations:

- (1) In the 1996-97 Annual Report of the Commissioner for Workplace Agreements is reference made to agreements received by the Commissioner being examined and checked to see if they comply with the Workplace Agreements Act 1993 and whether they contained provisions less than the Minimum Conditions of Employment Act 1993?
- (2) Are all workplace agreements checked by the Commissioner and/or a member of his staff?
- (3) Has the Commissioner and/or his Office developed a checklist for staff to ensure that agreements conform with the Workplace Agreements Act 1993 and the Minimum Conditions of Employment Act 1993?

(4) If so, will the Minister provide a copy of the checklist with the answer to this question?

(5) If not, why not?

Mrs EDWARDES replied:

(1)-(2) Yes.

(3) The intention of the "checklist" that has been developed and is currently in use is to provide staff with a guide to the following:

(a) compliance with the Workplace Agreements Act;

(b) an overview of the type of considerations that can be taken into account when determining whether an agreement meets the requirements for registration.

(4)-(5) The checklist is a working document that is used to provide broad guidelines to staff carrying out the registration function under delegation. It forms part of the wider process of gathering information, and is not a definitive report on the requirements for registration. Examining the checklist in isolation would not provide a complete picture of the Commissioner's registration process.

WORKPLACE AGREEMENTS

718. Mr BROWN to the Minister for Labour Relations:

(1) In the 1996-97 Annual Report of the Commissioner for Workplace Agreements is reference made to parties being given the opportunity to amend a workplace agreement where the wording of a particular clause in an agreement is not easily understood?

(2) Does the Commissioner and/or his staff examine workplace agreements to ascertain if the wording of particular clauses are clear and easily understood?

(3) What criteria does the Commissioner and/or his staff apply in determining if a clause falls within the category of not being easily understood?

(4) What process does the Commissioner and/or his staff follow when dealing with such amendments to agreements?

Mrs EDWARDES replied:

(1)-(2) Yes.

(3) There is no set criteria. An initial judgement is made by the Commissioner and/or his staff as part of the compliance check and followed up in discussions with the parties at a workplace visit, by phone or written communications to ascertain whether the parties understand their rights and obligations.

(4) It depends on the wishes of the parties. If the issue is clarified through a follow up discussion or meeting between the parties there may be no need to have the clause amended. Amendments to agreements are initialled by both parties.

WORKPLACE AGREEMENTS

719. Mr BROWN to the Minister for Labour Relations:

(1) In the 1996-97 Annual Report of the Commissioner for Workplace Agreements was reference made to those circumstances where the provisions of a workplace agreement is contrary to the Minimum Conditions of Employment Act 1993?

(2) Has the Commissioner registered workplace agreements which contain provisions less than the Minimum Conditions of Employment Act 1993?

(3) Notwithstanding the fact that provisions in a workplace agreement which are less than the Minimum Conditions of Employment Act 1993 are of no effect, does the Commission allow such workplace agreements to be registered even though they contain such provisions which are of no effect?

(4) Have there been any circumstances where any workplace agreements have been registered containing conditions lower than those set out in the Minimum Conditions of Employment Act 1993?

(5) What process does the Commission follow to be satisfied that the parties appear to understand their rights and obligations under the Minimum Conditions of Employment Act 1993 when workplace agreements contains provisions lower than those contained in that Act?

- (6) How many workplace agreements and/or what percentage of workplace agreements have been registered with provisions less than the Minimum Conditions of Employment Act 1993?

Mrs EDWARDES replied:

- (1) Yes.
- (2)-(6) Refer to previous answers to Parliamentary Questions 3624 (September 1995), 606 (3) (April 1997), 1998 (September 1996).

WHITBY FALLS PSYCHIATRIC REHABILITATION CENTRE THERAPEUTIC PROGRAMS

731. Ms MacTIERNAN to the Minister for Health:

What therapeutic programs were in place at Whitby Falls in 1997 and 1998?

Mr DAY replied:

Symptom Management.
Medication Management.
Adult Literacy and Numeracy.
Vocational Training (Horticulture and Agriculture).
Independent Living Skills (house keeping, budgeting, cooking, shopping).
Recreation for Leisure (art classes, model boat building, fishing).
Social Interaction.

HOSPITALS

Dr Phillip Hardcastle

738. Mr McGOWAN to the Minister for Health:

- (1) Will the Minister confirm whether Dr Phillip Hardcastle is still carrying out surgery in Western Australian hospitals?
- (2) On what basis is he carrying out these operations?
- (3) At which hospitals is he carrying out surgery?
- (4) If not, why not?
- (5) Has Dr Hardcastle been subject to any Health Department investigations?
- (6) What was the result of these investigations?

