



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
2000

LEGISLATIVE COUNCIL

Tuesday, 30 May 2000

Legislative Council

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

JURIES AMENDMENT BILL 1998

Assent

Message from the Administrator received and read notifying assent to the Bill.

BUNBURY COASTAL ENHANCEMENT PROJECT

Petition

Hon Bob Thomas presented the following petition bearing the signatures of 733 persons -

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

We, the undersigned, respectfully advise Parliament that though we welcome the landscape enhancement aspects of the Bunbury Coastal Enhancement Project at the Back Beach we are strongly opposed to the planned construction of groynes to attempt to prevent beach erosion. We therefore request that Parliament examine the technical material in the SMEC Australia Pty Ltd report of May 1999 which was used to justify the groynes. In particular, we are concerned about the poor sample of aerial photographs to substantiate beach stability and vegetation, the modelling used to simulate beach retreat and accretion, the spacing and alignment of the proposed groynes and the threat to natural features in the basalt from the northern groyne. We also ask that Parliament be aware of the research findings of other scientists which are critical of the groynes proposal.

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

[See paper No 1013.]

GNARABUP WASTE WATER TREATMENT PLANT

Petition

Hon Christine Sharp presented the following petition bearing the signatures of 1 650 persons -

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

We, the undersigned residents of Western Australia and visitors to Western Australia, oppose the Gnarabup Waste Water Treatment Plant on the grounds that the sewerage plant was previously and is currently damaging the Environmental, Geomorphological, Flora, Fauna, Speleological, Aboriginal Heritage, Community, Health and Social values inherent in this site.

We request an immediate stay on all expansion works at the present site and an investigation into the siting of the sewerage plant based on thorough recent research to ensure the protection of all the values mentioned above.

Furthermore, your petitioners therefore respectively request that the Legislative Council will initiate a fully enquiry into all the alternative best practices for Sewerage and Waste Water Treatment available such that they can be instigated and will confer with the values of the local and wider community.

And your petitioners as in duty bound will ever pray.

[See paper No 1014.]

STANDING COMMITTEE ON LEGISLATION

Rights in Water and Irrigation Amendment Bill 1999, Extension of Time

HON B.K. DONALDSON (Agricultural) [3.36 pm]: I am directed to report that the Standing Committee on Legislation has resolved that the time in which it must report on the Rights in Water and Irrigation Amendment Bill 1999 be extended from 1 June to 20 June. I move -

That the report do lie upon the Table and be adopted and agreed to.

The committee has almost completed the report, but it would be impossible to have it printed in time for it to be tabled on Thursday. In accordance with standing orders, it is the committee's intention to present the report to you, Mr President, during the two-week recess and ask that it be published. The committee will ensure that every member of the House receives a copy of the report after your sanction, Mr President, and on 20 June the House will be in a position to deal with the Bill.

Question put and passed

[See paper No 1015.]

BUSHPLAN*Urgency Motion*

THE PRESIDENT (Hon George Cash): I have received the following letter addressed to me and dated 30 May -

Dear Mr President

At today's sitting, it is my intention to move under SO 72 that the House, at its rising, adjourn until 9.00 am on 24 December for the purpose of discussing the failure of the Government to protect sites identified under Bushplan.

Yours sincerely

Giz Watson MLC
Member for North Metropolitan Region

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

[At least four members rose in their places.]

HON GIZ WATSON (North Metropolitan) [3.38 pm]: I move -

That the House at its rising adjourn until 9.00 am on 24 December.

I am aware of mounting concern that the Government is failing not only to fulfil its commitment to the Perth Bushplan but also to protect sites identified under the Bushplan process. That concern has been raised with me regularly by constituents and members of the community who are concerned about the conservation of remnant bushland in Perth.

The issues I raise today relate to delays in the final implementation of Bushplan, the areas that have been cleared or partially cleared that are listed in the Bushplan document, further sites that are under threat, and why the Government appears to be unwilling to fully deliver on what was and remains a very good initiative to protect remnant bushland on the Swan coastal plain. Members will be well aware that precious few remnants of native vegetation remain on the Swan coastal plain since clearing of it commenced for human occupation. The areas that do remain have been thoroughly examined and identified in what can only be described as an excellent process under Bushplan.

Hon Derrick Tomlinson: Describe the process for us.

Hon GIZ WATSON: I have 15 minutes, so I will not describe the process.

The PRESIDENT: Order, members! Hon Derrick Tomlinson will get his opportunity in a moment. I keep reminding members that this is a limited-time debate. Members are entitled to say what they want to say, and if anyone does not like it, he or she can stand and respond in due course.

Hon GIZ WATSON: Suffice to say that it was a good scientific process which involved some rigorous work on the ground for many people. It was a process that has been welcomed and supported by those growing numbers of people in the community who are interested in bushland conservation. I have no criticism of that aspect of Bushplan. It has been welcomed. The Bushplan document, which was released for public comment in November 1998, identified 52 000 hectares of regionally significant bushland. It made the point that 13 per cent of land in the metropolitan region is protected under the zoning of parks and recreation. That figure is often used when people say that we already have significant reserves. Of course, the problem is that areas reserved for parks and recreation are not necessarily managed for their bushland values; indeed, a large portion of that 13 per cent is open space and does not have any significant bushland value. Bushplan identified 19 000 hectares of potential new sites that are currently unprotected. These are the areas that I will talk about today, because it has come to my attention that, since the release of the document, a significant number of these sites have been cleared or partially cleared and at least another 33 sites are under threat from clearing. The aims of Bushplan are laudable; nobody is criticising them. We are pleased with both the objectives and the recommendations that have flowed from the Bushplan recommendations. However, as was identified by the Urban Bushland Council of WA in its submission to the Perth Bushplan document that was available for public comment, there are significant concerns that once those sites were identified - 285 sites have been identified in the metropolitan area - they would come under immediate pressure and be likely to be cleared. Indeed, that is exactly what has happened. The submission by the Urban Bushland Council made the following comment -

But if Bushplan is to meet our expectations it will have to be much more than a record for posterity of the amount of high conservation value bushland that remained in the Perth area in the late 1990's. *Implementation* is the key to Bushplan's success as a conservation initiative.

It is May 2000 and there has been very little shift forward in implementing the recommendations. I refer to a summary document provided by the Urban Bushland Council, which identified the need to have statutory recognition and protection for urban bushland. Has there been any progress in this area? No. It was proposed that one of the mechanisms that could be used to protect these bushland sites was a statement of planning policy for urban bushland. That was one of the recommendations in Bushplan. That recommendation has not been implemented. Another mechanism for providing interim protection for these bushland sites would be to protect them in bushland conservation zones under the metropolitan region scheme. Again, there has been no protection under that mechanism, much as it has been discussed.

It is also possible that these areas could be protected by the regulations covering soil and land conservation and planning

control areas. Again, these were recommended under Bushplan but not implemented. The Urban Bushland Council reports that its records indicate that there have been at least 15 unauthorised clearings of Bushplan sites to date. Despite the Commissioner for Soil and Land Conservation having the ability to act to prevent that clearing, that has not occurred. Furthermore, I note that none of the clearing proposals which have been referred to the Environmental Protection Authority for assessment have been formally assessed despite the fact that those sites are listed under Bushplan. It is no wonder that the community is becoming more and more cynical about whether Bushplan will deliver any protection at all and about whether Bushplan has done nothing more than identify those sites, which has led to their more rapid clearing. There has been a rush to impact on those sites before the full implementation of Bushplan. This document indicates that the recommendations of Bushplan have not been delivered in at least 13 areas identified by the Urban Bushland Council. I seek leave to table that document.

Leave granted. [See paper No 1016.]

Hon GIZ WATSON: We have a situation in which there is no interim protection. This is the major problem. The Urban Bushland Council also identified that one of the issues that has not been adequately addressed is funding. There is an immediate need for that interim protection to ensure that no further clearing occurs. However, there is no genuine commitment to put aside sufficient funds to purchase those sites. I refer to the Urban Bushland Council's newsletter, the summer 2000 edition of "The Urban Bush Telegraph", in which the issue of funding is addressed. It says -

Clearly Bushplan is seriously underfunded. The most likely source of an increase in funding lies with an increase in the rate of tax for the Metropolitan Region Improvement Fund. It was lowered by Planning Minister Richard Lewis when the Liberal government came into office in 1993. Increased funding of at least \$500 million is needed, as the \$100 million allocated to Bushplan is insufficient. The rate of tax needs to be reinstated to 0.25c/\$ or 0.30c/\$ to help meet this requirement.

No plan to implement the protection of these sites will work unless the Government is serious about putting in adequate funding to protect them.

Another concern is that in the gulf of no final implementation of Bushplan, what are called negotiated planning solutions are being entered into. Those negotiated planning solutions are not meeting community expectations. They do not involve the Environmental Protection Authority in the process of resolving those trade-offs that are occurring on Bushplan sites, and there is no community involvement in those trade-offs. It is a poor way to be dealing with those sites that have been clearly identified. With the lack of involvement of the Environmental Protection Authority and the lack of formal assessment by the Department of Environmental Protection, there is no opportunity for the community to make submissions. It is being cut right out of this process.

Another concern raised with me today relates to the degree of community interest in and concern about the conservation of these bushland areas in Perth, which interest and concern only increases. Over 200 community groups are involved in lobbying for the protection and assessment of the values of local bushland. The concern is that those groups have put in doubt their access to funds to assist in the process of looking after that bushland, as the community conservation grants released under the Minister for the Environment's portfolio are now five months overdue. I therefore question this Government's commitment to urban bushland conservation if it is unwilling to notify groups in adequate time whether they will receive community grants to carry out the very important work they do with bushland conservation. The timing has meant that many groups have been unable to fit in plantings around the rains coming and raises another concern about whether the Government is serious about bushland conservation.

Where is the memorandum of understanding that was intended to be drawn up by agencies involved in implementing Bushplan? That is also well overdue and I call on the Government to indicate why it has not been signed. That is another impediment to the implementation of Bushplan. I can only draw from the information that has been provided to me and it indicates that this Government is not interested in delivering protection for these bushlands sites. It is potentially an enormous waste of the energy, resources and good faith that have gone into producing an excellent blueprint for the conservation of bushland in the metropolitan region.

While the Government continues to procrastinate about sites that continue to be cleared, I can draw absolutely no other conclusion than that it is not dinkum about conserving these sites. Members should be aware that I am talking about areas of native vegetation that have evolved over millions of years and that when those sites are cleared, they are cleared forever. It is also questionable whether the 10 per cent target is adequate.

HON PETER FOSS (East Metropolitan - Attorney General) [3.53 pm]: It must be lovely being a green because the wonderful thing is that when they go out and do their consulting they can do it with a whole lot of warm, fuzzy people who agree with them. Hon Giz Watson seems not to have noticed that we have consulted the community and not all members of the community have the same view that she has. She said that when planning outcomes are arrived at the community is not consulted. However, one of the people consulted happens to be the person who owns the land and that person could be a fairly good representative of the community and probably someone who should be consulted. The interesting thing is that Hon Giz Watson's whole speech completely omitted to deal with the people whose land is being affected.

Hon J.A. Scott interjected.

Hon PETER FOSS: Hon Jim Scott can keep his communist ideas until he stands to speak. Hon Giz Watson made not one single statement about the interests of the people whose land is involved. Did you hear anything, Mr President? Did members hear one single thing about the interests of the people whose land is involved? Yes, there was a mention. There was a statement that they should receive \$500m compensation. That is the sort of money we are talking about. The

interesting thing about it is that Hon Giz Watson blithely says the Government should take \$500m out of its budget and put that into the Bushplan.

Significant moneys are being spent by this Government on environmental issues that have never been dealt with before, and I will mention some of them. Firstly, we started drawing up major plans under the metropolitan region scheme. I remember what it was like under a Labor Government, when there were no plans and we spent half our time running around trying to deal with these problems because no proper planning was put in place. This Government has put a lot of investment into planning, which has made a big difference; however, there is no acknowledgment of that by Hon Giz Watson.

We are the first Government to deal with contaminated sites, and they cost a fortune. Do we get a tick for that? No. We are the first Government to deal with salinity. Members opposite are so shortsighted. I have told this story before and I will tell it again as it is worth telling. When I was the Minister for the Environment I sat down at the table with the Conservation Council of Western Australia and asked what were the issues then facing Western Australia. There were all sorts of funny little problems but not one person mentioned salinity; and salinity is a \$1b program.

Hon Mark Nevill: You have been reading my speeches again!

Hon PETER FOSS: I am sure Hon Mark Nevill will have some sense to say on this issue. There are many environmental problems which will cost many millions and billions of dollars to fix. Hon Giz Watson was able to stand and make a 15-minute speech and not for one moment mention the balance that must exist between the owners of this land and the needs of conservationists. She has her own little tidy bit of cleared land to sit on and I am sure all members opposite have a tidy piece of land to sit on. However, they do not take into account that some people in the community actually own the land in question. One of the difficulties about this whole process is that there must be a balance, and we on this side as members of the Government must make responsible decisions. Members opposite can talk to those people who drive around in their old Volkswagen kombi vans and Renaults spewing exhaust into the air - one sees them with "save the forest" signs but their attitude is bugger the atmosphere - but the problem with Hon Giz Watson is that she lives in her own little world and does not realise that people actually work, earn money and actually put something into this State to make it worthwhile so that she can live. She would not have an income if it were not for those people and she did not even talk about them once in her whole speech. Her problem and the reason why she never deserves to have a decision on anything is that she is not able to balance things.

One of the things I am proud of as a former environment minister is that I put in place a procedure for giving statutory protection to System 6. System 6 has been criticised but 90 per cent of it has now been statutorily protected. Do we get credit for that from members opposite? Statutorily protecting System 6 means that the people who are affected by it receive some compensation, and I regard compensation as a very important part of this matter. The fact is that Hon Giz Watson regards community consultation as people talking to her and people like her. She does not regard community consultation as talking to the people who have probably the single most important interest in the whole matter: The people who happen to own the land.

Hon Ken Travers: You don't care about private property rights on your side.

The PRESIDENT: Order! The Attorney General has the floor.

Hon PETER FOSS: That is an interesting remark from Hon Ken Travers. I would like to hear members on his side of the House, other than Hon Mark Nevill, stand and say that they are concerned about the property rights -

Hon Mark Nevill: I am just about ready to bag you in a minute so you might not want to say that.

Hon PETER FOSS: That is unusual. We usually see eye to eye on these things. One of the things that members must keep in mind is that there are other interests involved in this matter. One of the things the Government has tried to do is achieve the outcomes without costing the taxpayer an arm and a leg. We could spend all the money in the budget just protecting one or two of these pieces of land. I can imagine the screams from the Leader of the Opposition if we got our priorities wrong and spent the budget moneys on anything other than hospitals and education. He would move a motion saying that we should not dare spend it on anything but hospitals, education, and law and order, otherwise he would have a go at us. The fact is that there are competing priorities.

I will give the member some facts because we have had the usual comments about what has happened. Only 10 reports of Bushplan sites have been made. There is some doubt whether clearing took place before or after the announcement of the Bushplan. Probably the most important aspect of this debate is that the supposed inactivity referred to by Hon Giz Watson is due to the fact that it is rather difficult under the current legislation to protect some of these sites until such time as zoning takes place. Members know that the zoning process is a long one. One of the big problems we have had with the zoning process since the Greens (WA) have been in this Chamber is that we can go through the whole public process of a major amendment, and when it comes here, those on the other side of the Chamber decide to throw it out. It does not matter that it has been through a public process or subject to proper consultation; the Greens will follow their own plan. The fact is if they want to see that plan operate, they must be part of that process and they must let other people be part of it.

Hon Norm Kelly interjected.

The PRESIDENT: Order!

Hon PETER FOSS: I have two and a half minutes. If Hon Norm Kelly wishes to speak, he should do so.

It is very hard under the Soil and Land Conservation Act to argue that this is land degradation, so there is no legal basis under that Act. We might as well publish that in *The West Australian* because we might be able to speed up the process. There are also some difficulties under the Environmental Protection Act. Hon Giz Watson's answer to that is that she would like some legislation. Whatever that legislation may be, it must give some consideration to the rights of the owners of the land. I would have thought that the planning legislation was the appropriate way in which to do it. The planning legislation gives people a right to compensation. If we are to do that, the people of Western Australia must pay for it. I had hoped that one of the ways it could be done was through the negotiated planning outcomes. One of the good things about that is that we can get large quantities of environmentally valuable, not developmentally valuable, bushland which can be brought under the Bushplan. That is the way to go about doing this.

As a Government we hope that somebody will support what we are doing. A lot of land owners do not like it. All the Greens do is carp, carp, carp. One begins to wonder whether whatever one does, one will be criticised for it, so why bother? We bother because we care for good government. We believe that the Bushplan is a good idea. However, it must be carried out, not be an airy-fairy green ideal which forgets the people who own the land. They are important; we must not forget them, the value of their land and its cost to the taxpayers. If this is to be done, it must be done subtly and with consideration for everybody in the community, not just for the members of the greens group, who want to go around taking other people's land and using it for their purposes. Self-interest always comes to the fore. If the Government wanted to take one of their pieces of land, I bet one would find a different theme altogether. However, I do not think it is likely that they own very much land, because people must do something to pay for it.

HON J.A. COWDELL (South West) [4.03 pm]: I also express the concern of the Australian Labor Party at the failure of the Government to protect sites under the Bushplan as identified in the motion moved by Hon Giz Watson. As I stated last week when we were considering amendments to the Conservation and Land Management Act, in many instances the problem with this Government is that it has a policy without intent. In this case, the Government has inadequate policy and is without intent, but it has plenty of propaganda. I suspect that in the next few months we will find more of that with the Bushplan as well.

I read the estimates papers for this year. Under the Planning portfolio reference is made once again to Perth's Bushplan and consideration of its final report. We were gratified that the same assurance was given under the 1999-2000 and 2000-01 headings; that is, to progress relevant land care property aspects for regionally significant remnant vegetation identified under Perth's Bushplan. That is a comforting thought. The only problem, of course, is that the Government has not finalised its plan from the draft and it has not made a commitment; so it does not have a final plan or a commitment. The overwhelming majority, some 85 to 90 per cent, of the area that we are talking about is owned by various government agencies. The problem of the clearing of metropolitan bushland and its protection could be overcome by an immediate moratorium, with memorandums of understanding with government agencies.

We have the dishonest claims of the Attorney General who equated consultation with action. The problem is that we have now had this draft for a couple of years. We have had purported consultation but no action. Consultation should not be confused with action on the Bushplan, which is precisely what the Attorney General did in his defence of the Government. When defending the inactivity of the Government, he also mentioned many things that were irrelevant, such as the exhaust emissions of kombi vans belonging to itinerant greens and wanting a tick for every other government program under the sun, including the salinity action plan, but I will not refer to the lack of coordination and funding, particularly commonwealth funding, in that area.

Another furphy and red herring drawn across the trail by the Attorney General was a reference to things costing an arm and a leg. The Attorney General referred to compensation for private property owners and the appropriation of \$500m out of the current government budget. The only problem with that is that we are referring to 85 to 90 per cent of the areas that must be protected being in government hands. Therefore, we are not talking about compensation to private property owners or about appropriations out of the current budget. We may be talking about real-value contributions of government land, but we are not talking about cash amounts out of the current budget.

It is of concern when one looks at government policy and finds the limited level of funding. We have ongoing consideration of the draft plan, and piecemeal activity. The Ministry for Planning's appropriation out of a very substantial budget this year was \$5m, which was a totally inadequate amount given the situation. As Hon Giz Watson pointed out, at the moment the Government is presiding more over a Bushplan bulldozing program than a Bushplan conservation program. In this Chamber and in another place, many questions have been raised as site after site has been threatened. The press release from the Minister for Planning refers to 285 sites identified on 52 200 hectares of land for possible inclusion in the final plan. Of this an estimated 19 000 hectares will be protected for conservation purposes for the first time under the implementation of Bushplan - that is, when some action is taken on Bushplan. Increasingly, we have a fear that the record we had in the draft report will be a record for posterity of what was, and of what could have been, but not what is, because of the inactivity of the Government for two years so far and probably into the future. The figures for reserves are not necessarily bush reserves, but reserves for parks and other purposes.

I will conclude on a final point and that is concern about not only the inactivity of the Government, but also the agency it is using. It may be perceived that there is a conflict of interest in planning with its in-house solutions, its trading with developers and so on. I understand that at a recent Urban Development Institute luncheon, the Minister for Planning indicated that UDI members should be well pleased because activity was taking place under Bushplan and the Ministry for Planning. He asked them whether they wanted the Environmental Protection Authority involved in some action. They were suitably mollified by those assurances on the part of the minister. I bring to the Government's attention that last year Parliament passed the Bill that established the Botanic Gardens and Parks Authority to govern Kings Park and Bold Park. The authority has a budget of \$13m. When one looks at its scientific capacity and its objectives and what it has achieved

with Kings Park, and now with Bold Park, I certainly think we should look at the expansion of that authority's area of responsibility so it might look at other areas of urban bushland.

Hon Ken Travers: One could have a Community Newspapers wraparound from it.

Hon J.A. COWDELL: That is right. That would take out a few more bush areas as well. We have an opportunity with this instrumentality, and the Government should look at the opportunity of putting urban bushland under this authority rather than the Ministry for Planning.

HON MARK NEVILL (Mining and Pastoral) [4.13 pm]: I am concerned about these proposals to establish bush parks around Perth. What happens when they are established? Who actually ends up managing them? Hon John Cowdell did touch on the need for an authority to look after the parks and reserves under Bushplan. One area of bush in Perth that is an absolute disgrace is Kings Park. Kings Park is overrun with weeds; it is overrun with feral plants: On the corner of Kings Park Road and Thomas Street there is an acorn banksia, the type that grows near Eneabba, which is growing wild. No attempt has been to regenerate the jarrah that has been lost in Kings Park. There is no sign of fire management in Kings Park: Every three or four years a terrible wildfire goes through it. I think the last one was down near the university. Some sort of prescribed burning is needed in Kings Park to avoid that situation. I think most of the tuart that was in Kings Park was logged before the turn of the century. By any standards, the park is a disgrace. The Kings Park authority has botanists who do a good job in the State herbarium and on that side of things, but I do not think they are really capable of managing that bushland. It would be better to put it under the control of the Department of Conservation and Land Management.

Hon Giz Watson interjected.

Hon MARK NEVILL: The member may laugh. She has all the solutions provided everyone else pays for them.

Hon Ken Travers: There has been a lot of good work done there. They are under resourced.

Hon MARK NEVILL: The workers might be pretty good but members should have a good, hard look at Kings Park. It does not resemble much in the way of natural bush.

Hon J.A. Scott: Is not the chief executive officer a miner?

Hon MARK NEVILL: I do not think so. I do not know what the member is talking about. Hon Jim Scott has some agenda that he wants to pursue.

Kings Park has been a disgrace for years. African lovegrass is running rampant throughout the park, as are heaps of other weeds; I do not have a clue what they are. The park needs managing. I do not think we need these little boards - the fiefdoms that are set up to manage Kings Park and Bold Park or the authority that Hon John Cowdell is talking about. I think CALM could easily manage these sorts of bushlands. It is an agency with the expertise. Why keep duplicating administrative bodies? The money would be better spent on conservation.

The PRESIDENT: Before Hon Mark Nevill continues: The motion before us specifically talks about sites identified under Bushplan. Is Kings Park one of those sites?

Hon MARK NEVILL: It is not.

The PRESIDENT: If it is not but it is incidental to what the member is going to say about Bushplan I am interested, but I get the feeling that this is just a discussion about Kings Park.

Hon MARK NEVILL: I tied it in because I am very concerned as to how this Bushplan will be managed. We have numerous examples around Perth of degraded bush and I do not see much point in reserving bush if it is not going to be maintained and look after properly. I am giving the example of Kings Park. I do not spend much time in Bold Park, but I do not think it has the number of visitors that Kings Park gets. I am trying to get the message across to the House that we do not manage what we have very well despite the hallowed name of the Kings Park Board. I think its track record over the past 20 or 30 years has been pretty ordinary and it needs to improve.

Hon John Cowdell regarded the \$5m set aside for Bushplan as a bit of a pittance. Perhaps the Australian Labor Party needs to say what is a reasonable amount to be put aside for Bushplan.

Hon J.A. Cowdell: I actually talked about the donation of government lands.

Hon MARK NEVILL: Yes, but he went on to talk about \$5m - and I cannot remember if he used the term pittance, but he gave me the impression that it was inadequate. It may be inadequate, but people here need to start talking about what they will do in government. We are six or eight months from an election and if we say that something is inadequate we must be prepared to say that we will do more, whatever that may be. However, that is an aside.

We need to have a fundamental look at how we manage this land before we start setting aside vast amounts of money to reserve the land, especially if it is only going to be degraded and not managed properly.

HON NORM KELLY (East Metropolitan) [4.19 pm] I am slightly amazed by the Attorney General's rabid outburst earlier that in giving the Government's response to this urgency motion, he was unable to stipulate the Government's position on ongoing funding for Bushplan. It is difficult to see how the big increase in funding that is required is to be generated, yet we have heard no comment from the Attorney General on that matter. We have also heard no comment from the Government about when we can expect a final report to be released to the public. The draft Bushplan has been out for almost two years, yet the Government is still unwilling to commit to when that final report will be released. I have a feeling

it will be sometime in the second half of the year, closer to the election, when the Government can make its announcement as a good public relations exercise, but without adequate time for people to consider the detail included in the final report.

The Attorney General also said there have been reports of only 10 Bushplan sites that have been partially cleared, or partially destroyed in some manner. I have been provided with a list of at least 15 Bushplan sites which have been cleared or partially cleared. On some occasions, clearing has occurred. Sites in the East Metropolitan Region include Carmel Road in Ellenbrook, the Morley Road bushland in Bullsbrook, the Holmes Street bushland in Southern River, the Perth Airport and adjacent bushland, the greater Brixton Street wetlands and Fraser Road in Banjup. One of the major concerns is that while the Government procrastinates about what to do with the final version of Bushplan, these sites and many others that are threatened will gradually deteriorate either through actual clearing or neglect. We must also look at how to adequately fund Bushplan, not only for simply securing those sites for the purchase of private lands and the like, but also for the ongoing restoration and conservation of those sites.

In his rave earlier, the Attorney General also referred to how this House has thrown out planning decisions which have gone through a public consultation process. He referred to disallowance motions which have been successful in this place in the past few years. I point out to the Attorney General that a Bill has been on the Notice Paper for the past three years in my name which would address those concerns of the Government and would prevent entire omnibus regional scheme amendments from being disallowed by allowing for a partial disallowance of such omnibus amendments. Support for, or even debate on, that Bill would assist in ensuring that an entire omnibus amendment - which has gone through what is normally a 12 to 18-month process of public consultation - is not necessarily destroyed or disallowed simply because of one contentious issue among 20 or 30 logical, rational and reasonable amendments to the metropolitan region scheme. It is hypocritical of the Attorney General to talk about what he sees as the failings of this House. Obviously he disagrees with the fact that this House should have powers to disallow such MRS amendments. However, it is hypocritical of him to refer to the actions of this House when his Government is unwilling to even allow debate on examining whether there are better ways to streamline and make the metropolitan planning processes more efficient and effective.

I refer to a letter I received from The Vines Property Owners Association about funding. The group is concerned about a number of Bushplan sites in its area, specifically sites 22, 23 and 300 of Bushplan. It makes these comments about funding -

We consider the planned funding for Bushplan is far too low. The overall figure should be vastly increased and the funds made available sooner rather than later. Government should also look at alternative means of raising capital specifically to produce a funding stream for acquisition and management of Bushplan sites into the future. We would be extremely disappointed to see such a far-sighted project reduced to a political gimmick through lack of funds or protective legislation.

In order to optimize the funding benefits, all sites should be classified and prioritized from rarity of flora and fauna and the condition of the bush as well as whether the site is held privately and whether it is in imminent danger of destruction for development.

Numerous local environmental groups are concerned about their local areas of regionally and locally significant bush sites. However, it is easy to see how they become disheartened when we see the lack of commitment and progress this Government is making to finalise Bushplan. The comments made by The Vines Property Owners Association highlights that it is not a simple matter to fix the funding problem. It is not, as the Attorney General said before, a matter of drawing \$500m out of the consolidated fund. An ongoing dedicated source of funding is required that funds the longer-term vision for Perth's areas so that, as the association says, it does not become a political gimmick.

HON DERRICK TOMLINSON (East Metropolitan) [4.27 pm]: Hon Giz Watson did not accept my challenge to talk about the science; therefore, I will not pursue it. However, although it can be argued that values are attached to Bushplan, there are also the competing values of the landowners. Although some people might object to the rights of landowners, those rights exist in law. Existing Bushplan protection has ridden roughshod over some of the rights of those landowners. An example of this is what happened to some Indonesian immigrants who are constituents of East Metropolitan Region. Twenty years ago, they bought two adjoining four-hectare lots in Forrestfield. Being Indonesian and Muslim, they prescribed to values of the family living together. It was their intention over 20 years that when their children became adults and had families of their own, the eight hectares of land would be used to build homes for their families. They held those values for 20 years. The land around them had been cleared for some time for orchard farming or for other rural purposes. The land was zoned rural. Because they wanted to keep the land for their future family, their land was not cleared. When they made inquiries to the Shire of Kalamunda 18 months ago about building houses and an Islamic centre on their property, for which they had substantial funds and substantial support from the Muslim community, the Shire of Kalamunda told them that it agreed in principle. However, before a development proposal could be submitted, the shire received advice from the Western Australian Planning Commission that planning controls had been established on certain parcels of land. I will read from the Shire of Kalamunda's "General Business Bulletin" of 19 March 1999 under the heading "Planning control area", which states -

1. The Minister for Planning has granted approval to the declaration of a Planning Control Area over land within Forrestfield and High Wycombe. The land has been identified for future Parks and Recreation reservation under the Metropolitan Region Scheme.
2. The properties have been identified in Bushplan, a document released in December 1998, which identifies areas containing vegetation of significant regional conservation value. The planning control area is required to ensure that no development occurs on this land, which could adversely impact upon the vegetation that is of conservation value.

The planning control imposed by the WAPC in a Bushplan document, which is not a policy and which has not been endorsed by the Government, now denies those people their reasonable expectations for the land. I suggest that Hon Giz Watson consider not only the preservation of bushland but also the protection of the rights of landowners.

Motion lapsed, pursuant to standing orders.

FOREST PRODUCTS BILL 1999

Second Reading

Resumed from 6 April.

HON J.A. COWDELL (South West) [4.32 pm]: The Australian Labor Party supports the second reading of this Bill, although it will move amendments in the committee stage. I note the supporting arguments put forward by the minister in his second reading speech. He pointed out that this Bill complements the Conservation and Land Management Amendment Bill that passed through the second reading stage last week; indeed, that is one of its merits.

The minister also outlined a new set of responsibilities for the Forest Products Commission. This is a change from the original Bill as introduced in another place. The minister indicated that the commission will be responsible for all aspects of existing timber sharefarming agreements that have been entered into under the Conservation and Land Management Act and will be able to enter into timber sharefarming agreements in its own right. It will also have responsibility for maintaining and establishing state plantations and forest nurseries. The Opposition welcomes these added responsibilities. It is entirely appropriate that the commission have responsibility for those aspects of production pertaining to plantations and nurseries.

The minister commended the Bill to the House by referring to the further delineation of commercial activities from conservation objectives, in that the Forest Products Act will be administered by a minister other than the minister responsible for the Conservation and Land Management Act. Once again, the Opposition sees this as a worthwhile change. Of course, it is less keen on some of the powers given to the new minister to deal with forest management plans. No doubt that will be the subject of investigation by the Standing Committee on Ecologically Sustainable Development, which is considering the CALM amendment Bill.

The minister also referred to the funding situation and profits and royalties in the following terms -

The "profit" that the Forest Products Commission must endeavour to make is not a profit from its operations, but the appropriate return to the State from the use of the State's forest products produced on public land. The royalties presently levied under the Conservation and Land Management Act will be replaced by this return to the State, which will be paid by the Forest Products Commission to the consolidated fund in the form of dividends and tax equivalent payments.

There may be some merit in this form of net funding. We are obviously moving away from that to some degree with the splitting of CALM's responsibilities. There may be benefit in the new commission's retaining some funds to administer its responsibilities for plantations, nurseries and value adding rather than paying the entire profit as a dividend to consolidated revenue and trying to retrieve funds.

The minister concluded by referring to the new commission's other responsibilities. Apart from its commercial functions, the Bill establishes that the commission will have other responsibilities applicable to use of a valuable public resource and the continuation of a viable timber industry. The commission will also have a promotional role in employment and the development of the forest products industry. That goes with the nature of the entity that will be set up.

The Opposition sees merit in some of the objectives as outlined by the minister and the need to replace the sham Forest Production Council and some of the other entities that have not acted independently of CALM, or, more particularly, those that have taken over CALM with a particular ethos. The Opposition looks forward to the formal separation.

The legislation has been improved by removing some potential for commissioners to have a conflict of interest, so that no current contracts should be held by commissioners. The minister has the capacity to make appointments to the commission, and commissioners are required to have expertise in the area. The Australian Labor Party wants a broader range of expertise, particularly in the plantation field, and also a contribution from a workers' representative. I notice from public comments of the Minister for Forest Products that he believes it would be relevant to have workers' representatives on various advisory boards or committees, but not on the commission. The Opposition does not agree with that. We need to be mindful in discussing this Bill of the need to remove certain biases at each stage of the process. There needs to be a transparent process. We have some level of transparency with royalty levels. We need to be satisfied that the new system will maintain a similar level of transparency over returns and profits. We need to be assured of the integrity of the commission, so that representatives of the timber companies do not set the prices. We need to be assured that the new systems to be put in place under this regime will not hide the fact that there were different prices for different companies. Mention was made of discretion in the Bill but there must be transparency and equality of treatment.

The Opposition is concerned at what might be an unacceptable level of commercial confidentiality. It will move amendments to ensure only a reasonable level of confidentiality and not a complete veil as the Government is apt to draw in these circumstances. The Bill takes into account a possible conflict of interest but includes mechanisms to override the protective devices in the Bill by allowing commissioners to admit they have a conflict but still to have an involvement in certain decision-making processes. That is a matter of concern to the Opposition.

I note that the minister has referred to compensation for community service obligations. I notice an allocation in the current forward estimates which envisages a role for the Forest Products Commission in plantations and the salinity action strategy.

That will be a community service obligation, although I would expect that with net appropriations there should be some capacity for what might be viewed as community service obligations to be undertaken, as well as through the allocation of extra funds from the salinity action strategy or whatever. We need the timely presentation to Parliament of statements of corporate intent. This has not always occurred in the past with state instrumentalities.

Some mention has been made of the dimension for minimising charges. I am not sure what is envisaged, but there cannot be a continuation of the current warping of the system with significant hidden subsidies in the disposal of our old-growth forests that advantages the native timber sector, and disadvantages the plantation sector. The Opposition is mindful of the minimising of some charges, as has been mentioned by the minister. This would have to be very transparent and be seen as a community service obligation either in terms of employment or some other heading.

The Opposition is pleased that the Government accepted some of Labor's amendments in another place. The Government supported Labor's amendment to clause 12 to require the Forest Products Commission to abide by the principles of ecologically sustainable forest management in the performance of its functions. As members will note, this amendment was also included in the Conservation and Land Management Amendment Bill 1999. It will require the Conservation Commission to take into account the short and long-term impacts of all decisions it makes. This Bill will have the same effect on the Forest Products Commission, and we believe its inclusion is a great improvement to this Bill.

The Government also accepted a Labor amendment which will exclude persons with a Forest Products Commission contract or a material personal interest in a company or business with such a contract from appointment to the Forest Products Commission. This was a major concern to Labor because if commissioners have active interests in timber companies, their advice on timber prices and contracts could be prejudiced or at least subject to a conflict of interest. We are pleased the Government supported this amendment.

In clause 19 the Government accepted Labor's insertion of new subclause (5), which will require the Forest Products Commission to produce half-yearly reports to be laid before both Houses of Parliament. This amendment strengthened the transparency and accountability of the Forest Products Commission.