Mr DAY replied:

- (1) Yes.
- (2) Dr Hardcastle is carrying out operations on a sessional basis for accepted procedures at Royal Perth Hospital, Shenton Park.
- (3) We are only able to determine the Hospitals Dr Hardcastle has access to through the Hospital Morbidity Data System (HMDS). Based on Preliminary data obtained from the HMDS, Dr Hardcastle has performed procedures during 1997/98 at Royal Perth Hospital, Kaleeya Hospital, Mount Hospital and Hollywood Private Hospital.
- (4) Not applicable.
- (5) No.
- (6) Not applicable.

HEALTH

Magnetic Resonance Imaging Scanners

739. Mr McGINTY to the Minister for Health:

I refer to the use of magnetic resonance imaging (MRI) scanners and the possible installation of an additional scanner and ask the Minister -

- (a) where are MRI scanners located in Western Australia;
- (b) how many MRI scans have been done with each of the public sector MRI scanners in the last 12 months; and

- (c) in respect of each metropolitan hospital, how many patients at each hospital have had an MRI scan in the last 12 months and where did that scan occur?

Mr DAY replied:

- (a) There are two public MRI scanners in Western Australia, one at Royal Perth Hospital and one at Sir Charles Gairdner Hospital.

- (b) No. of Scans from 1 July 1997 – 30 June 1998

RPH	SCGH
4524	5650

- (c) No. of Patients from 1 July 1997 – 30 June 1998

RPH	SCGH
3276	4559

The difference between the number of patients and the number of scans reflects scanning of more than one body area.

HOSPITALS

Size and Budgets

740. Mr McGINTY to the Minister for Health:

- (1) What is the catchment size for each of Royal Perth Hospital, Sir Charles Gardiner Hospital and Fremantle Hospital?

- (2) What is the budget allocation to each of these hospitals?

Mr DAY replied:

- (1) ROYAL PERTH HOSPITAL

Royal Perth Hospital provides services to three catchment areas. These include :

- (a) Inner City Health District receives primary, secondary and tertiary services - Population 68,854.
- (b) A Regional catchment area includes Bentley, Armadale and Swan Districts which receives both secondary and tertiary services - Population 360,436.
- (c) Royal Perth Hospital provides a tertiary service to the whole State.

FREMANTLE HOSPITAL & HEALTH SERVICE

The Fremantle Hospital & Health Service catchment area is comprised of:

- (a) a primary catchment area for which Fremantle Hospital is considered the prominent public sector choice or hospitalisation - Population 184,516.
- (b) a secondary catchment area where local alternatives are available and for which Fremantle Hospital performs the role of a referral hospital (includes the Mandurah/Peel catchment areas) - Population 191,568.

SIR CHARLES GAIRDNER HOSPITAL

The local catchment area for Sir Charles Gairdner Hospital - Lower North Metropolitan Region - Population 218,721.

ALL FIGURES ARE 1996 CENSUS.

- (2) Budget allocations have yet to be finalised.

BREASTSCREEN WESTERN AUSTRALIA

741. Mr McGINTY to the Minister for Health:

- (1) Will the Minister confirm that BreastScreen Western Australia will refuse to breast screen a woman who has been screened in the last two years, even if that screening was done in the private sector, at a cost to the woman, based on specialised medical advice, and where the woman is in the 50 plus age target group with a significant history of lumpy breasts?

- (2) Is the justification for this policy based solely on financial savings?
- (3) Will the Minister review this policy so that either -
- (a) a breast screen is available to every woman in the target group every two years through BreastScreen Western Australia; or
 - (b) more frequent breast screening can be done through BreastScreen Western Australia if medical specialist opinion supports the increased frequency?

Mr DAY replied:

- (1) Women who have breast symptoms, such as breast lumps, are not eligible to participate in BreastScreen WA. These women require a diagnostic mammogram which can involve special X-rays of the area in question or further tests. BreastScreen WA is part of the national BreastScreen Australia program that has been established to screen women who do not have symptoms, such as breast lumps. Therefore, the BreastScreen WA screening units are not equipped to take these special X-rays.
- (2) No. The BreastScreen WA program has been established to screen women who do not have symptoms, such as breast lumps. This is a national policy endorsed by the National Advisory Committee for BreastScreen Australia and adopted by all state and territory BreastScreen programs.
- (3) (a)-(b) No. Review of policy in the national program is the responsibility of the National Advisory Committee for BreastScreen Australia.

REGISTRAR GENERAL'S OFFICE

Timed Telephone Calls

767. Dr CONSTABLE to the Minister representing the Attorney General:

Further to question on notice No 4157 of 1998 relating to the charging of timed telephone calls by the Registrar General's office, in each of the last three years -

- (a) how many enquiries were made to the Registrar General's office;
- (b) how many of the telephone calls made to the recorded information inquiry lines were made out of normal office hours; and
- (c) what was the total revenue received from charged telephone calls?