Although I note that this Bill will probably go with the other Bill to the Standing Committee on Ecologically Sustainable Development, I indicate that Labor will persist in the committee stage with consideration of a number of proposed amendments. Those amendments are an amendment to clause 61 to require all production or road contracts awarded by the Forest Products Commission to be consistent with the principles of ecologically sustainable forest management, a new clause dealing with the tabling of contracts, and an amendment to increase the transparency and accountability of the commission to the community with regard to these contracts. The minister rejected that amendment in another place because he thought it would make it difficult for the commission to negotiate contracts, particularly because the commercial confidentiality of the private sector would be lost.

The PRESIDENT: Order! I remind the member of Standing Order No 94.

Hon J.A. COWDELL: Indeed, Mr President. However, I do believe that the minister made this comment in a public statement and not merely in conversation in another place, and that he put it on the public record. I would not want to allude in any way to any sentiments from another place that might unduly influence us or that might be binding upon the minister in this place or by which he might feel constrained. I am sure that would not be the case. I just anticipate a situation in this regard.

Hon Peter Foss: We do what we like up here.

Hon J.A. COWDELL: Indeed, to a greater or notably a lesser degree - mainly lesser on the Government's side.

Labor will also be moving amendments to the schedules to ensure that the commissioners do not participate in decisions in which they have a conflict of interest. Labor is supportive of ensuring the appointment of commissioners who have expertise in and are representative of the plantation timber industry and of the interests of workers, in particular the south west timber workers who are now part of the Australian Workers Union.

The final amendment is to clause 59. The Labor Party is certainly supportive of an amendment to ensure that the contract price charged by the Forest Products Commission includes a component representing local government rates and charges which would be payable by the party to the production contract if it were the owner of the land containing the forest products; and an amendment in those terms is on the Supplementary Notice Paper.

I welcome this complementary piece of legislation, which will be an improvement on the current monolithic structure of the Department of Conservation and Land Management, and for that reason the Labor Opposition will support the second reading of the Bill, but with the view that some amendment will be necessary in Committee of the Whole and that it will be useful to have a report on this Bill from the Standing Committee on Ecologically Sustainable Development prior to its consideration in Committee of the Whole.

A briefing that was kindly given to members by Mr Wally Cox and other officials from CALM contained descriptions of the contracting role of the Forest Products Commission. One of those descriptions was that the contracting role of the Forest Products Commission will be expanded from harvesting and sale contracts for forest products from native forest to include contracting for the establishment, regeneration, growing, tending and protection of forest products in native forest. We seek some clarification of the contracting role envisaged for the Forest Products Commission, because the Bill contains considerable contracting-out powers, and we will need to be assured that adequate safeguards exist with regard to those powers. Therefore, it might be useful for the ESD committee to comment on this matter prior to our consideration of the Bill in Committee of the Whole. We will be supporting the second reading of the Bill.

HON CHRISTINE SHARP (South West) [4.57 pm]: The Greens (WA) support the Forest Products Bill and its dual objectives, which are to establish a separate agency to administer the commercial exploitation of native forests by logging, and to amalgamate this responsibility with the responsibility for commercial plantations and sharefarming agreements. The structure of this Bill is reasonably straightforward, and many parts of it are taken from the Conservation and Land Management Act. However, to make sense of the Bill, we need to understand how the agency that it will establish - the Forest Products Commission - will function in conjunction with other agencies which are described under the Conservation and Land Management Amendment Bill. Therefore, it is necessary to see the two Bills in synergy, even though we are not dealing with them cognately.

The Forest Products Commission will be a very powerful organisation. For example, schedule 1 of the Bill provides that the Forest Products Commission will have far more discretion over its meeting practices than is conferred upon the Conservation Commission through the Conservation and Land Management Amendment Bill. The Forest Products Commission will also have a range of very complex functions, to which I will refer in half an hour.

[Questions without notice taken.]

Hon CHRISTINE SHARP: Before question time I had begun to comment on the fact that many of the significant provisions of the Bill before us have changed in the very recent past. One can sense from those changes that we have a process which is very fluid at the moment; an administration is being created and the thinking is changing and developing with the creative process. We are all aware that the Government established a Minister for Forest Products a few months ago and certainly the mark of the minister has been felt on the provisions of the Bill in its passage through the House. In the other place a significant number of amendments were made to the Bill in some very important areas. The Australian Labor Party has been successful in inserting the principles of ecologically sustainable forest management into the Bill and that has been a very significant addition to the Bill, otherwise it would not be a watershed for a new approach to the logging of our native forest, which it is so critical to achieve through this legislative package. The Australian Labor Party, again with the support of the Government -

The PRESIDENT: Order! There is a standing order which states that members cannot allude to debates in the same session in the other House. We have to talk about the Bill as it is received in the Legislative Council. It is probably not unreasonable to make passing reference to something that may have occurred, but the member cannot now recite what happened in the Legislative Assembly because she will then breach the standing orders. I am prepared to accept that a passing reference is not a blatant breach, but the member is directing me to look at the Legislative Assembly debates to find various things. That is certainly a breach.

Hon CHRISTINE SHARP: It was certainly incorrect on my part if I implied that the critical part was the debate in the Legislative Assembly. I was drawing the House's attention to the critical aspects contained in the Bill as we are debating it in the Legislative Council tonight and noting that we welcome those aspects of the Bill which are of clear accountability because of the controversial background to these measures. One of the important, and dare I say it, new, aspects of the objectives of the Bill is that of the Government's amendments with regard to plantations and sharefarming. I see this as a very important additional aspect of the Bill's objectives. We certainly welcome those clauses, because the role that will be given to the Forest Products Commission in this Bill is not limited to managing the logging of native forests but is the dynamic role of establishing itself in plantations and in sharefarming agreements. That is a good aspect of the Bill, and hopefully it will help us get over the lack of integration of these matters under past regimes and under the bureaucratic way of the world over many years where plantation and native timber industry resources were treated as completely separate administrative items, when it is clear to any person in the community that those two resources are linked and their planning should be integrated. The community would like the plantation sector to play a more dynamic and important role, not in competition with native forest but as a way of taking pressure off the logging of native forest and off the jarrah and karri resource.

Hon Barry House: Will you give an undertaking not to interfere with the cutting of plantation timber in the future?

Hon CHRISTINE SHARP: Yes. It is very important that the plantation industry be provided with security of purpose, because we need to get a lot of trees in the ground.

The Greens (WA) welcome the inclusion of an integrated approach in the Bill and the role of the Forest Products Commission to dynamically establish itself in the plantation industry and provide a range of new timber initiatives which may help resolve the dual issues of declining farm profitability and the huge environmental crisis with regard to salinity. We also welcome the amendment on the Supplementary Notice Paper from Hon Norm Kelly, which will further direct the Forest Products Commission towards the establishment of plantations as the key objective for the sourcing of forest products.

The other part of the Bill which has changed during its passage through the Legislative Assembly is the management of native forest. The definition of the term "manage" in this Bill now includes matters that can be the subject of a Forest Products Commission contract; namely, to establish, regenerate, grow, tend and protect. The contracting role of the Forest Products Commission has been expanded from the limited sphere of harvesting and of sale contracts for forest products to now include the establishment, regeneration, growing, tending and protection of forest products in native forests. These provisions are extremely important, yet they have received little attention until the present time. These provisions have given rise to substantial changes to the Bill, including many pages of consequential amendments. However, what is important is not the quantity of amendments but the fact that this Bill represents a significant redirection of the management of native forests under the Forest Products Commission. This Bill will enable the Forest Products Commission to manage forests without virtually any role for the new Department of Conservation. After all, when we talk about managing native forests, I can think of only three major areas to which that could refer: Logging, burning and the baiting of foxes to protect

native wildlife. Those are probably the only things that are done over a broad acre in the forest. The Forest Products Commission will now have the function of not only logging but also establishing, regenerating, growing, tending and protecting trees. It could be argued that this could even incorporate prescribed burning, and I would like some clarification from the minister about whether the definition of "manage" will include prescribed burning.

There is a major need for clarification of this new aspect of the Bill, particularly given that this management role can now be performed by any subcontracting process that the Forest Products Commission may determine. In other words, this may be a major step towards the privatisation of forest management. Significant changes are contained in this Bill, and we would like the Government to clarify how the management will take place, and whether there will still be a role for the Department of Conservation in the business of establishing, regenerating, growing, tending and protecting trees or whether that role will largely be directed by the Forest Products Commission towards private subcontractors.

The enlarging of the function of the Forest Products Commission to manage the forest links us back to the Conservation and Land Management Amendment Bill, because whether this system of administration will be successful raises some important issues of accountability which may or may not be answered by that Bill. In particular, if forest management may be subcontracted and privatised under the responsibility of the Forest Products Commission, how effective will the auditing of that performance be, and how effectively will the auditing function of the commission be resourced by the Government? It also raises important questions about the protection of the integrity of the process to determine the forest management plans, because the Forest Products Commission's management of the native forest will come under the auspices of the forest management plans. They become even more key documents in protecting not only the sustainability of the resource for the long-term creation of forest products, but also the basic ecosystem itself. Therefore, it is critical in strengthening the function of the Forest Products Commission to ensure that the dual system keeps the integrity of the forest management plans sufficiently intact to perform that necessary regulatory role. The Greens (WA) welcome that auditing aspect in this separated organisation. If we cannot protect this integrity of the forest management plan, I see that this further strengthening of the Forest Products Commission into a very powerful organisation - complemented with its minister's substantial power of veto over the forest management plans - could complete a vicious circle and disempower the Minister for the Environment and the Conservation Commission in performing their conservation roles in native forests.

Part 8 of the Forest Products Commission Bill deals with the setting of contracts for all manner of aspects of the new management role, from harvesting to the creation of roads and so forth. The Standing Committee on Ecologically Sustainable Development in its fourth report developed an argument that major benefit would accrue to the State if the system of commercial contracts under the current CALM Act, and mirrored in the Forest Products Commission Bill, were replaced by a system of licensing. This would better mirror other natural resources management systems in areas such as fisheries and mining. The advantage of a system of licensing over contracts is that the State would better be able through monitoring management impacts to change policy should it be required in order to provide ecologically sustainable forest management. This can be achieved through the adoption of an adaptive management system in the forest. In other words, as we log the forest, and we monitor the impacts of human activity in the forests, good adaptive management practice can be applied. A system of licences is better able to help the State ensure that it is part of the relationship between the natural resources user - the logger in this case - and the protector of the resource. That deserves further exploration. If we receive the endorsement of the upper House and successfully refer this Bill to the ESD committee, it will have an opportunity to investigate this matter further. It can seek further legal and other advice on whether this would provide practical benefits to the Bill.

The last element is clause 59 of part 8; namely, the provisions regarding contracts. I endorse the remarks of Hon John Cowdell about how the Bill -

Point of Order

Hon MARK NEVILL: I understand that this Bill will be referred to a committee and members will be denied the opportunity to debate individual clauses. The member should decide whether to send the Bill to the committee or to debate clauses during the committee stage. Individual clauses cannot be debated in the second reading debate.

The PRESIDENT: Hon Mark Nevill is right: It is not for members to debate specific clauses in the second reading debate. An opportunity to discuss individual clauses depends upon whether the House decides to adopt potential recommendations of the ESD committee. Potential avenues reside in standing orders for clause 59 to be discussed again in committee. Hon Mark Nevill is right - now is not the time to discuss clause 59 in detail. However, that does not deny a passing remark, as I am sure Hon Christine Sharp is aware.

Debate Resumed

Hon CHRISTINE SHARP: I expand my remarks from the narrow issue of what a clause of the Bill may contain and draw attention to the fact that this Bill establishes a relationship between the exploiter of a resource and the payment for the use of that resource to the State. Importantly, we must ensure that the provisions of the Bill reflect the true costs to the State of the logging of native forests. The recent budget estimates suggest that the cost to CALM of logging native forests was \$46.1m in the last financial year; whereas the revenue received by CALM for sales through royalties of that same resource was \$48.7m. Therefore, the State has apparently made a net profit of \$2.6m from logging. However, some real costs are not included in that accounting. The Australian accounting standards allow for estimates for a loss of an overall capital asset. That is not factored into the budget's accounting. What is the worth of a loss of an asset when a forest is cut down? That cost includes the huge ministerial administration of CALM with forest management and native forest logging; the cost of processes such as the Regional Forest Agreement; the cost associated with policing and auditing the subcontractors; and the cost of the diesel fuel tax rebate. There is also non-payment of rent on public land; the non-payment of local government rates; the non-payment of tax on vehicles, plant and equipment; and the non-payment of stamp duty on

contracts. Then there is the opportunity cost of competing industries, such as the plantation and tourism industries. Some environmentalists have attempted to quantify more difficult costs, but to my mind these are best left unquantified: What is the worth to the State of the loss of wildlife that is involved?

Sitting suspended from 6.00 to 7.30 pm

Hon CHRISTINE SHARP: Before the break I was saying how the apparent profit of \$2.6m accrued to the State from the royalties for native forest logging and how that did not take into account many of the costs involved. I pointed out how difficult it is to quantify some of those costs, such as the loss of biodiversity and possibly in the long term the loss of particular species, let alone the loss of soil through erosion and climatic change and climate modification. These issues all create a cost to the State. When one reads that the principle upon which the new Forest Products Commission will act is to create a profit, one needs to see how this Bill relates to its twin - the Conservation and Land Management Amendment Bill - and to ensure that the definition of profits is not the narrowest definition of a yield of profit to private timber millers and the net profit to the State of the royalties from that, but that it takes into account a much wider definition of the loss of biological assets and the full range of administrative costs to the State of managing our native forest for the production of forest products. To reiterate the point I have made several times, the relationship between the provisions of this Bill and the previous Bill is critical to the success of the new system.

In support of the second reading of this Bill I point out that we will create a whole new world of forest management tonight. If we get it right, it will present many exciting opportunities. For example, I note the report in the weekend newspaper about a crop of forest officer graduates taking up their new positions with the Department of Conservation and Land Management. I remind the House that under the provisions of the Bill before us this same crop of graduates will not be working for the Department of Conservation and Land Management or for the new to-be-formed Department of Conservation, but in the plantation industry for the Forest Products Commission. Many significant changes lie ahead for CALM both at the administrative level in the metropolitan area and in regional centres in the south west. There will be many significant changes on the ground that this Bill will enact.

I have made clear in my speech that I have mixed feelings. This Bill and the other Bill have an enormous potential to create a system which will take us forward to a significantly improved level of administration and sustainable management. Nevertheless, some serious difficulties exist in the relationship between the two Bills which need to be addressed before that can be attained. I commend the Bill to the House.

HON MARK NEVILL (Mining and Pastoral) [7.35 pm]: I thank Hon Norm Kelly for allowing me to take the call, because I will probably not be in the Chamber for debate in the proceedings later tonight. I opposed the Conservation and Land Management Amendment Bill, and perhaps we should have had a cognate debate because they relate so closely to the one issue. I oppose this Bill because the whole principle behind it is wrong. It is not backed up by any objective assessment of the situation. It is a subjective and emotional response to logging parts of our native forests. I understand that people feel emotional about those issues. However, Western Australia has a good balance of reserves and areas set aside for a sustainable native forest timber industry, not to mention the plantations.

This Bill has come out of a completely false premise that the Department of Conservation and Land Management had a conflict of interest. This Bill together with its predecessor will create a real conflict of interest. CALM never determined the level of logging in the forests, so the fact that it retained timber revenues had no bearing on the level of the cut. It is an irony that under this legislation the Department of Conservation will receive funds from the Forest Products Commission both during and after logging. This gives a real incentive for the Department of Conservation to increase the area of forest logged, because the larger the area the greater the funding level a conservation agency will receive. I have no doubt that the Department of Conservation will be desperate for funds. It is remarkable that the Minister for Conservation has had to create four new agencies to do the job that CALM did so successfully. We will see a diminished effort in the area of conservation because Treasury will do what it does naturally: It will squeeze the funds from timber revenues. The cost of administering these four new agencies will be much higher than it is under the successful integrated agency that is CALM. I challenge the minister to state what the costs are of establishing these four new agencies and how much he thinks the administration costs will add to what are current costs in today's terms. The Forest Products Commission will be devoid of the sympathies for conservation that have been held by CALM. Earlier today when I suggested that perhaps CALM should manage Kings Park, Hon Giz Watson was quite appalled, and Hon Jim Scott chipped in and said that was because Kings Park has a chief executive officer who is from the mining industry. That shows two things: The hatred of the Greens for CALM, because it is successful; and the innate dislike, if not hate, of Hon Jim Scott for the mining industry, because he attributed all the problems at Kings Park to some mythical mining industry chief executive officer. Those two interjections encapsulate the attitude that many people take towards CALM. That is dreadfully unfortunate, because CALM is a much maligned organisation which has wonderful staff and has done a wonderful job.

I may not be here for the vote on the second reading because I need to attend to some duties outside the Parliament, but, if I am, I will be opposing this Bill at the second reading stage. I know that I probably cannot count on the support of Hon Greg Smith because he is also attending to some duties outside the Parliament tonight, so the only vote against the Bill will probably be mine. I will also be opposing the referral of this Bill to a committee.

Hon Christine Sharp said that we need to cost all the negatives. She did not suggest that we should also cost the positives with regard to our forest industries - the jobs, the value adding that is created, the substitution for imports, and the fact that we do not need to log so much of our tropical forest to generate timber. She said that we need to take into account the asset cost of logging our forest. That is a fine argument to put, but I bet that same argument is not put in the report of the ESD committee on the sustainability of the crayfishing industry, because crayfish grow again, just as trees grow again. Obviously trees grow over a much longer cycle, but the same argument is valid. It does not matter that we may not be here

in 30 or 40 years to see the end of some other earlier cycle or to be in the middle of some other cycle. That argument demonstrates the member's myopic view of the economics of the timber industry. I dare say it can also be argued that every industry costs money to run, whether it be the mining industry or any other industry that we may choose.

Hon Christine Sharp referred also to the loss of species. I have challenged the member during debate to name one species that has been lost in the forest. I have said to the member previously that I know of at least 30 species that have been lost in the agricultural region and of 20 to 25 species that have been lost on the Swan coastal plain, but I do not know of one species that has been lost in the forest in 150 years of forestry. It is not reasonable to repeat that argument without at least giving some evidence. I am quite happy to admit I am wrong -

Hon Peter Foss: Even plantations lose species.

Hon MARK NEVILL: They get around that by saying they are sterile environments. However, they still have the same species of birds and things like that. Obviously they are no substitute for native forests, but everything is put in its absolute worst light. I will be opposing this Bill with all the emotion and intellect that I can summon, because it is bad legislation and is quite simply dopey.