Mr PRINCE replied:

The Attorney General has provided the following reply:

- (a)

1995-96 & 1996-97	Information is only available on the number of cost units charged and not on individual enquiries.
1997-98	12,878
- (b)

1995-96	Not recorded
1996-97	Not recorded
1997-98	Not recorded
- (c) The following amounts were received by the Registrar General's Office and subsequently paid into Consolidated Revenue:

1995-96	\$3,783
1996-97	\$4,111
1997-98	\$2,978

JOONDALUP HOSPITAL

789. Mr McGINTY to the Minister for Health:

In respect of Joondalup Hospital, I ask the Minister -

- (a) how many dedicated mental health beds are there; and
- (b) how many beds were occupied each day so far in 1998?

Mr DAY replied:

- (a) There are 25 dedicated mental health beds at Joondalup, of which 15 are available to public patients.

- (b) Since commissioning on 29 January 1998, the average daily bed occupancy for public patients in the Mental Health Unit at Joondalup has been 13.8 beds. Bed occupancy will increase with the purchase of an additional 5 beds from September 1998.

TOURISM MAPS, KIMBERLEY

813. Mr BROWN to the Minister for Lands:

- (1) Did the Department of Lands produce maps showing tourist destinations in -
 - (a) East Kimberley; and
 - (b) West Kimberley?
- (2) When were the maps last produced?
- (3) Does the Department intend to update the maps?
- (4) If so, when?
- (5) If not, why not?

Mr SHAVE replied:

- (1) East and West Kimberley tourist maps were produced by the Department of Land Administration.
- (2) The maps were last produced in February 1990 and have been reprinted, with minor revisions, in July 1991, October 1994 and December 1996.
- (3) An extensive revision is currently in progress in collaboration with the Kimberley Development Commission. A single new digitally prepared map with modern presentation will replace both existing maps.
- (4) The map revision is 40% completed. Printing is scheduled for January 1999, ready for the next peak tourist season in the Kimberley.
- (5) Not applicable.

QUESTIONS WITHOUT NOTICE

WESTERN POWER PRIVATISATION

153. Dr GALLOP to the Minister for Energy:

I refer, first, to the minister's claim in Parliament yesterday, "I have never said that we would be selling Western Power - ever"; and, second, to his claim in *The West Australian* yesterday, "I have never said that the Government would privatise Western Power."

- (1) How does the minister reconcile these claims with his clear and detailed declaration reported on page 1 of *The West Australian* on 10 March 1998 that Western Power would be privatised and that he hoped to raise "at least one billion dollars" from the sale?
- (2) In view of those conflicting statements, how can the people and this House believe anything the minister says?
- (3) Is it not true that this desperate backflip is motivated purely by short-term political considerations and cannot be guaranteed to last beyond 3 October?

Mr BARNETT replied:

I thank the member for some notice of this question.

- (1)-(3) It seems that the media and large parts of the financial sector have gone into a tailspin about an issue that is not on the Government's agenda. In a front page article that appeared in *The West Australian* I was asked questions about Western Power and its future and I reported that the board had in its internal discussions talked about whether Western Power should be privatised and that the view of board, at least at that time, was that if anything were to happen, perhaps a one-third privatisation would be the way to go. I discussed that quite openly with the media as I do on any issue. I did not say that the Government would privatise Western Power, but I did discuss the issue.

Dr Gallop: You said that you favoured an option such as a stock exchange float.

Mr BARNETT: If there were to be a privatisation I would. The article refers to privatisation in 2000; that is incorrect. As I pointed out in the debate last night, I said to the journalist that any issue to do with privatisation or otherwise of Western Power would be considered during the next term of the Government. The journalist asked when that would be and I responded that the election would be in late 2000, most likely. From that the journalist reported the privatisation of Western Power would be in 2000. That is incorrect, and he was told so by my press secretary the following day.

Mr Grill: You even told the journalist how much money you could get.

Mr BARNETT: He asked me a question, and I said it would probably be about \$1b. That was the situation then, and I do not back away from that. There is still an argument that if there were to be a partial privatisation we might do it that way. However, as I said in debate yesterday, and in response to questions from journalists, my preference as I see the issue at present would be to privatise one or more individual power stations. It would be cleaner; it would bring a more direct competition to the marketplace and would allow the development of an electricity pool.

Mr Court: Will the Leader of the Opposition support that?

Mr BARNETT: We know the position of the Leader of the Opposition.

Dr Gallop: Let us look at the minister's position on this.

Mr BARNETT: As I have said, and the Premier has said, any issue to do with Western Power will be considered in the time of the next Government. The only issues we are looking at with respect to Western Power are the regional power stations and the Bunbury power station.

Mr Ripper: Will you do what you have done with AlintaGas and not tell the people before the election what your plans are, if you are elected?

Mr BARNETT: I have been totally open with regard to AlintaGas.

Mr Ripper: Not before the election.

Mr BARNETT: I think I have taken long enough with this answer; however, I will just get the Leader of the Opposition to confirm what the member for Cockburn said; that is, those opposite will not support the privatisation of any part or the whole of either Western Power or AlintaGas.

Dr Gallop: That's our position, and we take it into the election.

Mr BARNETT: I thank the Leader of the Opposition.

GOODS AND SERVICES TAX, DISABILITY PENSIONERS

154. Mrs HODSON-THOMAS to the Minister for Disability Services:

Yesterday, 15 September, the Opposition spokesperson for disability services asked whether the Minister agreed with the assertion by the National Council on Disability Services that people on disability pensions would need to be compensated by \$13.30 a week, rather than \$7.00 a week, as proposed by John Howard. Will the minister advise the background to the NCID figures?

Mr OMODEI replied:

I have double-checked the NCID figures. Firstly, I have a great deal of respect for the work done on behalf the people with intellectual disabilities by the National Council on Disability Services. The council assisted me greatly during the negotiations on the commonwealth-state disability agreement. Having said that, I cannot but query the credibility of these figures. No information anywhere on its one-page flyer shows how the figure of \$13.30 has been arrived at. With assertions such as this, we would expect there to be detailed supporting data; however, there are only seven lines of unsupported claims. The NCID claims are as unsubstantiated as are the inflated claims of hardship that the Opposition has recently suggested will result from the introduction of the coalition's tax package.

Secondly, only the Opposition could describe a one-page flyer as an analysis. The NCID flyer cannot be considered as an analysis by any stretch of the imagination. It has no supporting calculations and no examples of consumer purchasing patterns to back up its views about possible increases in the consumer price index of between 5 and 7 per cent - and it is all contained in seven lines!

The final sentence in the NCID flyer sums up the situation at best. It states that it believes reasonable compensation would be 6 per cent plus the 1.5 per cent CPI buffer guaranteed by John Howard. I am afraid the passionate support of the NCID for its consumers has got in the way of its objectivity. Thus, it rightly described its conclusion as a belief, and it is no more substantial than that. It seems that the NCID has just added, as the Opposition tends to do, the GST on top of the prices that already exist.

I remind the House of Labor's hidden taxes under which items such as biscuits, dishcloths, fruit juices and matches - things people use every day - already attract a wholesale sales tax of 12 per cent. Other items, such as dishwashing liquid, facial tissues and even toothpaste and toilet paper are subjected to a 22 per cent wholesale sales tax. The same rate applies to washing power and washing liquid. I could go on and on in this vein. However, I must also say that I, like all ministers in this Cabinet, believe and support the thrust of the option that is being presented by the coalition. The goods and services tax is capable of being implemented quickly and equitably, and finetuned to overcome most objections.

The last part of that answer is a direct take from a comment made by Kim Beazley during an interview on ABC Television in 1985 when he supported the GST and tax reform; yet members of this Opposition are supporting what he now says to the contrary. They do not know whether they are coming or going.

GOODS AND SERVICES TAX, DISABILITY PENSIONERS

155. Mr CARPENTER to the Minister for Disability Services:

Yesterday the minister told the Parliament that, despite non-partisan analysis to the contrary, people with disabilities would be better off under a goods and services tax and that financial assistance grants would increase by \$1.24b by the year 2004-05. From where does the minister derive that figure and is he aware that financial assistance grants will be abolished under a goods and services tax?

Mr OMODEI replied:

Had the member checked, he would know that the goods and services tax income will increase to between \$370m and \$1.2b by the year 2004. The member should have done his homework. He did not do it yesterday, and he has not done it today.

We only need to compare the provision of services to people with disabilities in Western Australia with the situation in other States. The member for Willagee has been supportive in the past of my activities as Minister for Disability Services, but if he wants me to take him on when it comes to the provision of services to people with disabilities, we can do that any day of the week. When we came into government, the former Labor Government in this State had left people with disabilities in total disarray. We will measure our performance in looking after people with disabilities against that of any other State.

I have already answered the question about the GST. If we add to the consumer price index that has been described the levels of income and the tax concessions that will be given, and take into account what Labor will offer to those people, all middle income Australians will have to pay a huge increase if they have a four-wheel drive vehicle, and most of the people in my electorate, many of whom vote Labor, will be paying a huge increase if they want to change their car. In addition to that, every asset that people have owned since before 1985 will be subject to capital gains tax, and they will need to revalue their assets. Members opposite should not tell me that they are making any contribution to people with disabilities.

GOODS AND SERVICES TAX, DISABILITY PENSIONERS

156. Mr CARPENTER to the Minister for Disability Services:

I ask a supplementary question. Will the minister now table the analysis to which he referred in the first four words of his answer yesterday?

Mr OMODEI replied:

What was the question?

Mr Carpenter: The first four words were, "According to our analysis".

Mr OMODEI: I do not have a written analysis. Does the member want me to prepare one?

Several members interjected.

Mr OMODEI: I answered the questions yesterday, and I have answered them today. I am more than happy to provide the member with a response on all of the issues that he has raised, and on all of the areas that will be exempt from a GST -

Several members interjected.

Mr OMODEI: My analysis, provided to me by the Disability Services Commission and prepared by my ministerial office, shows that people with disabilities will be better off.