HON NORM KELLY (East Metropolitan) [7.45 pm]: The Australian Democrats will support the Forest Products Bill. The Bill contains many positive reforms that have been identified by many parties, and thankfully also by the Government in more recent times, that are necessary to remove the conflicts of interest in the current Conservation and Land Management Act. The fact that under the CALM Act one government department is responsible for both the conservation and destruction, or at best the exploitation, of our native forests will come to an end with the passage of this Bill and the associated Conservation and Land Management Amendment Bill.

It is a positive move that the Forest Products Commission which will be established under this Bill will not have crown immunity from the Wildlife Conservation Act. It is also pleasing that the principles of ecologically sustainable forest management are not only defined in the Bill but are also incorporated within the responsibilities of the commission. As has been mentioned earlier by other members, the Forest Products Commission will also be subject to taxes, duties and other imposts and must include specified costs when calculating royalties. However, the Democrats argue that these obligations should be extended to require the Forest Products Commission to factor into its royalty prices local government rates on production land. Quite a few comments have been made today about the positive and negative costs which may or may not be taken into account in determining the profits of the Government's activities in native forest logging. To my mind, the driving force behind all of this is to establish a level of competitive neutrality between the logging of our native forests and the harvesting of timber from plantations, and not until we achieve that competitive neutrality between those two streams of timber resource will we get a true reflection of not only appropriate royalty prices but also legitimate consumer demand for those varying types of timber.

The Forest Products Commission's strategic development plan must include the pricing principles in respect of the sale of forest produce, and the strategic development plan must be tabled in the Parliament. We appreciate that it is becoming standard practice in government legislation these days that statements of corporate intent and the like be tabled in the Parliament. The Bill provides also that contracts entered into by the Forest Products Commission will have no effect if they are inconsistent with the CALM Act or relevant management plans. The Bill contains other good accountability measures, such as clause 14, which provides that ministerial directions will be open to public scrutiny, and the requirement that the Auditor General give an opinion about whether matters which are deleted from the statements of corporate intent that are tabled in the Parliament are matters of commercial sensitivity. The Democrats have regularly brought these issues before the House and have successfully moved to incorporate them in other pieces of legislation, and it is pleasing that the Government is now incorporating these measures at the earlier stage of drafting legislation.

Although the Bill contains a certain degree of emphasis on the necessary shift from native forest to plantation timber, that emphasis is not strong enough. Therefore, the Australian Democrats support moves to amend the Bill to provide a greater shift in emphasis. Amendments are on the Supplementary Notice Paper to that effect. This will make clear the government policy of getting as far out of native forests as possible for timber supply.

I do not suggest that plantations are the be-all and end-all because, as other members have said, they pose problems through being monocultures. Massive areas in the south west went to plantation in recent years, and we must consider the associated issues with the change in land use in the areas. These substantial changes affect the south west communities not only economically, but also socially; that is, a farming community can suffer population decrease as people are not needed to work the farms. People pack up and leave, suddenly creating a more sterile environment with far fewer people. Some of these associated issues need to be addressed.

Another issue of concern is the slant of the title's reference to "forest products". In using this terminology in the legislation, the Government attempts to turn all plantations into forests, which is a terrible distortion of the facts. It refers to plantation timber as forest products. It has been put to the Government by various conservation groups that the Bill should be titled the timber resources Bill, which would accurately reflect the diversity of resource obtained from plantations and native forests.

Hon Christine Sharp mentioned a concern regarding changes to the management of the resource. The definition of "manage the forest product resource" includes to "establish, regenerate, grow, tend and protect". I would like a good answer from the Attorney General on this issue: What is envisaged by the Government in the managing of these forest products? My understanding from the briefings I have received on this Bill is that it is expected that the Forest Products Commission and its staff will operate in the management of a state forest during the logging cycle. It would start presumably in planning with surveys for logging roads and flora and fauna prior to logging. The management of the area would continue during the logging phase and into the rehabilitation and re-establishment of that part of the forest. This would include the

rehabilitation of landing and loading sites and replanting when necessary. The definition indicates that the Forest Products Commission could be entrusted with the management of the state timber reserves throughout the entire forest cycle. Basically, it could become a permanent manager of those parts of the forest. I seek a response on whether that is the Government's intention and the way the legislation should be read. Good argument can be mounted that although the Forest Products Commission should have control over the areas during the necessary two or three-year period of pre-logging, logging and rehabilitation, it is not the Government's stated intention to allow such management to continue over decades for those harvesting areas.

I turn now to the minister's second reading speech, which states -

. . . that the commission, in endeavouring to make a profit, cannot operate in a manner that jeopardises the long-term viability of the forest resources industry or the ecologically sustainable management of indigenous forest resources located on public land.

The Democrats are pleased to see the identification of the importance of ecologically sustainable management of indigenous forest in the Bill. The possibility of conflict between those two ideals arises; that is, between a viable forest resource industry and the ecologically sustainable management of the forest resource. I have placed amendments on the Supplementary Notice Paper so that when those two principles come into conflict, the resolution is decided in favour of the ecologically sustainable management of the forest. Without such amendment, one would not have a viable timber industry in the longer term. We have seen the impact of decisions made for economic expediency in the short term which have a negative impact on the management and sustainability of the forests in the longer term. A recent example was in the formulation of the current management plan, when it was acknowledged that the level of the cut was beyond sustainable levels. It was seen that the industry could not cope with a necessary cut reduction at that time. It was stated in the early 1990s that the timber industry was given a 10-year period to adapt in preparation for the necessary reduction in timber logging levels. We saw in more recent times the industry's resistance to change when confronted with cut reductions.

The composition of the Forest Products Commission requires further work. Australian Democrat scrutiny of Bills typically looks closely at whether a fully accountable process is involved with any board or similar body appointments. Again, this legislation simply has a minister nominating persons to the Governor for appointment as commissioners.

Hon Peter Foss: That is accountable - you have an accountable minister.

Hon NORM KELLY: But we do not necessarily have an open and accountable process in determining the people the minister may nominate. The Democrats' concern is that over recent years many debates have occurred in this place about whether we should be prescriptive in determining the people who should be represented on boards. The Supplementary Notice Paper contains ALP amendments to prescribe members on this commission. I welcome the ALP's position of ensuring plantation sector representation on the commission. However, it wishes to have two members representing plantations, and the Democrats will look at amending the ALP amendment if it is successful.

Hon N.D. Griffiths: Is this a short title speech you are making?

Hon NORM KELLY: No. We shall seek to amend that provision to provide that no fewer than two plantation timber representatives will be included. There is scope in a seven-member committee to have more than two plantation timber representatives. The ALP is also moving to include a representative of the Australian Workers Union on the Forest Products Commission. I am sure this is one way of attempting to shore up the union's support within its party. I am sure the Leader of the Opposition well remembers one of the timber industry rallies outside this place last year, when people showed their strong anger at the ALP's position.

Hon Derrick Tomlinson: That amendment will be withdrawn now that all the endorsements are in place.

Hon NORM KELLY: Some comment was made earlier about removing conflicts of interest from the Forest Products Commission so that people with a vested interest - those with logging or transport contracts in the timber industry, for example - could not be represented on the commission. It could also be said that members specifically representing the interests of workers have a conflict of interest because they would make decisions that were not necessarily in line with all the principles or responsibilities of the Forest Products Commission.

Hon Peter Foss: There are many examples of that in the past.

Hon NORM KELLY: They could be said to make decisions which would not necessarily be in the best interests of the industry but, more particularly, would be in the best interests of their own members. If we are to have a more heavily prescriptive membership of the commission, there is scope for a representative from the institute of foresters. That may occur as a matter of course anyway when the commission is seeking the breadth of expertise required. I am sure we can debate that more fully at the committee stage of this Bill.

The Australian Democrats will also propose amendments because the Bill, as it currently stands, allows the minister to override the ecologically sustainable forest management principles. We will propose amendments to limit the minister's powers in that area. We do not believe it is within the spirit of the Bill, although it is definitely in the intent, that the minister be able to override such principles. That mistake was made in the past in the formation of the current forest management plan, where unsustainable levels of harvesting have been allowed for a 10-year period.

There are many good reasons to support this Bill, but we have serious concerns about its current structure. I look forward to the probable referral of this Bill to the Standing Committee on Ecologically Sustainable Development to resolve this matter, because it is important to consider this Bill and the CALM amendment Bill together, bearing in mind the heavy

interplay of responsibility between the provisions. I am sure that with further scrutiny by the Committee of the Whole House, we can produce legislation that is well-intentioned, far stronger and longer lasting. As Hon Mark Nevill said in this place the other day, although he doubts very much that this legislation will remain intact for more than a few years, despite the way it is being rushed through this place by 30 June, we could do some good work in the interim to make sure we provide strong legislation and do not make unnecessary mistakes in order to meet the Government's hasty timetable for a neat and tidy changeover of these government agencies on 1 July. The Australian Democrats will support the second reading and look forward to the further stages of the Bill.

HON PETER FOSS (East Metropolitan - Attorney General) [8.06 pm]: I do not have the information on costs that was requested. In reply to Hon Norm Kelly, I indicate that it is certainly not the Government's intention that management include a decade-long event. The question is whether the definition does that.

I am very pleased that Hon Mark Nevill pulled up Dr Chrissy Sharp on the loss of species. Of all the people in this House I would not have expected to make that statement, it is Hon Chrissy Sharp. I made the point on another occasion that forestry is one of the few occupations that does not destroy the environment. Unfortunately, many of the people who have been critical of forestry have failed to recognise this point. Surveys show that the species in a forest which has never been cut are the same as those in forests that have regrown. If there is any loss of species, it has been due to a general loss, not confined to the forest, of species that have been subject to predation by introduced animals. The European human animal has probably caused the most damage, and it has completely wiped out whole ecosystems. In very few occupations can people say that their work and place of occupation have no impact on the environment. Aboriginal people probably had an impact on the environment when they first arrived because they appear to have removed the large mammals and then proceeded, by extensive lighting of fires, to encourage the smaller mammals which provided a source of food. Since that time the situation in the Australian environment has been steady. Since Europeans have been in this country, we have wiped out many ecosystems but not by forestry. Had it not been for the Forests Act at the turn of the century, which was introduced at the instigation of Lane Poole to prevent the loss of more forest because of agriculture, we would not have forest to argue about now. We must be eternally grateful to foresters because they have preserved the forests. Foresters have been good guardians of the forest and were it not for them, we would not be as blessed as we are by the amount of existing forest.

It is important in this debate to recognise, as Hon Mark Nevill did, the very important contribution forestry makes and I hope it continues to make. I would hate to see the end of native forestry. I happen to think it is a positive and acceptable part of our life, as long as it is carried out in a sustainable manner. We have dealt with that in this Bill. As long as we make sure we do not lose heritage values, forestry is to be applauded. I cannot believe that the people of Western Australia would ever give up jarrah furniture. Nor would they ever give up having she-oak furniture. With the scientific developments that have taken place in the goldfields, a huge forest has regrown - it was a forest that was removed by goldmining - and through the efforts of CALM and private investors, some of those extremely interesting timbers of the goldfields are now being used for musical instruments and very fine, high added value wood applications. We, as Western Australians, should be proud that we can contribute such beautiful timbers on a sustainable basis and that we can contribute many more timbers on a sustainable basis as part of the real value of life. People who appreciate the beauty of timber are people who appreciate their surroundings. I would hate not to have that value in my life. Hon Christine Sharp is nodding her head in agreement, and I am pleased that she agrees with me.

This Bill is intended not to get rid of forestry, but to ensure that forest products continue to be sustained, and is done so in a manner that is acceptable to our community. One of the remedies for improving the sustainable yield of jarrah was to encourage the jarrah people to increase their value-added component. It required a huge investment of money to do that but the results have been spectacular. I visited a mill which had an 84 per cent value-added product. That is something for which they should be applauded and supported. CALM has been working to make karri capable of the same sort of value adding. The thing about karri is that it is such a magnificent structural timber that it is hard to go past that value. I do not see that as being in any way despicable. I think using karri for structural timber is fantastic. I would much rather see karri rafters in buildings than steel rafters any day. Karri is easily re-growable whereas steel and other resources are finite and require considerable use of fossil fuels. This is, I hope, not about carving up forestry. It is an administrative change. We are not changing the value that we put on forestry and the value that forestry can contribute, nor are we, I hope, criticising the many people who have served Western Australia as foresters. I have an interest there. My late father-in-law gave his whole life to forestry. He worked for the forests department and he loved trees. The foresters appreciated the beauty and value of trees. Admittedly, he occasionally looked at trees and worked out how many loads there would be. His first appreciation of a tree was how much timber could be got out of it. However, he was a great lover of nature and of the beauty of trees and of the contribution they make to the environment. I believe that is essentially the role of foresters and one that should be recognised.

The one thing I did not like about the CALM Act was the removal of the title, Conservator of Forests, because I think it was an important statement of principle that the person in charge of forests conserved them. The Conservator of Forests followed a long line of highly respected conservationists and I do not think it was the people in charge of forestry who were voracious in their wish to take over forest land or to clear it. I know from the example of my late father-in-law that he spent most of his time trying to beat off - and I defer to the gentlemen behind me - the neighbouring farmers who were continually trying to take the forest over for grazing land. He fought them off and foresters like him have ensured that we have the forests today.

I thank members for their support. I have some sympathy for the views expressed by Hon Mark Nevill because I know that we agree in principle to the contribution that the forestry industry makes. However, I believe that in order to preserve that industry, the Government must make the administrative change provided for in this Bill. However, I hope that it is just an administrative change and not a dismantling of one of the most important and valuable and environmentally sensible

occupations that we can possibly have in Western Australia. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Referral to Standing Committee on Ecologically Sustainable Development

HON CHRISTINE SHARP (South West) [8.15 pm]: I move -

That the Forest Products Bill 1999 be referred to the Standing Committee on Ecologically Sustainable Development for consideration and report by 20 June 2000.

On our last sitting day before the recess this House sent the Conservation and Land Management Amendment Bill that goes in conjunction with the Forest Products Bill to the Standing Committee on Ecologically Sustainable Development for it to examine. It has been widely acknowledged during the second reading debate on this Bill that the provisions of both Bills are inextricably linked. In particular, this Bill refers to areas of the State which will be managed through the provisions of the Forest Products Bill but are also regulated and vested under the provisions of the Conservation and Land Management Amendment Bill. Therefore, for the purposes of a worthwhile inquiry by the committee, an inquiry into the detail of the Conservation and Land Management Amendment Bill necessitates the examination of the provisions of the Bill before us tonight.

In moving this motion, I reiterate the same understanding that we all share that both Bills should be dealt with in a timely way so that they can be finalised in time for the winter recess. They should therefore be the subject of only a short inquiry by the standing committee. Nevertheless, I am confident that the standing committee will be able to deliver another shared objective, which is to enable the Legislative Council to operate more efficiently and effectively.

HON PETER FOSS (East Metropolitan - Attorney General) [8.17 pm]: The Government will support this motion on the basis that there is a fixed report date of 20 June. It is important that the legislation be completed by 30 June. We have a very tight timetable because it is likely that after having returned from the committee and passed through this House it will have to be considered in another place. We are hoping that by having the arguments in the Standing Committee on Ecologically Sustainable Committee it will necessarily lead to a shorter debate in this House because this House has a lot of business on the Notice Paper, much of which has to be completed by 30 June. The Bill does not lend itself to any extension of time should the committee find that it has not completed the task by that date. In order for it to be effective it means that when the Bill comes back to this place, it will have to be a very precise debate because with all the other matters before the House for it to consider, I do not believe that we will be able to complete everything before 30 June. I urge the committee to report the arguments clearly so that they do not have to be restated in the House. It will be a waste of time if members restate the arguments. The Government agrees to this in the hope that it will save time in the House and enable this House to dispatch a considerable amount of other business.

HON NORM KELLY (East Metropolitan) [8.19 pm]: The Australian Democrats also support the motion to refer this Bill to the Standing Committee on Ecologically Sustainable Development. As a member of the committee, I will make some comments about the limited time allowed for consideration before reporting. I agree with the Attorney General that the report should be presented to the House by 20 June. Therefore, it is important for the committee to identify the most important issues, to concentrate on them and to come back to the House with recommendations. Some arguments put forward in this place indicate clear areas of disagreement. It would be useless for the committee to try to resolve those issues in that short period; those debates will be had in this place later. However, the committee can finetune some of the issues in the Bill and provide the House with the information required for the Bill to make speedy progress when it is returned.

Question put and passed.

CONSUMER CREDIT (WESTERN AUSTRALIA) AMENDMENT BILL 1999

Second Reading

Resumed from 28 March.

HON BOB THOMAS (South West) [8.21 pm]: The Australian Labor Party supports this very simple but necessary legislation. The Consumer Credit (Western Australia) Act 1996 came about as a result of an agreement between the States and the Commonwealth that uniform legislation relating to consumer credit would be implemented. That legislation would provide information to debtors about a number of issues so they could make informed decisions at every stage of the borrowing process. It was decided in 1996 that the States would either introduce template legislation similar to that enacted in Queensland, or that they would introduce their own legislation. Western Australia chose to introduce its own legislation. A number of regulations were necessary to ensure that the legislation worked in Western Australia in the same way that it worked in the other States, and those regulations have required renewal each year. This Bill will bring those regulations into the Act, thus obviating the need to renew them each year.

The Act comprises 14 pages, with 130 pages covering the consumer credit code. That code outlines all the regulations dealing with advertising for consumer credit. That is the first and the most important amendment. Other amendments are contained in clauses 45, 54, 55 and 61. Clause 45 clarifies what costs can be recovered by finance companies when they have been forced to incur expenses recovering debts. In the past the legislation has been read to include only external costs. Clauses 54 and 55 relate to advertising. In the past the provisions have been read too restrictively and credit providers have not been able to provide more information than is allowed under the code. This amendment will allow credit companies

to provide that extra information.

Clause 61 relates to the serving of notices of default on debtors and guarantors. It has been a requirement that every debtor and guarantor be served a notice of default. Often it is much more appropriate to serve the notice to one person who acts on behalf of a group. It will still be possible, where necessary, to serve the notices on all debtors and guarantors. However, if one person acts on behalf of all debtors, the service of the notice on that person will be sufficient. If the situation involves a number of debtors, some might want to act together and nominate one person to receive the notice, but others might still want to be served notices individually. This legislation is flexible enough to allow for those variations.