Dr Gallop: Table it!

Mr OMODEI: I do not have it with me at the moment. I am just telling the member that if he requires an analysis from the Disability Services Commission, I am more than happy to provide it. Is the member happy with that?

Mr Carpenter: Yes.

BURGLARIES, CLEARANCE RATE

157. Mr BAKER to the Minister for Police:

Which metropolitan police district has the highest clearance rate for burglaries; what is the Western Australia Police Service's explanation for that; and are there any plans to duplicate the methodology used in that police district in other districts in this State?

Mr PRINCE replied:

I thank the member for some notice of this question. The Joondalup police district has the highest clearance rate for burglaries in the metropolitan region. The reason is that in December last year, it instituted a special program as part of the concept of problem policing. It involves a specialist team to deal with burglaries, which cooperates and has an integrated approach with the district crime desk, the district information support centre and the district detectives office. The result has been that since December last year, the clearance rate in Joondalup has increased from just over 21 per cent to just under 25 per cent in April this year. That is a significant increase over a relatively short time. The program is being replicated throughout the rest of the metropolitan region.

I have just received information that in Morley, since its burglary team was established in March, 123 people have been charged with 410 charges. The 74-year-old lady who had her unit broken into late on Friday night, who is one of the member for Bassendean's constituents -

Mr Brown: The person who sits alongside you covers Morley these days.

Mr PRINCE: I know that the member for Bassendean is interested. The offender, who was only 17 years of age, was charged on Monday by Morley detectives, so both their response time and success rate were very good.

An elderly lady, who members may recall was a visitor from New South Wales, was held up last Friday by three young females at Stirling Station car park. Scarborough detectives arrested all three of them the following day after 23 hours' continuous service. The three were charged, among other things, with stealing motor vehicles, aggravated burglary, stealing with violence while armed and in company, driving without a licence, reckless driving, failing to stop after an accident and failing to report an accident. Those few examples indicate that the police are responding with a great deal of dispatch, that they are being successful in their work, and that on a percentage basis, the concept of the team is working.

COUNTRY SERVICES

158. Dr GALLOP to the Deputy Premier:

- (1) Did the Deputy Premier say yesterday that the Kalgoorlie federal electorate and other "regional residents are the first people to be cut off from services"?
- (2) Have he and his party not been complicit in cutting services to country and regional Western Australians and abandoning the uniform electricity tariff which hits regional towns like Esperance?
- (3) Will people and small businesses in regional Western Australia not be further disadvantaged by his party's new goods and services tax on food, telephone calls and electricity?
- (4) Is the Deputy Premier serious about helping country people or will he roll over again after 3 October?

Mr COWAN replied:

I am terribly sorry but would the member repeat the first part of the question?

Dr Gallop: Did you say yesterday -

Mr COWAN: I can very easily answer the question.

(1)-(4) I did not say that.

Dr Gallop: It is reported in the news.

Mr COWAN: I did not say it.

INTERNATIONAL YEAR OF OLDER PERSONS

159. Mr BARRON-SULLIVAN to the Minister for Seniors:

As I am sure all members are aware, 1999 will be the International Year of Older Persons. What role will Western Australia play in celebrating that year?

Mrs PARKER replied:

I thank the member for some notice of this question. It is important for all of us to note that 1999 will be the International Year of the Older Person. The Government will launch its program of activities on 1 October, which is the International Day of the Older Person. The Government has committed \$1.15m to coordinate the activities for the year with particular priorities. That program has been put together with the help of the Seniors Ministerial Advisory Council and a steering committee that I allocated to the task. We have three aims in mind: First, we want to challenge the stereotypes in the community about seniors; second, we want to help all generations to be involved in the activities; and third, we want to promote and recognise the value of older people in our community and add to the knowledge base and attitudes that people have to seniors. Our population is ageing quite rapidly. Currently 14 per cent of it are seniors. That will increase in the year 2020 to some 22 per cent. Next year is an ideal opportunity for us in Western Australia to really challenge the way we value our seniors.

MAIN ROADS WESTERN AUSTRALIA REVIEW**160. Ms MacTIERNAN to the Premier:**

I refer to the review of the investigation into the publication of Main Roads' documents and the terms of reference of that review and ask -

- (1) Under what legislation is the review being conducted?
- (2) Under which provisions of that legislation is the review being conducted?
- (3) What power will the review have to require persons to give evidence to it or produce documents?
- (4) What protection or immunity from civil liability will a person giving evidence to the review have for what he or she tells the review in the course of its investigation?
- (5) What are the qualifications of the principal reviewer and the person assisting her?

Mr COURT replied:

- (1) The Public Sector Management Act.
- (2) Section 10(1)(d).
- (3) The Minister for Public Sector Management arranged for the review to be conducted at the request of the Minister for Transport. The review is being conducted with the cooperation of the commissioner and staff of Main Roads. However, powers could be made available under section 10(4) to require a public sector employee to give evidence or produce documents if that becomes necessary.

Ms MacTiernan: Did you say they may be made available or they will?

Mr COURT: Powers could be made available.

Ms MacTiernan: Will they be made available?

Mr COURT: I just said that everyone is to be cooperative; if not, those powers can be used.

- (4) An employee of a public sector body has the same privileges in relation to the furnishing of any information or the answering of questions as a witness has in the Supreme Court.
- (5) The principal reviewer and the person assisting her are long-serving public sector employees who have experience and expertise in conducting reviews on public sector management issues.

BUNBURY POWER STATION**161. Mr OSBORNE to the Minister for Energy:**

A Greens (WA) senator for Western Australia was reported on radio news today accusing the State Government of having a secret agenda for the sale of the Bunbury power station in my electorate. My recollection is that the proposed sale has been in the public arena for a long time. To dispel the deliberate confusion being generated by Greens (WA), will the minister outline the Government's plans for the sale of the Bunbury power station?

Mr BARNETT replied:

Senator Dee Margetts put out what I can only describe as an extraordinary media release, and, even more extraordinarily, the media reported it. Apparently she has been somewhat of a super sleuth. She revealed, "Greens challenge Barnett to tell

the truth". She has revealed "hidden plans" to sell the Bunbury power station. Also, she revealed that "negotiations were well under way to privatise management of the Collie power station". Senator Dee Margetts is right on the ball!

I confirm that on 5 December 1997, I announced that the Government had approved the sale of the 120 megawatt Bunbury power station. On 6 December 1997, this announcement was reported in *The West Australian*, under the headline "Bunbury power station goes on the for sale list".

Mr Kobelke: Was it correctly reported?

Mr BARNETT: Yes, they got that one right. On 13 March 1998, advertisements appeared in *The West Australian* seeking the appointment of commercial legal advisers. On 24 February 1997, I announced that the Collie power station would be privately managed, and on 7 May 1997, some time ago, Western Power announced a short-list in the selection process. On 23 January of this year, Western Power appointed Pacific Power to privately manage that power station. This episode is a clear signal for anyone contemplating voting for Dee Margetts. Talk about Tweedledee!

DENTAL HEALTH, LABOR POLICY

162. Mr McGINTY to the Minister for Health:

Will the minister acknowledge that the dental health of the 40 000 low income Western Australians no longer eligible for assistance with dental work as a result of Mr Howard's abolition of the commonwealth dental scheme will be much better under a Federal Labor Government, which will provide \$100m to reinstate the scheme?

Mr DAY replied:

I know that we cannot believe what the federal Opposition's health policy might promise. A very good example of broken promises arose in recent weeks: The previous Federal Labor Government promised to compensate the States for the drop in the proportion of people with private health insurance. Did Labor meet that commitment? Of course not. Essentially, we cannot believe what the Labor Party promises. Also, the Labor Party has an ideological opposition to the involvement of the private sector in providing health care. We see another example of that in the current election campaign as the Labor Party again made it clear that it will do nothing to encourage people to take up private health insurance.

I acknowledge that needs exist in the dental health area, to which I am devoting a lot of attention. The State Government would like to see the Federal Government involved. However, much is being done in the state arena in this area, to which I will give a great deal more attention.

DENTAL HEALTH, LABOR POLICY

163. Mr McGINTY to the Minister for Health:

As a supplementary question, can the minister advise whether Labor's proposed scheme would reduce the waiting times for the 40 000 Western Australians no longer eligible for treatment as a result of the abolition of the commonwealth dental scheme?

Mr DAY replied:

We can put no faith whatsoever in whatever the Labor Party promises in the election campaign. Western Australia has been burnt in the past, and it may well be burnt in the future.

WHOLESALE SALES TAX, LABOR POLICY

164. Mr BARRON-SULLIVAN to the Premier:

I refer to the many anomalies within the wholesale sales tax system which affect Western Australians and local industries and ask -

- (1) Does Labor's proposed tax system seriously address all those anomalies, including the sales tax burden on life-saving emergency position indicating radio beacons, vehicle immobilisers and four-wheel drive vehicles?
- (2) Importantly, what mechanism is included in Labor's tax scheme to ensure that the sales tax base cannot be broadened or that sales tax rates cannot be increased at the mere whim of the federal Treasurer?

Mr COURT replied:

- (1)-(2) Even opposition members would acknowledge that the current wholesale sales tax system is riddled with anomalies. The member for Mitchell has mentioned one, and that is EPIRBs, which are now compulsory if one is going offshore in certain areas and which currently attract wholesale sales tax of 22 per cent. Under the Liberal's tax policy, that would become 10 per cent. Similarly, immobilisers currently attract wholesale sales tax of 22 per cent and that would become 10 per cent. Under the Liberal's proposals, four-wheel drive vehicles, in which the member

for Pilbara would be interested because most of his constituents drive them, would have a 10 per cent GST or, if the vehicle is worth more than \$60 000, a 25 per cent GST. Under the Australian Labor Party's proposals the base rate would be 22 per cent.