These amendments are necessary. They have come about because the industry has observed that the current code has drawbacks and is inefficient in some areas. The industry has agreed to these changes. The Australian Labor Party supports the legislation.

HON NORM KELLY (East Metropolitan) [8.25 pm]: The Australian Democrats also support this Consumer Credit (Western Australia) Amendment Bill. I will not go over the issues that have been outlined already. Although it is regarded as uniform legislation, it allows individual States to make their own decisions in certain areas such as imposing maximum limits on interest rates and the like. It is a strengthening of the existing code and is based on the Consumer Credit (Queensland) Amendment Bill 1998. The Australian Democrats support its speedy passage.

HON CHRISTINE SHARP (South West) [8.26 pm]: The Greens (WA) are happy to join in supporting the speedy passage of the Consumer Credit (Western Australia) Amendment Bill. The Bill has been dealt with reasonably quickly tonight, but it has taken some years for the full implementation of the consumer credit code to be achieved. It is a very important and overdue step forward that will be finalised later this year. I know very little about this area, but I have been guided by the briefing provided by the Ministry of Fair Trading. I thank it for that information. The Greens (WA) are very pleased to support the second reading of the Bill.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [8.27 pm]: I thank members for their support of the Bill. It is an important piece of legislation relating to the protection of borrowers involved in consumer credit transactions. It is the result of an enormous amount of consultation between the industry, consumers and the various Governments of Australia. That consultation has provided us with a Bill that has gained the support of all sides of the political spectrum. I thank members for their support and guarantee that the Bill will have a speedy passage.

Question put and passed.

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

GOVERNMENT FINANCIAL RESPONSIBILITY BILL 1998

Second Reading

Resumed from 9 May.

The PRESIDENT: Order! The Bill was second read on 14 October 1998. Not everyone is expected to remember that. However, Hon Nick Griffiths made a memorable speech on 9 May as did Hon Helen Hodgson and Hon Jim Scott. It is up to the minister to sum up if he so wishes. If there is no need to do so, I will put the question.

HON PETER FOSS (East Metropolitan - Attorney General) [8.32 pm]: I thank everybody for their memorable contributions and commend the Bill to the House.

Question put and passed.

Bill read a second time.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL 2000

Second Reading

Resumed from 30 March.

HON N.D. GRIFFITHS (East Metropolitan) [8.32 pm]: The Australian Labor Party supports the passage of this Bill. We are not surprised, however, that a Workers' Compensation and Rehabilitation Bill 2000 is before the House when we note the history of this area of public policy under the present Government. The latest progress of Bills document records a number of matters concerning workers compensation. In the current session of Parliament, the Workers' Compensation and Rehabilitation Amendment Bill (No 3) 1999 was assented to on 5 November 1999; the Workers' Compensation and Rehabilitation Amendment Bill (No 2) 1999 was assented to on 5 October 1999; and the Workers' Compensation and Rehabilitation Amendment Bill 1997 was assented to on 5 October 1999, followed finally by this Bill. It is the latest in a number of attempts to repair the mess created by the misconceived actions of this Government in 1993 when it seems it caused almost irreparable damage to the workers compensation system. I trust it is only almost irreparable damage that can be repaired.

I think everybody in this House is familiar with the arguments because we have been through them on many occasions. As members will recall, we have dealt with many matters concerning workers compensation during the years that I have been in this House. We have had to deal with them due to the stupid mess created by the member for Riverton when he had this portfolio, with the connivance of members opposite. That stupid mess has been made worse by the inaction and inappropriate action of the member for Kingsley.

I will not go into detail regarding the redemption issue. We are all aware of the vandalism done to the workers compensation system by members opposite, the suffering, the mistakes and the cost to people who are employed and who have been injured; to the sense of well being of people who work because they may be injured and are no longer adequately covered; and to employers who are paying outrageous premiums for workers compensation due to the atrocious and incompetent handling by this Government of legislative change. This is the latest escapade.

The purpose of the Bill is to remove what the minister, in his second reading speech, referred to as an unintended anomaly. I am a charitable person so I accept that it is an unintended anomaly that may arise due to current time frames for processing the degree of disability referred to the director by a worker pursuant to part of what I see as the rather infamous 93 sections, but in this case section 93D(6) read with section 93E(6). That purpose is worthy of support. It will make life better, although it will not make life great.

I note the observations in the second reading speech that the time frames mean that, notwithstanding what anyone may want to do with the best of intentions, an ability to make the election, much touted in section 93, may be jeopardised due to the fact that the degree of disability has not been agreed or determined until after the time it was supposed to be dealt with. This is what occurs when we deal with complex pieces of legislation with people moving backwards and forwards in difficult circumstances because some people are trying to play hard-ball politics. This Government has been guilty on many occasions of playing hard-ball politics. The ball that gets whacked around -

Hon Helen Hodgson: Doesn't the ALP have an -

Hon N.D. GRIFFITHS: Hon Helen Hodgson is well aware that the Australian Labor Party has always sought to advance the interests of the community, particularly those of injured workers. In considering legislation, as we often do at short notice in this House on matters of controversy, it is appropriate to take the Government's bona fides at face value. I note the phrase in the second reading speech with respect to an unintended anomaly. Of course, if Hon Helen Hodgson was aware of what the amended words would do, it was beholden on her to tell the House at that time. I note that she failed to explicitly explain what the words meant. She may correct me, but I doubt that she went into the meaning of these words as set out in the Bill. The changes will require that the election take place within 14 days, and I take on board what the Government has said. I do not think that is particularly great. I think this is a very nasty election process. It stems from changes which cause a great degree of suffering - changes which have been brought on by absolute incompetence on the part of this Government. Everything it has done with workers compensation has been to stem the flood, but the floodgates broke a long time ago. It has not dealt with many areas that were raised in the Pearson report which we debated at some length just before the Christmas before last. Hon Helen Hodgson may interject and make some comment from the perimeters of politics, but it is our job as legislators to do what we can to make this system work as well as it can in the interests of those who pay workers compensation premiums and of injured workers. I regret that this Government has messed up the system. We as an Opposition are trying to be constructive by supporting this legislation. I regret the necessity for it. I regret the delay in bringing the matter before the House, and I regret the process which has led to this. I believe more pieces of legislation will come before the House until such time as we have a Government in this State which is genuinely concerned about the interests of those who are injured in the course of their employment and those who pay workers compensation premiums.

HON HELEN HODGSON (North Metropolitan) [8.42 pm]: This is the latest chapter in the saga of what has been happening to the workers compensation system. Obviously, I am thinking only of the time that I have been in this place. However, it seems to me that the system is continually being tinkered with and we still do not seem to have any proper answers. In fact, without pre-empting debate, I believe this issue will come before us again within the next couple of weeks by means of other matters on the Notice Paper. The amendment before us is necessary because we are required to fix a problem that was overlooked during the negotiations last year. It is very interesting to hear the pious comments of Hon Nick Griffiths when he talks about the way in which negotiations were conducted. We all know that negotiations occur in situations of great pressure, but in the end the Australian Democrats looked at the proposals and said that we were not satisfied that we would address the issues. The fact that we could not move any further amendments or rectify anything else was simply because we can count - we know what the numbers are. We knew that if an agreement was reached between the Government and the ALP, the numbers were there and that is what the arrangement would be. Having said that, I am quite happy to help fix this issue which is now before us, although I recognise that a lot of issues still need to be dealt with.

The need for this amendment has been brought to my attention on a number of occasions through calls to my office from both injured workers and legal practitioners. The issue that seems to have arisen is that section 93E(6) is being manipulated by the insurance companies, which are using the ambiguity of the wording to their advantage. This amendment is absolutely essential. There is a concern, however, and those who are handling this matter should by now have a piece of paper before them which contains an amendment in my name dealing with the timing of the introduction of this. I have introduced this amendment on the basis of a letter which was forwarded to me by the Law Society of Western Australia. The letter was addressed to Hon Cheryl Edwardes, Minister for Labour Relations and it states -

The Law Society has obtained a copy of the Bill, which has been examined by the Society's Personal Injury Claims Committee.

The Society welcomes the action taken by the Government to address the ambiguity in s93E(6). Our members had reported instances of an insurer attempting to take advantage of the anomaly.

However, in order to provide a complete remedy, the Society recommends that clause 2 of the Bill be amended so that the new wording is deemed to have operated from 5 October 1999, the date when the current s93E came

into operation.

I look forward to your confirming that this will be done.

The letter is dated 1 May 2000. I have been waiting for the Notice Paper to indicate that the minister will address the timing of this issue. Having checked this evening and discovered that no such amendment has been circulated, I decided to take the step of circulating it myself and seeking the support of not only the minister representing the Minister for Labour Relations but also the opposition parties in this place in trying at least to enable the anomaly to be dealt with in a way that ensures no injustice will be done on this issue. I will not address the question of justice in the whole mess. However, we can rectify the situation at least for people who have been caught by this anomaly over the past few months. That amendment is now being circulated. I had hoped that it would be put forward by the Government with government support. However, having put it forward myself, I ask that the Government give it due consideration, although I apologise for the late notice.

The employers also are still suffering from the workers compensation situation. I can speak from personal experience because we pay for a part-time employee in our office. When I got the workers compensation premium renewal notice, there was a 75 per cent increase. We were warned that the only way to keep premiums down was to look at reducing the rights of workers. My experience and that of many small business people who have contacted my office is that it has not kept premiums down. Premiums are still going up. I understand that there was a Premium Rates Committee meeting yesterday. When the outcome is announced, it will be interesting to see what that committee has recommended.

The problems with the system as a whole are still endemic. The patchwork solutions that we put in last year are not effective. They are not keeping premiums down and they are not helping injured workers. The amendments are to section 93E, and state that the disability is less than 30 per cent but more than 16 per cent, and the injured worker must make an election whether or not he or she will commence action at common law. The amendments relate to situations in which the degree of disability cannot be agreed between the parties and the disagreement is not resolved before the termination date for an election to be made. It allows the worker 14 days to make the election once the level of disability has been determined. Fourteen days, although twice as good as seven, is not good enough. There will still be people who cannot reasonably make that decision within a 14-day period. It is a very important decision for injured workers to make when they are under a multitude of pressures, such as financial pressures, coping with the injury and the family disruption caused by these matters. This also fails to deal with the administrative delays that can occur.

An instance was brought to my attention from someone in the legal profession of a particular insurance company not processing the determination in a timely way, which resulted in the injured worker being denied the opportunity to make the election. Even with 14 days to make that decision, a worker could end up in an unjust situation. However, this appears to be the best we can hope to achieve now and it would be better for the Bill to be passed than for the Act to remain as it is.

Many complaints that come to my office relate to the operations and administration of WorkCover. Significant changes to this Bill are long overdue and I urge the minister to act expeditiously in the overhauling of WorkCover's operations. People in my office hear alarming stories regularly from individuals who have been through the system. Many of them claim they are made to feel as though they are the ones who have done something wrong or they are bludgers trying to defraud the system. We have all seen the advertisements still running on television which are supposed to caution people against making claims to which they are not entitled. However, people with an injury who watch that advertisement are made to feel that society is watching them to see whether their injuries and claims are legitimate. Only a small proportion of individuals make excessive and fraudulent claims. I do not support fraudulent claims in any way; however, all injured workers are made to feel guilty because of that small proportion of individuals. There must be a fundamental shift back in the emphasis of the system to support innocent parties, which are almost always workers who have been injured in the course of their employment.

Most situations also involve an innocent employer, who may not have been negligent when a member of staff has been injured on the job. The purpose of the statutory workers compensation scheme is to ensure that a system is established so that an injured worker, even when no negligence is involved, has income support and the right to make claims. However, the only winners in the whole system now seem to be the insurance companies. The employers are not winning as they are facing increased premiums, and the employees are certainly not winning. The system was created not to benefit insurance companies, but they are the ones who are in front.

Hon Peter Foss: Have you any basis for saying that?

Hon HELEN HODGSON: The basis is the number of calls and the amount of information -

Hon Peter Foss: No, have you any basis for saying that they are actually making more money as a result of it?

Hon HELEN HODGSON: I did not say they are making more money. I am saying they are benefiting.

Hon Peter Foss: Do you mean they have benefited in some immoral way?

Hon HELEN HODGSON: I will put it this way: If the Attorney General has read the Pearson report and other reviews, he will know that neither employers nor employees are coming out in front.

Hon Peter Foss: That does not mean though that it is the fault of insurance companies.

Hon HELEN HODGSON: Unfortunately, the only part of the system that is before us is this minor amendment, which at least will rectify one of the injustices. We support it and we believe it should be retrospective to the date when the legislation was introduced; if it is not, it will simply perpetuate the inequities of the system. The Australian Democrats will

support the Bill.

HON J.A. SCOTT (South Metropolitan) [8.53 pm]: The Greens (WA) will support this amendment Bill. Hon Helen Hodgson has spelt out most of the points I would have made and I concur with all her remarks. I also reiterate the point that although this Bill will partly correct and improve one of the problems that has arisen from a Bill that I do not believe was a good Bill, there will need to be further changes as time goes on. The Government should be examining the whole system; indeed, getting rid of it and starting again from scratch. These constant changes are becoming more and more complicated, and their long-term effect will be far from taking the lawyers out of the system. The very complication that has been created in the system will create a great deal more work for the legal profession.

Meanwhile, I wait with bated breath for the other aspects of this legislation to be repaired, aspects which the Attorney General said the Government was examining. I hope it is still examining the increasing costs in the system that are brought about by increasing health costs and the failure of the system to address the inability to properly examine the calculations of insurance companies to determine how genuine their pleadings are to put greater pressure on injured workers so that they can increase their profits. I hope that is done quickly by the Government because these changes will go on and on with this Bill and I do not believe we will have a good Bill at the end of the day.

HON PETER FOSS (East Metropolitan - Attorney General) [8.56 pm]: There is a well known saying in the law that if the facts are against you, hammer the law; if the law is against you, hammer the facts; if the facts and the law are against you, hammer the table. One of the interesting things about this debate is that it has not been about the Bill. It has been a reinvention of the facts by the Australian Labor Party, the Greens (WA) and the Australian Democrats and a short discourse by Hon Helen Hodgson on all the other parts of the Act, other than the part we are talking about. However, nobody has dealt with one of the really important aspects of the Bill. It is almost as if it never happened. Do members opposite recall or has it completely gone beyond their minds that one of the reasons we are in this position is that a Bill came before this House which was agreed to by the employers, by the Trades and Labor Council and by the insurance companies? It was a good Bill and it dealt with all the problems.

Hon J.A. Cowdell: Rubbish!

Hon PETER FOSS: Interestingly enough, the people who were most interested in it seemed to think it did. However, why did that Bill not pass this House? It is because those amnesiacs on the other side of this House, who seem to have forgotten that, defeated it. That is the reason that since then we have been trying to bring forward legislation which we are not entirely happy with but which the lot opposite are prepared to go along with. They then stand in this place with their pious cant and blame the Government for the fact that the legislation is imperfect because it has gone through in a hurry.

I will tell members what happened. Do they remember after they defeated that legislation what happened in the community? Firstly, every employer was up in arms asking what was happening to their premiums, and the unions asked what we had done to employment. This amendment Bill has been caused by members opposite and they now want to blame the Government for the fact that we had considerable difficulty bringing legislation before this House with which we were happy. The only way we can get legislation through this House is when we are stuck with what members opposite agree. It does not matter that the employers, employees and the insurance companies agree. The attitude of members opposite seems to be, "That happens to be the way the Constitution works, but don't blame us." There was no reference to that fact, was there? That did not happen. Amnesia is a wonderful thing. Legislation before this House got through because it suited members opposite; it was not legislation that suited us. It was what we were able to do with their consent. If members of the Opposition would like to see some legislation, would they be prepared to pass a Bill introduced by the Government and agreed to by the employers, the employees and the insurance companies? Of course they would not.

Several members interjected.

Hon PETER FOSS: I can tell this is a memory that members opposite do not want to recall.

Point of Order

Hon BOB THOMAS: The member is saying that we voted that Bill down. We did not; we amended it, and the Government withdrew it. I ask that the member get his facts straight.

The PRESIDENT: The member may ask as much as he likes, but it is not a point of order.

Debate Resumed

Hon PETER FOSS: It is wonderful to hear of memory slowly returning. Members opposite know to which Bill I was referring. I remember seeing members of the Trades and Labor Council in the public gallery. They could not work out what the party supposedly supporting labour was doing when it was gutting the Bill. I am glad Hon Bob Thomas has reminded me so that I can put clearly on the record that the Labor Party gutted the Bill. All we have now before the House is what members opposite are prepared to agree to. They should not talk about the tyranny of numbers because there was none. What went through was what the representative of members opposite negotiated.

Hon Bob Thomas: It was the will of the House.

Hon Ray Halligan: They denied it before but now they admit that it was the will of the House, and they had the numbers.

Hon PETER FOSS: Yes, it was the will of the House.

The PRESIDENT: Order! I can hear the Attorney General very clearly and I am sure the Hansard reporter can hear him. They are the only people who count. Everyone else can hear the Attorney General.

Hon PETER FOSS: I am pleased that we have the acknowledgment at least that all this ordure that has been thrown on this

legislation is being thrown on by the will of the House, because earlier on it was said to have been thrown on by the Government.

Hon Ljiljanna Ravlich: It is all of your own making.

Hon PETER FOSS: It is all of our own making! This is lovely. I am glad that full recollection has come back to the Opposition, the Democrats and the Greens. They are saying, "Oh, yes, that is right; we did do something terrible to that Bill, didn't we? We had something to do with the Bill that went through." I am grateful to Hon Helen Hodgson for reminding members of the Labor Party that it was the Bill they agreed to. They had forgotten that point.

Legislation that goes through this House is not a matter of the Government saying it will go through. Unfortunately, we find all too often that legislation becomes greatly cut about by members opposite, even if it has been supported by the TLC and unions. This legislation was hurried. It is unfortunate that we had to have hurried rather than considered legislation, but it was hurried because it was not passed until members of the Labor Party were prepared to recognise that they had alienated everybody. Employers were screaming at them, and the TLC was screaming at them even louder for what they would do to employment. They then decided that they had better do something. Of course, they agreed in dribs and drabs to bits and pieces. I remember the absurd negotiations that went on forever. I am amazed that this Bill came out requiring only one amendment.

I thank members for their contribution. I thought we might have had a quiet appreciation expressed by members that this was a worthy amendment. It was unfortunate due to the processes of the House that it was necessary, and due to the lengthy discourse of members opposite, reinventing history in a manner which would have done credit to many of the Roman historians, who used to write their history with the beady eye of the emperor on them.

The PRESIDENT: Order! I have read the Bill, and I cannot find any reference to Roman historians. Let us wind up the debate so that I can put the question, and we can get on with the business of the House.

Hon PETER FOSS: Thank you, Mr President. It would have been better had we not had any of those people involved in this.

I want to deal with the amendment that was referred to by Hon Helen Hodgson. I understand that, notwithstanding the actual form of the legislation, the insurance companies had been treating it as if the legislation had been amended. Therefore, the amendment is unnecessary. I fully understand that Hon Nick Griffiths was obviously taken by surprise, as was I, but I was able to speak to the departmental representatives on this matter.

Hon N.D. Griffiths: Two minutes ago.

Hon PETER FOSS: Yes, but I am fairly confident in saying that I do not think that the amendment is necessary. I fully respect the situation of Hon Nick Griffiths.

Hon N.D. Griffiths: You are in the same position.

Hon PETER FOSS: I agree. I accept his position and think it perfectly correct. After the second reading, which, due to the speeches that have been made, I trust will happen, I suggest that we do not deal with the committee stage because in view of the late hour of the notice of this amendment, we are not in a position to deal with it.

Question put and passed.

Bill read a second time.

RESTRAINING ORDERS AMENDMENT BILL 2000

Second Reading

Resumed from 29 March.

HON N.D. GRIFFITHS (East Metropolitan) [9.08 pm]: I am sure it is very pleasing for the Leader of the House to note that we have now got to Order of the Day No 16, having commenced with Order of the Day No 12. Of course, we have not dealt with the committee stages of Orders of the Day Nos 14 and 15.

The Australian Labor Party supports the Bill. It does a number of things which it is our hope will improve the restraining orders system. Essentially it seeks to extend the cover of the Restraining Orders Act 1997, the current Act, by expanding the category of persons who can apply for an order on behalf of a child. I will deal with these matters in a little more detail shortly. It also seeks to extend the coverage of the current law by granting powers to courts exercising family law jurisdiction to make restraining orders under the Act. In Western Australia that is principally the Family Court of Western Australia, judges and magistrates. It seeks to clarify the transitional provisions of the current Act in relation to the status of orders made previously under the Justices Act, restraining orders having been in operation in respect of a number of categories of matters prior to the Restraining Orders Act 1997 coming into operation.

The Bill will allow the Children's Court, on its own motion or on the application of what I will term a child welfare officer, to issue a restraining order. Such an officer may also reply on behalf of a child to vary or cancel a restraining order or to register an interstate or a "foreign" restraining order.

Under the Bill, a court exercising family law jurisdiction may issue a restraining order on its own motion or on the application of a party to the proceedings or of a person who gives evidence in those proceedings. It also provides that a court exercising family law jurisdiction when making a restraining order during the conduct of other proceedings may make an interim order in lieu of a normal final order.

The Bill seeks to provide that so-called old orders are final orders within the meaning of the Act to overcome the reluctance of Courts of Petty Sessions to exercise authority to vary such so-called old orders. That will provide greater protection for those who have the benefit of those so-called old orders.

The Bill has a capacity to improve the operation of the law in the protection of those who have the benefit of restraining orders. It is particularly pleasing to see that the Family Court will now have the capacity to issue restraining orders within its armoury for facilitating those matters within its jurisdiction. It is a legislative proposal that the Labor Party believes is not contentious. It is welcome and overdue particularly with respect to the operations of the Family Courts. However, I note that different points of view are held by many who are well informed on these matters. I suppose people can have bona fide different points of view; nonetheless, it is an appropriate measure and I trust it will serve the interests of our community.

HON HELEN HODGSON (North Metropolitan) [9.13 pm]: This Bill will make a couple of changes to the Restraining Orders Act. The areas with which it deals specifically are important. The Democrats support the changes. We note that a number of issues exist in a broad context of restraining orders to which we will not refer in detail tonight because much work is still to be done in these areas.

The Bill deals with issues concerning the proceedings in the Children's Court and the ability for a child welfare officer to be able to act on behalf of a child when a parent or guardian is unavailable or unable to act. That is a significant and important shift. Until now, the majority of restraining orders have been taken out due to family violence between adults when a parent who is the victim of abuse takes out a restraining order against another parent. When children are involved the issue becomes more complex. I understand that under the present court procedures it is possible to join children to those applications. In some instances that is recorded, though not specifically as a restraining order protecting a child.

A difficulty exists when a child wants to take out a restraining order but the parent may be the person involved or one parent may not be willing to support action against another parent. An instance was related to me and some other members of this House when we were talking to people in Geraldton. From memory, two children persevered in taking action to obtain a restraining order even though the non-offending parent was too intimidated by the situation to support the young people in that process. In situations like that, if the children are too young to deal with court proceedings and the paper work and so on, a person who can act on their behalf must be available. In some situations the child welfare officer is the appropriate person to assist in protecting the person at risk. The core reason for this part of the legislation is that we want to protect a person who is at risk of violence through the use of a restraining order when it is appropriate. The use of a child welfare officer is a step forward.

The second issue is the extension to court hearing proceedings under our Family Court Act or the commonwealth Family Law Act. This issue has caused some practical difficulties for family law practitioners when matters dealt with in one court must also be dealt with in an alternative court with alternative proceedings. It puts the participants in the action through another series of traumatic legal proceedings in order to obtain the necessary restraining order. It is appropriate that when a court is exercising its family law jurisdiction it should also be able to issue the appropriate restraining order when it is necessary, without the parties having to go through a separate set of legal proceedings.

A third issue that has come to the attention of the ministerial implementation review committee is of old and new orders. When the Restraining Orders Act was enacted in 1997, transitional measures were put in place to deal with pre-existing restraining orders. The difficulty is that two types of orders were created; that is, violence and misconduct restraining orders as well as interim orders and final orders. There seems to have been some uncertainty on the part of the judiciary and magistrates to determine how to deal with old orders when requests have been made for variations. They do not fit within the current framework. This will clarify the situation.

Having said all that, after it was in operation for six months the review of the Act highlighted a few areas that need to be further addressed, such as the culture and practices within our various justice institutions, specifically the Police Service and the courts. I applaud the steps that are being taken to change those cultures and traditions.

I recall that this Bill was debated extensively before I took my seat in this Chamber, but I did observe a large part of the debate. I recall quite a bit of discussion at that stage about the culture of the Police Service and how it should be changed. There are signs that change is happening, but people must be continually reminded that change is still necessary. It is not completed yet and there is still a long way to go in ensuring that people balance these sensitive issues of restraining orders and the protection of the victims against the offenders and the impact a restraining order may have on an offender. There is still a lot of work to be done. The implementation review has indicated that some issues need to be worked on further. I recognise the issues involved in getting legislation drafted and amendments made. However, the system we have in place now is considerably better than the pre-1997 system. Cultures and habits are changing. Some good work is being done with programs for offenders and also with programs that are developed to educate people about not only the existence of domestic violence but also the issues relating to how a victim of domestic violence may access assistance or how a perpetrator may seek help, preferably before that person breaks the law and ends up in a situation in which restraining orders become necessary. Having closed with a few general comments about the restraining orders issue, we will support this piece of legislation.

HON GIZ WATSON (North Metropolitan) [9.21 pm]: The Greens (WA) support this Bill. Praise should be directed towards this Government for its effort in dealing with issues of domestic violence. By and large I support the initiatives that have been taken not only in the 1997 Act but also in the amendments before us tonight. The need for restraining orders to be available and used, particularly in cases of domestic violence and family dispute, is an unfortunate fact of life. However, it is important that we as decision makers make those legal provisions as accessible and effective as possible. Therefore, the Greens welcome these amendments.

The amendments address three areas. One expands the category of persons who can apply for orders on behalf of a child to include the conduct of proceedings in the Children's Court when it is for care and protection applications. Having also had some time to consider the operation of restraining orders as a member of the ministerial advisory committee, I welcome this amendment as it will improve the efficiency of the application of the Act. The second amendment will extend the provision of the Restraining Orders Act to a court hearing under the Family Court Act 1997 or the Commonwealth's Family Law Act 1975. Again, this is an amendment we support.

The Greens (WA) support this Bill and applaud the Government for continuing to amend legislation affecting restraining orders, because it is an issue that we all need to tackle across all political spectrums. Anything we can do to reduce the level of suffering brought about as a result of family violence and disputes is welcomed, and restraining orders play a very important part in that area.

HON PETER FOSS (East Metropolitan - Attorney General) [9.25 pm]: I thank members for their support of the Bill. I also thank the members of the ministerial advisory committee: Hon Barbara Scott, who is the chair, Hon Helen Hodgson, Hon Giz Watson and Hon Cheryl Davenport. It has been a very valuable committee and I think they found it valuable, too. A number of very good people work in the area of family violence and they have come up with some good ideas which must be considered. There is nothing like giving those people who are at the coalface direct access to legislators. It is useful for legislators, but it is also extremely useful for those people at the coalface to have the ear of legislators. The time they have put in is very much appreciated.

I also mention the matter raised by Hon Helen Hodgson about the attitudes of the various people involved. The Family Violence Court at Joondalup is trying to set a benchmark for that work, in which all the people involved actively participate, particularly the police. The coordinator was seconded to the Ministry of Justice by the police. I have had the personal commitment of the Commissioner of Police, Mr Barry Matthews, who has made certain that the police put their hearts into it. I sincerely hope that we get some results out of that which we can then use to spread that action across the whole area, in particular the idea of early intervention so that we do not end up using restraining orders and perpetrators learn not to use violence as a way of controlling their families. I thank members very much for their support.

Question put and passed.

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

LIQUOR LICENSING AMENDMENT (PETROL STATIONS AND LODGERS' REGISTERS) BILL 2000

Second Reading

Resumed from 6 April.

HON N.D. GRIFFITHS (East Metropolitan) [9.27 pm]: This Bill has the support of the Australian Labor Party. The Bill deals with two areas of policy. The secondary area of policy is about reducing the time that a hotel licensee is required to retain a register of lodgers from six years to two years. A lodger is a person who spends a previous night at hotel premises or is booked to spend a forthcoming night there. It seems to me that the register is a means of social control; a mechanism by which law enforcement authorities - the police - can keep track of people. The extent to which it is used and its relevance is a matter for another day. The reduction of the time requirement is timely and should lead to some savings and for the hotel industry. On that account alone the change is positive.

The other area of policy concerns petrol stations and the sale of liquor. The issue comes before the House as a result of a decision of the Liquor Licensing Court, in essence after a petrol station sought to obtain a licence to sell liquor. The application was not successful and the reasons for it being unsuccessful caused concern to the industry - the industry being those businesses that currently sell liquor. Their concern was that the learned judge made it clear in his reasons that the terms of the Liquor Licensing Act did not prevent petrol stations from selling liquor. As the second reading speech points out, and I quote the words from the speech which were from the judge -

... this application should not be determined by the application of preconceived policy. This is particularly so where the legislation is silent about such policy when it was open to Parliament to legislate against the sale of liquor from service stations and it has not done so.

Parliament is now responding to what may be considered by some to be an invitation from His Honour. In respect of that area of policy, the Bill provides for the licensing authority not to approve the grant or the removal of a licence that would authorise the sale of packaged liquor from premises if there is a petrol station on the premises if it is in the metropolitan area or within a prescribed distance outside a country townsite in which there is a packaged liquor outlet. These are grandfathering provisions and they are appropriate because in many parts of the State the facilities which sell petrol also sell many other things, including liquor. The Bill seeks to accommodate the very proper needs of many people in many areas of Western Australia where that takes place. The Australian Labor Party, in supporting the Bill, is mindful of the needs of the liquor industry at the same time. The observations of those speaking on behalf of petrol stations are noted and we think they are worthy businesses, but save for those country areas where the status quo will essentially be preserved, petrol stations should not be in the business of selling packaged liquor.

HON NORM KELLY (East Metropolitan) [9.34 pm]: The Australian Democrats support the Bill. As has been mentioned, it contains two relatively minor changes to the Liquor Licensing Act, the minor change being the reduction from six years to two years for the need to retain registers of lodgers in hotels.

The major amendment relates to petrol stations being allowed to sell liquor or to hold a liquor licence for take-away liquor. The Bill puts in place a discretion for the Director of Liquor Licensing when considering applications made to combine a

petrol station with a take-away liquor outlet in country towns. It is a suitable discretion for the director to have because quite often there can be individual instances when plain commonsense should dictate what is reasonable. By allowing the director discretion the Bill is conferring a suitable power. There is no such discretion given to the director when it comes to the Perth metropolitan area in that there is no way that a combined petrol station and liquor store could be operated. As Hon Nick Griffiths pointed out, this was highlighted by a recent decision of the court in relation to an application for a site near Busselton.

Hon N.D. Griffiths: It was in my electorate actually.

Hon N.F. Moore: It was on the Great Northern Highway near Bullsbrook.

Hon NORM KELLY: I am thinking of another court appeal involving similar circumstances in the south west. When it comes to the argument as to whether petrol stations should be allowed to sell take-away liquor, the Australian Democrats believe that public safety needs to be considered in minimising the potential harm and abuse that comes with the availability of take-away liquor. When I have met people who want this legislation defeated - I must admit there have not been too many beating a path to my door - the argument is that convenience store owners who sell petrol and wish to sell liquor should not be constrained in any way from doing that. The overriding consideration is that we are dealing with what can be misused or abused as a dangerous drug and that the responsible serving of liquor should be paramount. That is the case in existing liquor stores and hotel take aways, which have experienced and trained staff serving alcohol, which is the primary objective of those establishments. The Liquor Licensing Act dictates that they must have trained staff who serve alcohol and who know how to deal with patrons who are affected by alcohol. Therefore, they have employees with higher expertise than there would be in a petrol station, where the sale of liquor may be regarded as a sideline.

One concern is that by being part of a bigger business the liquor products would be strategically placed to encourage impulse buying. People visiting, for instance, a petrol station to purchase petrol might be encouraged to buy liquor by the placement and advertising of liquor products at the petrol station. We believe the advertising of liquor products at petrol stations goes against responsible serving dictates and should be discouraged. Apart from that, there are not many differences between the ease with which a person can drive into a petrol station and the ease with which someone can drive into a hotel drive-in bottle shop. The main difference is that people make a specific decision to drive into a hotel or liquor store takeaway for the purpose of purchasing alcohol; whereas if liquor is allowed to be sold from petrol stations, particularly in the metropolitan area, although some people will drive in to purchase only alcohol, there will be a degree of impulse buying as well which should be discouraged.

The Bill contains suitable exemptions to allow for petrol stations and roadhouses to be situated a suitable distance away from country townships, and this takes into account the remoteness of some areas of Western Australia. This already applies to the licencing hours of liquor stores to which exemptions can similarly be applied when there are no alternatives. For example, liquor stores can trade on Sundays if there is no suitable hotel within a set distance. If this were not the case, it would probably encourage more drink driving over long distances, which is to be discouraged.

For those reasons, the Australian Democrats support the Bill. I am sure this Bill will progress through both Houses of Parliament at a far more rapid pace than the most recent Liquor Licensing Amendment Bill, which passed through this House with unanimous support.

HON J.A. SCOTT (South Metropolitan) [9.42 pm]: The Greens (WA) support this amendment Bill. It is a sensible amendment when considered in the context of rural liquor outlets, which perform many functions. I recall attending a Sunday session at the Cadoux liquor outlet. Apart from having a bit of bush around it, it was similar to the Ettamogah pub in the cartoon, where people appear from all over the globe on Sundays.

Hon B.K. Donaldson: Did you ever go to the Manmanning store?

Hon J.A. SCOTT: I might have. However, Cadoux stayed in my mind because of the bottle-top paving outside.

Hon N.D. Griffiths: Was that a pub crawl around Western Australia?

Hon J.A. SCOTT: No, I was actually visiting someone who lived there.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! Time, gentlemen, please.

Hon J.A. SCOTT: However, it was an interesting experience because it made me aware of the need for this type of legislation and why it is appropriate for that kind of place. It was not only a liquor store; it was a post office, a general store and it also had bowlers out the front. Locals had no other outlet to go to. Certainly there were not many people getting drunk there every day of the week and tearing around; it was just a general store for most of the week, apart from a short time on Sundays. Having had that experience, even though I grew up in a large metropolis like Doodlakine, which had a hotel particularly for that purpose and separate places to buy petrol, I was able to recognise the need for this type of licence. I therefore support the Bill.

HON N.F. MOORE (Mining and Pastoral - Minister for Racing and Gaming) [9.44 pm]: I thank members for their support of the Bill. As we heard, it is a response to particular circumstances that have arisen as a result of a decision by a judge following an application for a liquor licence by a petrol station. The Government has taken the view that allowing petrol stations to also sell packaged liquor sells the wrong message; that is, that it is permissible for people to fill up their cars with petrol and their eskies with grog and then consume both on the way home. That is clearly the wrong message. Hon Norm Kelly talked about the question of impulse buying, which we are seeking to avoid. This Bill is an attempt to deal with the matter raised by the judge.

The Bill contains a number of provisions to allow for particular circumstances in particular parts of the State. It provides that the Director of Liquor Licensing may grant a licence in a country town where it is impractical to have anything other than a combined service station and packaged liquor outlet; I think Nabawa may be a case in point, where it is either the case now or it wants to be in the future.

As Hon Nick Griffiths said, the Bill also has a grandfather clause so that if people are in the liquor business now, they will know that there is no intention to remove their licence. This Bill is all about proactive decisions of granting licences and not in any way about the taking away of licences. I should indicate that if a liquor outlet wants to build a petrol station, it will lose its liquor licence; that is a decision I will have to make down the track.

I thank members for their support of the Bill and I hope that both Houses agree to the Bill as a means of sending a message to the community that safe practices when driving are very important and that driving and drinking simply do not go together.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Minister for Racing and Gaming) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 36A inserted -

Hon N.F. MOORE: I move -

Page 3, after line 10 - To insert the following new subclause -

- (3) Subsection (2) does not apply in the case of an application for the removal of a licence that is in respect of premises on which there is a petrol station to other premises situated not more than 500 metres from the premises from which the licence is sought to be removed.