Mr House: The last time I saw the member for Pilbara, he was driving a four-wheel drive vehicle.

Mr COURT: Does the member have one?

Mr Graham: No. I cannot afford one.

The SPEAKER: Order! The Premier is being indulgent and allowing members to interject, but there are too many interjections.

Mr COURT: Under Labor's proposals there would be a base rate of 22 per cent, or 45 per cent on vehicles worth more than \$55 000. As we know, that would result in a huge increase in the price of a four-wheel drive vehicle.

Also, in relation to EPIRBs, immobilisers and four-wheel drive vehicles for registered businesses, all GST is refunded and no tax would be payable. Even members opposite would acknowledge that the current system has many anomalies.

Mr Kobelke: Yes, but it is not as bad as your GST.

Mr COURT: That is not right. In relation to services, it is important also to acknowledge that the Evatt Foundation will not release its proposal that there be a tax on services.

Mr Marlborough: Did you get instructions from the Chamber of Commerce and Industry, Premier? Is it still pulling your strings?

The SPEAKER: Order, member for Peel.

Mr COURT: To illustrate my point, members need only look at the Labor Government in New South Wales, where a service tax - a bed tax - was introduced into the hospitality industry. That is one of the many service taxes introduced by a Labor Government.

Recently I was in a major furniture store which also sells giftware, and the owner said that no one single item in his store would not be considerably cheaper under a GST regime.

POLICE BUDGET CUT

165. Mrs ROBERTS to the Minister for Police:

- (1) How can the minister justify the \$2m cut in the police operating budget this year when he is set to rake into general revenue an additional \$20m from Multanovas because of the doubling of fines and the doubling of the number of Multanovas?
- (2) Is he aware of community concerns that our Police Service is too focused on raising revenue from traffic infringements and is not sufficiently focused on apprehending those who break into our homes, assault our elderly citizens and victimise the many decent, hard-working people in our community?
- (3) If he is aware of those concerns, what does he propose to do about them?

Mr PRINCE replied:

As a matter of principle, it is wrong for fines to be hypothecated to any Police Service anywhere any time. It leads inevitably to the thought that there can be -

Mrs Roberts: You are taking two-thirds off the general revenue.

Mr PRINCE: I did not interrupt the member for Midland; she should just listen. It leads to the thought that a corruption could occur in police practice in order to be able to fund the service. Therefore, fines should always go somewhere other than to the police. In this State historically, and into the future, they have gone and should go into consolidated revenue. A hypothecation of any form of fine to a police service is fundamentally and in principle wrong.

As to the widespread perception that police spend too much of their resources and too much of their time on the road, I point out that they apprehend people who break the law. Why is the law there? It is to keep the road safe for the member, the children in the member's car, pedestrians, cyclists and all other road users. That is why the laws are there. This State spends \$1b on the consequences of road crashes. If the member wants to visit ward 1 at Shenton Park hospital, the Minister for Health will arrange it for her instantly.

Seventeen per cent of police resources are used for work in traffic; that is all. The rest of the police resources are used in looking after crime, community policing, school policing and so on.

Mr Marlborough: Eighty-three per cent on fraud and 17 per cent on traffic. That is not a bad mix. We have not learnt anything!

Mr PRINCE: That mix is quite good and it is right. Much of what is done on the road in traffic policing leads to a good deal of apprehension of criminals. We have seen three or four examples of this in the last three or four weeks. One person picked up for a traffic offence was found to have a boot full of stolen computer equipment. Another person picked up for a traffic offence had a boot full of guns, rifles and explosives. A third person wanted in the eastern States had a number of disguises and all sorts of other stolen property in the car. Those are just three examples that come to mind. In traffic policing a great deal of apprehension of criminals is involved.

Does that answer the member's question or did she not want to hear it in the first place?

Mrs Roberts: It is an inadequate answer and the people in this State would not be satisfied with it.

HARVEY DAM

166. Mr BRADSHAW to the Minister for Water Resources:

- (1) Has a decision been made on whether the proposed Harvey dam will be built?
- (2) If not, when is the estimated date for the decision to be made?

Dr HAMES replied:

I thank the member for some notice of this question and his interest in the matter.

- (1)-(2) A decision has not yet been made on whether the Harvey dam will progress. Given the water shortages at present and our current situation of dams and water supply, it is regarded by the Water Corporation as a very important plank in the future water supply needs for Western Australia.

This question was perhaps triggered by the latest release by the Environmental Protection Authority of its response to the Perth water futures document initiated by the Water Corporation setting out its plans for the future. As members would know from recent media publicity, there has been accelerated funding of \$150m for proposals by the Water Corporation to better access our underground water supplies. However, that dam is still very important. As pointed out in the EPA document, the proper procedures for obtaining environmental approval must be followed and we are still proceeding along that course.