This amendment is to deal with a circumstance that came to our attention after the Bill was drafted; that is, due to a road realignment, a person who already has a combined liquor petrol outlet will find himself half a kilometre away from the road and we believe that it was appropriate for him to relocate his premises and not have this Bill preventing that and putting him out of business. The amendment provides that if a petrol station liquor outlet needs to be removed for purposes outside the control of the licensee, the outlet may be moved up to 500 metres.

Hon NORM KELLY: This amendment is consistent with other provisions currently in the Liquor Licensing Act for the relocation of existing licensed premises within a 500-metre radius.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 and 7 put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon N.F. Moore (Minister for Racing and Gaming) and transmitted to the Assembly.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.50 pm]: I move -

That the House do now adjourn.

Corroboree 2000 - Adjournment Debate

HON HELEN HODGSON (North Metropolitan) [9.50 pm]: I want to take a few minutes of the House's time to comment on an experience that I had over the weekend which I found very moving.

I was fortunate to be able to attend Corroboree 2000 in Sydney and to be there at the ceremony of handing over the document of reconciliation to the Prime Minister and various other political leaders in our community, and also to participate in the walk across Sydney Harbour Bridge on Sunday morning. It was a fascinating weekend because there was such a wide range of emotions over the two days. We went through stages of very intense emotion and sorrow on Saturday in the Sydney Opera House, when people who were taken from their parents as children were able to participate in not only the handing over of the declaration towards reconciliation but also the ceremony of healing. The message I took away on Saturday afternoon is that healing must occur and that that healing process has started. We must focus on the healing as part of the reconciliation process. That impression was reinforced enormously on Sunday morning when I was one of the crowd estimated to be between 150 000 and 250 000 who walked across Sydney Harbour Bridge in a symbol of the community walking together and working towards the common goal of reconciliation.

I crossed the bridge fairly early on, and I took some time out to stand by the observatory buildings at the southern end of the bridge. I was there long enough to watch the sea of people crossing the bridge. I could see no gaps, only people and the way they felt about the issue. When the sky writer started to write the word "Sorry" in the sky, there was an amazing sound to be heard from the people on the bridge who looked up and saw the word in the sky. It was that sort of day. It was a very emotional, intense and healing experience for the people who participated in it.

One of the reasons I wanted to raise this matter tonight specifically is that tomorrow in Western Australia there will be a similar exercise. Obviously, it will not be on the scale of the Sydney experience, but at tomorrow lunchtime in Forrest Place there will be a ceremony of commitment. I believe that most members here will have received information about it. The ceremony of commitment will involve the handing over to Western Australia of the Australian declaration towards reconciliation. The Council for Aboriginal Reconciliation has extensively worked on the declaration for about 10 years. Various state advisory groups have also been a part of that process by taking the declaration out to the people in the communities, so that both indigenous and non-indigenous people have had the opportunity to input into this document. I want to read what the document says in its final form. The declaration is entitled "Australian Declaration Towards Reconciliation" and it reads -

We, the peoples of Australia, of many origins as we are, make a commitment to go on together in a spirit of reconciliation.

We value the unique status of Aboriginal and Torres Strait Islander peoples as the original owners and custodians of lands and waters.

We recognise this land and its waters were settled as colonies without treaty or consent.

Reaffirming the human rights of all Australians, we respect and recognise continuing customary laws, beliefs and traditions.

Through understanding the spiritual relationship between the land and its first peoples, we share our future and live in harmony.

Our nation must have the courage to own the truth, to heal the wounds of its past so that we can move on together at peace with ourselves.

Reconciliation must live in the hearts and minds of all Australians. Many steps have been taken, many steps remain as we learn our shared histories.

As we walk the journey of healing, one part of the nation apologises and expresses its sorrow and sincere regret for the injustices of the past, so the other part accepts the apologies and forgives.

We desire a future where all Australians enjoy their rights, accept their responsibilities, and have the opportunity to achieve their full potential.

And so, we pledge ourselves to stop injustice, overcome disadvantage, and respect that Aboriginal and Torres Strait Islander peoples have the right to self-determination within the life of the nation.

Our hope is for a united Australia that respects this land of ours; values the Aboriginal and Torres Strait heritage; and provides justice and equity for all.

I recognise some people in the community could not sign off on the words of that declaration. However, we should be striving towards that goal. A lot of work has been put into discussing throughout the community what we should be working towards with reconciliation as the goal. That is the basis for the words in the document.

About a month ago I participated in a meeting in Western Australia which involved reconciliation groups from throughout the country who came to Perth to the Noalimba Accommodation and Conference Centre to discuss the issue of reconciliation and this document. At that stage the wording of that document was not available. The message that came back from that meeting was that whatever the final form of words, they wanted people to be able take the words back to their communities to continue the discussion and debate and to move towards reconciliation in local communities. That will enable further debate on the issues that people are still exploring. I do not want to get hung up on the word "sorry". It is an important psychological issue for many people who were affected by the policies of the past. However, we must take this declaration as a step forward and move forward along the path to reconciliation.

I acknowledge that a large number of Western Australians were present in Sydney over the weekend. The Premier was there, and Hon Tom Stephens, whom I believe represented the Leader of the Opposition. A large number of indigenous leaders were there, including Ms Sadie Canning and Ms May O'Brien, who are the Western Australian representatives on the Council for Aboriginal Reconciliation; Mr Robert Isaacs, who is the chair of Reconciliation WA; and other elders with whom I have worked over the past few years, such as Fred Collard, Mr Spenser and Mrs Betty Riley, Mr Alec Yarran and Mr Ben Taylor. There were also non-indigenous people of the stature of Sir Ronald Wilson, Mr Ian Viner and Mrs Ruth Reid. A number of people were there from Western Australia representing people who are committed to the reconciliation cause. I hope that we can move together in the future towards a truly reconciled Australia.

Question put and passed.

House adjourned at 10.00 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES, NUMBER AND PROPERTY DISPOSAL PROGRAM

1307. Hon CHRISTINE SHARP to the Leader of the House representing the Premier:

- (1) How many Government agencies are there?
- (2) Does the Department of the Premier and Cabinet have an office or an official to oversee the Government Property Disposal Program in each of the Government agencies?
- (3) Would the Premier list how many and which of the Government departments/agencies sell their properties independently or through private real estate agencies other than LandCorp of the Department of Land Administration (DOLA)?

Hon N.F. MOORE replied:

- (1) 143
- (2) On 1 July 1996 responsibility for managing the disposal of real property was devolved to agencies. Neither the Ministry of the Premier and Cabinet nor Treasury maintains records of firms engaged by agencies to assist in the disposal process. Agencies are responsible for maintaining records of this kind. If the member has a specific query she should direct a question to the responsible Minister.
- (3) A majority of government departments do not have a statutory power to deal in land. The sale of land controlled by these agencies is carried out by the Department of Land Administration. Proceeds from these sales are credited to the Consolidated Fund. Agencies may apply to Treasury to access these funds. Those agencies that have the power to hold and deal in land are able to manage the complete sales process. With the devolution of the disposal process, all agencies can engage the services of independent property agents to assist in some land assembly and marketing aspects. Agencies seeking such services are required to follow the Supply Commission guidelines for tendering the contracting.

BOBROWICZ, MR MICHAEL, PROSECUTION

1390. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Labour Relations:

I refer to the prosecution of Michael Bobrowicz on July 14 1999 for a breach of section 19(1) of the *Occupational Safety and Health Act 1984* and ask -

- (1) Can the Minister for Labour Relations advise whether the death of Mark Allen was taken into consideration in the prosecution of Michael Bobrowicz?
- (2) If yes, why was the penalty imposed under section 19(6) of the Act and not section 19(7) given that a fatality occurred as a result of Mr Bobrowicz's contravention of section 19(1) of the Act?
- (3) If not, why not?

Hon PETER FOSS replied:

- (1)-(3) Mr Bobrowicz was not charged with an offence of which the causing of the death of Mr Mark Allen was an element because it was decided the evidence did not support such a charge. However, he was charged and convicted under Section 55 of the *Occupational Safety and Health Act 1984*. Mr Bobrowicz pleaded guilty to the offence and was fined \$7 000.

COLLEGES OF TAFE, MANAGING DIRECTORS

1416. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Public Sector Management:

- (1) When will the appointment of TAFE College Managing Directors be completed?
- (2) When will the appointments be announced?

Hon PETER FOSS replied:

- (1) The selection processes for the Managing Directors of Eastern Pilbara College of TAFE (formerly Hedland College) and Kimberley College of TAFE have been completed. It is anticipated that these appointments will be finalised before the end of May 2000. The selection processes, for the Managing Directors of Central West College of TAFE, Great Southern Regional College of TAFE, Midland College of TAFE and South West Regional College of TAFE, have also been completed. It is anticipated that these appointments will be finalised before the end of June 2000. The selection processes, for the Managing Directors of Central Metropolitan College of TAFE, South East Metropolitan College of TAFE, South Metropolitan College of TAFE and West Coast College of TAFE, are currently being completed by the Office of the Public Sector Standards Commissioner. It is anticipated that these selection processes will be completed during May 2000 and that these appointments will be finalised before the end of July 2000.

- (2) Announcements will be made when the Governor has approved the appointments in Executive Council.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1578. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Water Resources:

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

Hon M.J. CRIDDLE replied:

Water and Rivers Commission:

- (1) (a)-(g) [See paper No 1018.]
- (2) (a)-(b) [See paper No 1018.]
- (c)-(d) These are not strictly contracts but services obtained through purchase orders, therefore, contract award and completion dates do not apply.
- (3) As part of normal government procedures three quotes were sought on jobs over \$1,000.00.

Office of Water Regulation and Water Corporation:

- (1) (a)-(g) Nil.
- (2)-(3) Not applicable.

DISABILITY SERVICES, ACCOMMODATION FEES

1656. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Disability Services:

- (1) Has the Disability Services Commission amended the amount it expects funded agencies to charge clients for accommodation fees to 75 per cent of the base pension plus rent assistance?
- (2) Has this resulted in any agencies having to increase accommodation fees?
- (3) How many agencies have increased their fees and by how much?
- (4) Did the Disability Services Commission consult with any agencies before inflicting this requirement?
- (5) If not, why not?
- (6) Is the Minister for Disability Services aware of the significant impact this change will have on clients pursuing greater independence, integration and normalisation?

Hon M.J. CRIDDLE replied:

- (1) No. The current policy *A Framework of Levying of Board and Lodging charges for Adults in Funded Accommodation Services 1997* allows Disability Services Commission funded agencies to charge fees to a maximum of 75% of the base pension plus 75% of rent assistance.
- (2) No.
- (3) I am advised that Activ Foundation has increased some board and lodging charges to the 75% maximum limit outlined in the policy document, *A Framework of Levying of Board and Lodging Charges for Adults in Funded Accommodation Services 1997*.
- (4)-(6) Not applicable.

HEALTH DEPARTMENT, STAFF TRAVEL

1707. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Health:

- (1) How many SES officers employed by the Health Department of Western Australia (HDWA) have flown on departmental business in excess of ten occasions per year in the last four years?

- (2) Will the Minister for Health table a list of those SES officers employed by HDWA who travelled by air most often in the past four years with the purpose of each flight?
- (3) If not, why not?

Hon PETER FOSS replied:

- (1) 1996 – 1 (Public Health),
2 (Office of Aboriginal Health)
1997 – 2 (Office of Aboriginal Health)
1998 – 1 (Public Health),
3 (Office of Aboriginal Health)
1999 – 1 (Public Health),
2 (Office of Aboriginal Health)
- (2) [See paper No 1019.]
- (3) Not applicable.

HEALTH DEPARTMENT, CREDIT CARD USE BY SENIOR OFFICERS

1708. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Health:

- (1) Have any senior executive service officers (level 9 and above) employed by the Health Department of Western Australia charged non-employment related goods and services to either a corporate credit card, corporate fuel charge card, corporate account or a taxi voucher/charge facility in the last four years?
- (2) If yes, will the Minister for Health table a list of those officers involved, the amounts charged, items purchased and whether amounts have been repaid?

Hon PETER FOSS replied:

- (1) No. One officer charged employment related costs contrary to the Health Department of Western Australia policies.
- (2) Not applicable as no non employment related payments were made. In respect to the employment related payments that were proven to be contrary to policy, repayments were made and disciplinary action was taken.

CHILD AND ADOLESCENT HEALTH CLINIC, SHENTON PARK

1768. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

- (1) What funds are allocated to the operation of the Child & Adolescent Health Clinic in Shenton Park for 1999/2000?
- (2) Under what program is the clinic funded?
- (3) How many psychologists have ceased employment at the clinic over the last 12 months?
- (4) Is it the case that these resignations have occurred because the department was only able to offer short term (3 to 6 months) employment contracts to child psychologists?
- (5) How many new psychologists are to be recruited for this clinic?
- (6) Why is the department only offering short term contracts for psychologists to work at this clinic?

Hon PETER FOSS replied:

- (1) \$783 000.
- (2) The program is funded to Psychological Medicine PMH/KEMH under their program management of Outpatient Clinic Services.
- (3) One Psychologist retired 31/12/99. One .7fte psychologist left at the end of her contract to take on permanent employment. One psychologist is about to complete a secondment and will transfer.
- (4) Considering two of the three psychologists who have left or are leaving Selby were substantive occupants of positions, I cannot support the argument that psychologists are leaving because of contract work.
- (5) One psychologist will return to Selby when the transfer takes effect. This person will be re-allocated back to her substantive position.
- (6) The PMH/KEMH organisation is offering contract positions only as part of a staffing review in order to manage budget.

OLD-GROWTH FOREST, FAUNA LOSSES IN LOGGED COUPES

1784. Hon CHRISTINE SHARP to the Attorney General representing the Minister for the Environment:

- (1) Which legislation provides for the protection of native fauna that resides within the logged coupes of the old growth Karri forests?
- (2) What does the Government consider is the acceptable level of fauna losses within the logged coupes of -

- (a) old growth Karri forest;
 - (b) old growth Jarrah forests; and
 - (c) regrowth Jarrah forests?
- (3) What is the Department of Conservation and Land Management's (CALM) estimate of pre-harvesting numbers of birds, mammals, reptiles, amphibians and fish which reside in Boorara forest (900 hectares) as at March 2000?
- (4) What are CALM's forecast estimates of post-harvesting numbers of birds, mammals, reptiles, amphibians and fish which reside in Boorara forest (900 hectares) -
- (a) after first stage harvesting of 147 hectares as at March 2001; and
 - (b) at completion of final harvesting of 400 hectares as at March 2003?
- (5) What are CALM's estimates in percentages of birds, mammals, reptiles, amphibians and invertebrate residents of logged coupes that survive both clear felling and the regeneration burn?
- (6) What are CALM's estimates of percentages of total mortalities of -
- (a) animals that die during the clearfelling operation;
 - (b) animals that die shortly after clearfelling from injuries received, trapped in hollows, trapped under vegetation or being abandoned as juveniles; and
 - (c) animals that die of starvation, a result of being displaced by the clearfelling operation?
- (7) What measures are in place and enforceable for the humane destruction of injured or otherwise disadvantaged (rendered unable to compete) fauna?

Hon PETER FOSS replied:

- (1) The *Wildlife Conservation Act 1950* provides protection to native fauna throughout the State. Forest logging is undertaken in accordance with the requirements of the approved Forest Management Plan and related Ministerial Conditions. The Plan is prepared under the *Conservation and Land Management Act 1984* and environmental conditions are established under the *Environmental Protection Act 1986*.
- (2) The Government does not consider the permanent loss of any fauna species from a logged area to be acceptable. Losses of individual animals to the extent that a species would become threatened also are not acceptable.
- (3)-(4) Boorara forest comprises variable habitat for an estimated 118 native vertebrate species comprising 17 mammals, 60 birds, 21 reptiles 13 amphibians and seven fish. It is impossible to give any meaningful estimate of the numbers of all of these species, which in any event will vary between seasons and years.
- (5)-(6) CALM does not, as a regular procedure, make estimates of the percentage survival of faunal groups following timber harvest and regeneration burns. Ensuring that the forest habitat regenerates properly and is re-populated with the same communities as before is the primary aim.
- (7) No specific measures are in place, however where Departmental staff do come across injured animals these may be taken to carers or humanely despatched in the field as each case dictates.

EARLY CHILDHOOD INTERVENTION PROGRAMS, FUNDING

1841. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

- (1) Will the Minister for Health table a list of Government programs aimed at early childhood intervention programs in response to the special development needs of children and adolescents?
- (2) What funds are available for these programs in 1999/2000?
- (3) What number of child psychologists are currently employed by the Health Department across Western Australia?

Hon PETER FOSS replied:

- (1) Yes.
- (a) Aboriginal Family Futures Pilot Program (*Perth, Port Hedland, Albany, Fitzroy Crossing*)
 - (b) Family and Child Health Services
 - (c) School Health Services
 - (d) State Child Development Centre
 - (e) KEMH/PMH Psychological Medicine Unit Family Early Intervention Program
 - (f) Positive Parenting Program.
- (2)
- (a) \$3,500,000
 - (b)-(c) Estimate of \$35,400,000
 - (d)-(e) \$2,680,880
 - (f) \$55,000.
- (3) The total number of child psychologists employed in the above programs is 2.7 full time equivalents. These only relate to programs (d) and (e). The other programs involve other health professional groups and not specifically child psychologists.

HOMESWEST, THERMALITE BRICKS

1852. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Housing:

- (1) Can the Minister for Housing advise which building companies use Thermalite bricks on Homeswest projects?
- (2) Is the Minister aware of concerns raised about the structural soundness of Thermalite bricks?
- (3) What action has Homeswest taken to address these concerns?

Hon M.J. CRIDDLE replied:

- (1) Homestyle (a division of the BGC group of companies) is the only company currently using Thermalite bricks on Ministry of Housing projects. A product similar to Thermalite using aerated concrete technology called AAD Durapanel is also being used.
- (2) Yes, the Ministry of Housing was aware of concerns raised about the structural soundness of Thermalite blocks in the early stages of use, however, the Ministry is satisfied with their structural performance.
- (3) While the Ministry has not identified any problems with the product for many years, the manufacturer has nevertheless given the Ministry a 20 year guarantee and initial problems were being dealt with promptly thus removing any need for concern.