GLOBAL DANCE FOUNDATION

167. Mr GRAHAM to the Premier:

It is now over three years since the Premier decided to commit \$430 000 of taxpayers' money to the discredited Global Dance Foundation for its spurious dance congress.

- (1) Can the Premier tell the House why not one cent of that money so readily dispensed by him has been recovered so far?
- (2) What instructions has the Premier given to ensure that the Government's legal action to recover this money is expedited?
- (3) Why has the Premier not replied to the Leader of the Opposition's two letters of 19 June and 7 August 1998 seeking a briefing on the progress of any legal action taken so far in relation to this financial fiasco?

Mr COURT replied:

- (1)-(3) I am not aware of any funds that have been returned in relation to legal action. I would not give any instructions on legal action; that is being handled by Crown Law, as it should.

In relation to the briefing on the progress of legal action, I am not aware of that ever being provided by Government.

GLOBAL DANCE FOUNDATION

168. Mr GRAHAM to the Premier:

Does the Premier intend to respond to the letters from the Leader of the Opposition?

Mr COURT replied:

I am surprised that there was not a response; I will certainly follow it through. However, the response would be along the lines that we do not provide briefings on the progress of legal actions.

Mr Ripper: Is there any progress?

Mr McGinty: You certainly hope there is. That is the answer, is it not?

Mr COURT: I certainly hope there is progress. However, I will follow through those two letters from the Leader of the Opposition.

SKATEBOARDING FACILITIES

169. Mrs HODSON-THOMAS to the Minister for Youth:

The minister will recall that I wrote to him several weeks ago regarding a proposal to develop a skateboard facility in the North Beach area. I was concerned to read in *The West Australian* that skateboarders are likely to get facilities in the City of Stirling but could have to wait up to a year before any ramps are built. Can the minister advise the House of the application process for a skateboard facility and the time before a facility becomes operational?

Mr BOARD replied:

I thank the member for some notice of this question. I have been concerned to read in *The West Australian* over the past few days that young people are having difficulty accessing skateboard facilities. Skateboarding is growing in popularity and many young people want to get involved in it. The Office of Youth Affairs has been working with the Western Australian Municipal Association and the skateboarding association and has a program to assist local authorities as well as community groups and young people to create skateboarding facilities.

Recently, the Shire of Nannup was the first shire to receive assistance in the sum of \$10 000 under a grants program. One of the good aspects of this program is that it involves young people in helping to build the facility and gives them some ownership of the project that is endorsed by the skateboarding association and the local government authority. I have advised the City of Stirling that it should apply under this grants program for up to \$10 000 per facility. We give priority to projects that can attract other sources of funding, particularly to those where young people are involved. It is not meant to comprise the total funding for the project but rather it provides assistance to get the project off the ground. Many of these projects are not expensive, do not require a great deal of infrastructure and the type which has been designed by the skateboarding association can be achieved for \$10 000 or \$12 000. I told the City of Stirling councillors that they should get behind the project and the Office of Youth Affairs would be happy to support them.

GOODS AND SERVICES TAX, IMPACT ON SENIORS

170. Ms WARNOCK to the Minister for Seniors:

I refer to the September newsletter of the Council on the Ageing and its analysis of the impact of the Liberal Party's GST on computer training courses and retirement education seminars run by the council.

- (1) Can the minister assure Western Australian seniors that these courses and seminars run by the council and similar organisations will not be subject to Mr Howard's 10 per cent goods and services tax even if they are in competition with courses run by commercial organisations?
- (2) If yes, will the minister table the advice on which she bases her assurances?
- (3) If not, why should any senior citizen or their family accept her unsupported assertions in this regard?

Mrs PARKER replied:

- (1)-(3) I am happy to revisit the tax package being offered by the Federal Government and that of the Australian Labor Party.

Dr Gallop: We have not asked you to do that.

Ms Warnock: We just want the answer to this question, minister.

Mrs PARKER: Is it not all relative to the sort of impact it will have on seniors?

Dr Gallop: It is not all relative. This is very specific.

Mrs PARKER: Absolutely; it is all relative. A question and answer in this House last week indicated the benefits to seniors of the tax package offered by the Government as opposed to the absolute oversight of seniors in Labor's policy.

Ms Warnock: I would like to know the answer to this question. We are tired of generic answers. What about an answer to a direct question?

Mrs PARKER: I am not familiar with the detail in the newsletter put out by the Council on the Ageing. However, the computing program sponsored by the Office of Seniors is one of the most popular offered. It is called "Computing for the mortally terrified".

As I said in this place last week, the tax package offered by the federal coalition Government contains significant benefits for seniors. I also pointed out that the federal Labor tax package has no pension increases, no tax cuts, no rebate increases, no help with health insurance and no savings funds. We have not properly debated the Labor proposal to impose a capital gains tax on assets acquired prior to 1985. That will cause a significant reduction in income for a number of retirees. It is a disgraceful attack on the income available to seniors and it would be of far more significance to seniors and their computing course than any fallout from a GST.