HOUSING, FUNDING

1873. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Housing:

- (1) How much funding was provided under the Commonwealth State Housing Agreement for the purchase or construction of new public housing in each of the following years -

- (a) 1989;
- (b) 1990;
- (c) 1991;
- (d) 1992;
- (e) 1993;
- (f) 1994;
- (g) 1995;
- (h) 1996;
- (i) 1997;
- (j) 1998; and
- (k) 1999?

- (2) How many and what types of accommodation units were actually purchased or constructed in each of the following years -

- (a) 1989;
- (b) 1990;
- (c) 1991;
- (d) 1992;
- (e) 1993;
- (f) 1994;
- (g) 1995;
- (h) 1996;
- (i) 1997;
- (j) 1998; and
- (k) 1999?

Hon M.J. CRIDDLE replied:

(1)	1989	1990	1991	1992	1993	1994
CSHA Funding						
Aboriginal Housing Grants	12,281,000	15,862,000	15,862,000	15,862,000	15,862,000	15,862,000
Aged Housing Grants	3,268,000	4,153,000	4,153,000	4,153,000	4,154,000	4,153,000
Untied Grants	48,502,000	66,266,000	69,202,000	72,405,000	74,012,000	73,805,000
Community Housing Grants	-	-	-	-	2,229,000	3,986,000
Crisis Accommodation Grants	1,824,000	4,654,000	3,754,000	3,802,000	-	3,430,000
Local Govt Comm Hsg Grants	1,494,000	2,288,000	2,310,000	2,340,000	1,013,000	-
CSHA Matching	-	16,567,000	23,067,000	31,690,000	37,007,000	36,908,000
TOTAL	67,369,000	109,790,000	118,348,000	130,252,000	134,277,000	138,144,000

	1995	1996	1997	1998	1999
CSHA Funding					
Aboriginal Housing Grants	15,862,000	15,862,000	15,862,000	15,969,918	15,862,000
Aged Housing Grants	4,093,000	4,153,000	-	-	-
Untied Grants	73,986,000	74,399,000	82,498,000	74,058,000	73,653,000
Community Housing Grants	5,353,000	7,119,000	6,152,000	6,192,000	6,221,000
Crisis Accommodation Grants	467,000	7,096,000	3,812,000	3,837,000	3,855,000
Local Govt Comm Hsg Grants	-	-	-	-	-
CSHA Matching	36,993,000	37,200,000	40,156,000	35,892,000	35,400,913
TOTAL	136,754,000	145,829,000	148,480,000	135,948,918	134,991,913

(2)	YEAR	Senior	Family	Singles	Wise-choice	Remote Villages	Community Housing	TOTAL
	1989/1990	770	1138	107	0	63	21	2099
	1990/1991	361	274	56	0	56	113	860
	1991/1992	809	975	138	0	78	97	2097
	1992/1993	759	1000	135	336	41	91	2362
	1993/1994	501	803	114	246	87	155	1906
	1994/1995	460	818	99	115	13	94	1599

1995/1996	344	550	40	61	28	153	1176
1996/1997	232	458	72	0	70	44	876
1997/1998	555	563	148	0	61	122	1449
1998/1999	447	639	104	0	35	148	1373
1999/2000	389	797	180	0	46	124	1536

Please note figures relate to building commencements, not completions.

ABORTIONS, BREAST CANCER RISK

1933. Hon E.R.J. DERMER to the Attorney General representing the Minister for Health:

Is the Health Department of Western Australia 1998 publication entitled “*Medical Risk of Induced Abortion and Carrying a Pregnancy to Term. Information for General Practitioners.*” entirely accurate in stating with reference to “Melbye M, Wohlfahrt J, Olsen J, et al. Induced abortion and the risk of breast cancer. *The New England Journal of Medicine*; 336, 81-85 (1997).” that “In a landmark study of 1.5 million Danish women, information derived from registries showed no increased risk of breast cancer in women who had undergone induced abortions.”?

Hon PETER FOSS replied:

In the study by Melbye M, Wohlfahrt J, Olsen, J.H, et al entitled *Induced Abortion and the Risk of Breast Cancer* the conclusion presented in the abstract states “Induced abortions have no overall effect on the risk of breast cancer.”

ABORIGINAL BIRTHS AND DEATHS

1935. Hon TOM STEPHENS to the Attorney General:

- (1) Does the WA Registry of Births, Deaths and Marriages records identify Aboriginality?
- (2) If yes, what number of Aboriginal births were recorded in Western Australia in each of the last ten years?
- (3) What number of Aboriginal deaths are recorded in Western Australia in each of the last ten years?

Hon PETER FOSS replied:

- (1) Yes.

(2)	Year	Births	Commencement of recording
	1991	576	
	1992	1491	
	1993	1466	
	1994	1545	
	1995	1519	
	1996	1482	
	1997	1473	
	1998	1373	
	1999	1421	

(3)	Year	Deaths
	1990	314
	1991	383
	1992	355
	1993	404
	1994	374
	1995	367
	1996	371
	1997	400
	1998	385
	1999	348

ABORIGINAL HEALTH, FUNDING

1938. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

I refer to ABS figures released on Monday April 17 2000 showing the alarming rate of premature Aboriginal deaths and the release of a social health atlas which said WA's highest male death rates were in Halls Creek, Wiluna, Derby and Wyndham and ask -

- (1) Is the Minister for Health aware of the statement by the director of the Kimberley Public Health Unit, Stuart Garrow, that more money would be welcome?
- (2) Will additional money, over and above any increase for increased population and CPI, be provided to the Kimberley Public Health Unit in the upcoming budget to address this appalling situation?
- (3) If yes, how much?

Hon PETER FOSS replied:

- (1) No.
- (2) The Government will provide an additional \$30m to the North West over the next five years to fund initiatives arising from the Norhealth 2020. In addition to this \$11.5m is committed to new initiatives over the 5 year period. Stakeholders including the Kimberley Public Health Unit will be involved as a member of the Norhealth Forum

in decisions about implementation of Norhealth 2020. Details of the budget to be provided to the Kimberley Public Health Unit will not be known until the allocative process following the handing down of the State Budget is completed.

- (3) Not applicable.

BROOME, FUNDING FOR CYCLONE DAMAGE

1943. Hon TOM STEPHENS to the Leader of the House representing the Premier:

In relation to the aftermath of *Cyclone Rosita* -

- (1) Will the Government immediately commit to fully funding the ongoing clean-up of debris still littering Broome streets, following the decision to cut-back funding to the clean-up last Friday, May 5 2000?
- (2) Will the Government make available coastal engineering expertise to protect further sand and beach erosion around Broome?
- (3) Will the Government fund and implement dune restoration at Broome or will local residents have to wait as long as Onslow residents who still have not had their sea-wall fixed two cyclone seasons later?

Hon N.F. MOORE replied:

- (1) I wish to inform the member that there was no decision taken on Friday 5 May to cut back funding to the clean up of the debris in Broome as a result of Cyclone Rosita. A review was conducted on the 5 May between the State Emergency Service and the Shire of Broome. The result of the review was that the clean up process and the current existing arrangements would continue and would be reviewed on a weekly basis by both parties.
- (2) In accordance with normal practice the Government will provide suitable coastal engineering expertise through the Maritime Division of Transport. The Senior Coastal Engineer was one of the party that visited Broome on 1 May to assess the damage.
- (3) The preliminary report provided by the Senior Coastal Engineer following the site inspection on 1 May is currently being considered. The erosion of beaches and dunes during cyclones and storm events is a normal occurrence on sandy beaches with the beaches and dunes typically rebuilding through natural processes over time. The need to interfere with these natural processes needs to be considered carefully which the Government is currently doing.

With respect to the sea wall in Onslow, both the Ashburton Shire and the Government agreed that before restoring the seawall a storm surge study should be carried out. In conjunction with the Ashburton Shire, the Government through the Cyclones Elaine and Vance Trust Fund contributed toward the engagement of consultants to prepare a storm surge study. Depending upon the outcome of the study and the recommendations for the seawall, the Trust Fund has agreed to consider allocating funding towards the restoration.

BROOME HOSPITAL, SHORTAGE OF BEDS

1945. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

- (1) How many patients have been turned away from Broome hospital since July 1 1999?
- (2) How many of these, all other things being equal, would have required treatment immediately or very soon or were otherwise of an urgent nature?
- (3) How many cases turned away since July 1 1999 were due to a lack of bedspace?
- (4) Have any existing patients been discharged or transferred to another hospital to allow new patients to be admitted since July 1 1999?
- (5) If yes, how many?

Hon PETER FOSS replied:

- (1) No patients have been turned away from Broome Health Services since July 1999. During the 'dry' season and recently with Cyclone Rosita (and the consequent increase in workload) there is often a two to three hour wait for non urgent (triage category 4 or 5) patients in the Accident and Emergency department. Patients are advised of this wait and the alternative GP type services within Broome. Some of these patients elect to utilise the alternative booked appointment system offered by Broome Medical Clinic, or the walk in system offered by Broome Aboriginal Medical Service. Post Cyclone Rosita there was significant GP and medium level A&E type activity presenting to the Health Service - 2 to 3 hour waits did occur at this time as there were no other Health providers operating for a six day period whilst power was being re-established to the town and these services. A second day of colonoscopy and endoscopy theatre was cancelled the day immediately after Cyclone Rosita (April 26, 2000) due to the loss of power and complex issues arising from this natural disaster. These patients have been rescheduled for surgery in June / July 2000.
- (2) All patients requiring immediate or urgent attention (triage categories 1 and 2) have been seen within the established triage timeframes. None has been turned away.
- (3) No cases have been turned away due to a lack of bedspace. Delays in sourcing bedspace have occurred on

occasion due to full occupancy. However a review of existing inpatients (medically fit for discharge) has occurred on each of these occasions by either the admitting doctor or the Senior Medical Officer. In all circumstances patients requiring admission were admitted, and no patient was discharged against medical advice to facilitate this.

- (4) No patients have been transferred to another hospital / health service due to lack of bed space or to allow new patients to be admitted. Transfer of surgical, obstetric and neonatal patients to the regional facility in Derby has occurred on an estimated 15 occasions, to access the specialist and other facilities there.
- (5) Not applicable.

BROOME, AGED CARE BEDS

1955. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

When will the township of Broome gain additional aged-care beds over the six high-care beds (four of which are for permanent care) at the Broome Hospital?

Hon PETER FOSS replied:

The allocation of residential aged care beds is the responsibility of the Commonwealth Department of Health and Aged Care. The Federal Minister for Aged Care, Bronwyn Bishop has announced that advertisements seeking applications for the allocation of new places are planned before the end of this financial year.

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

2005. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Housing:

- (1) Have any Agencies under the Minister for Housing's control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon M.J. CRIDDLE replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

2010. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Water Resources:

- (1) Have any Agencies under the Minister for Water Resources' control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon M.J. CRIDDLE replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

2011. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Women's Interests:

- (1) Have any Agencies under the Minister for Women's Interests' control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon M.J. CRIDDLE replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, LEASES FOR PHOTOCOPIERS AND FACSIMILE MACHINES

2061. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Housing:

For each agency under the Minister for Housing's control -

- (1) Does the agency have contracts to lease photocopiers or facsimile machines under any of the following volume based agreements -
 - (a) Ricoh - Blue-chip;
 - (b) Konica - Fivestar;
 - (c) Toshiba - Platinum; or
 - (d) Abacus - Copyclub?
- (2) If yes, how many photocopiers or facsimile machines does the agency have?
- (3) With which organization does it have a contract?
- (4) When did the agency enter into this contract?
- (5) What has been the total cost of each contract to date?
- (6) When is the contract due to expire?

Hon M.J. CRIDDLE replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, EX GRACIA OR ONE-OFF PAYMENTS

2105. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Housing:

For each agency under the Minister for Housing's control -

- (1) Has the Minister approved any *ex-gratia* or one off payments in the years -
 - (a) 1998/99; or
 - (b) 1999/2000?
- (2) If yes, how much was the payment for?
- (3) What was the purpose of the payment?

Hon M.J. CRIDDLE replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, EX GRATIA OR ONE-OFF PAYMENTS

2110. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Water Resources:

For each agency under the Minister for Water Resources' control -

- (1) Has the Minister approved any *ex-gratia* or one off payments in the years -
 - (a) 1998/99; or
 - (b) 1999/2000?
- (2) If yes, how much was the payment for?
- (3) What was the purpose of the payment?

Hon M.J. CRIDDLE replied:

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

QUESTIONS WITHOUT NOTICE

NORTHBRIDGE TUNNEL, ENVIRONMENTAL MANAGEMENT PLAN CHANGES

1184. Hon TOM STEPHENS to the Minister for Transport:

Some notice of this question has been given.

- (1) Can the minister explain why Main Roads WA did not retain copies of any of the documents pertaining to changes to the environmental management plan on the Northbridge Tunnel construction?

- (2) Can the minister advise what other documents which were requested under freedom of information, but not provided to the FOI applicants, have since "come to light" following the commencement of the further Main Roads review?
- (3) Will the minister now table those documents?
- (4) What steps has the Government taken to investigate this failure by Main Roads to meet even basic record keeping standards in respect of the biggest road building project in Western Australia for many years?

Hon M.J. CRIDDLE replied:

- (1) The fact that copies of documentation were not retained on Main Roads files was an administrative oversight. At the time the freedom of information applications were processed, considerable effort was made to identify all the relevant documents. To that end, more than 1 000 pages of information was provided to the residents.
- (2)-(3) Copies of additional information pertaining to the environmental management committee meeting minutes and subsidence surveys were provided to the residents on 5 April 2000. Arrangements have also been made to forward to the residents copies of the information tabled in the lower House last week.
- (4) As the member indicated, the Graham Farmer Freeway is the largest road construction project ever undertaken in this State. The construction period extended over more than four years and, as the member would appreciate, it generated an enormous amount of documentation. Although it is unfortunate that these documents were not identified earlier, Main Roads is presently reviewing all relevant files. If any additional information comes to light, it will be provided to the residents as soon as is practical.

FINANCE BROKERS, FIDELITY FUND

1185. Hon TOM STEPHENS to the Leader of the House representing the Minister for Fair Trading:

- (1) Can the minister advise when he was first aware of the problems which might arise because of a lack of a fidelity fund for finance brokers?
- (2) When was the minister first made aware that the Finance Brokers Supervisory Board was powerless to act on conduct towards lenders?

Hon N.F. MOORE replied:

The minister to whom I refer in the answer is the Minister for Fair Trading; the question was asked of me.

- (1) The minister understands that a fidelity fund for the finance brokers industry has been the subject of discussion for some time. It was first raised with the then Minister for Consumer Affairs, Hon Peter Dowding, in 1984. A wide-ranging review, which took into account industry and Finance Brokers Supervisory Board views, did not recommend the introduction of a fidelity fund for the finance broking industry in its report published in December 1998. However, the Minister for Fair Trading has urged the Finance Brokers Supervisory Board to consider introducing compulsory professional indemnity insurance as a licence condition for all licensed finance brokers. The board has been negotiating with insurers to identify a professional indemnity insurance scheme which would include an element of fidelity cover for defalcation by the licensed broker as well as employees. This has taken some time, but it appears that a suitable policy has been identified.
- (2) The Finance Brokers Supervisory Board is not powerless to act on conduct towards lenders. This question may be referring to an issue relating to a definition of "client" in the finance brokers' code of conduct, which had the effect of limiting the disciplinary action which can be taken in some instances. This matter was discussed with the minister during the latter part of 1998. The issue was also addressed in the 1997-98 annual report of the Finance Brokers Supervisory Board which was tabled in Parliament during December 1998, and the cabinet submission of March 1999 entitled "Review of the Mortgage and Financial Service Industry and its Regulation". Changes to the financial brokers' code of conduct gazetted in August 1999 also dealt with the issue.

MAIN ROADS WA, ROAD SIGNS AND PAVEMENT MARKINGS

1186. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Why is Main Roads Western Australia considering transferring its responsibility for road signs and pavement markings to local authorities?
- (2) What compensation to local government is envisaged if this takes place?
- (3) What is the timetable for the implementation of this proposal?

Hon M.J. CRIDDLE replied:

I will have to check whether that claim is correct as any proposal in that regard has not come to my notice. I will follow up on that question.

LOT 12 BIRD ROAD, MUNDIJONG

1187. Hon J.A. SCOTT to the Attorney General representing the Minister for the Environment:

In regard to Lot 12 Bird Road, Olbury, the Department of Environmental Protection has been informed that a dam that

penetrates the watertable has been filled with demolition material, and that contaminated water can enter the Boomerang Creek waterway by a channel between the contaminated fill and the waterway. As this provides an exposure pathway for contaminants to enter the environment that is in contravention of the management plan, the environmental management plan and the licence conditions, when will the Minister for the Environment ensure that all the contaminated pathways are blocked as required by the licence conditions and ensure that appropriate remediation processes are undertaken?

Hon PETER FOSS replied:

The Department of Environmental Protection has conducted an investigation into backfilling of the dam at Lot 12 Bird Road, Mundijong. There are two filled dams on lot 12, neither of which poses an environmental risk. One of the dams was backfilled with clay, and the other dam, which was shallow, was backfilled with inert fill and covered, and the previously constructed drainage channel was sealed with clay. The DEP is confident that there are no channels or preferred pathways for contaminants from that dam to enter the Boomerang Creek, and that the licensee is in compliance with the licence conditions of the landfill.

FULL SERVICE SCHOOLS PROGRAM, FUNDING

1188. Hon HELEN HODGSON to the Parliamentary Secretary to the Minister for Education:

- (1) How much money did the WA Government receive from the Federal Government in the 1999-2000 financial year for the full service schools program?
- (2) How much money did the State Government commit to the full service schools program in the 1999-2000 financial year?
- (3) How much of that money went to the full service schools programs conducted by secondary schools in the Joondalup education district?
- (4) Is the minister aware that the Federal Government has decided to discontinue its full service schools program?
- (5) What programs have been implemented in the Joondalup education district using funding from the full service schools program?
- (6) Will the State Government continue to financially support the full service schools program, or will it also discontinue funding?

Hon BARRY HOUSE replied:

I thank the member for some notice of this question.

- (1) The Federal Government provided \$917 967 for the full service schools program in 1999-2000. These funds enabled districts to provide additional programs for alienated youth in the 15-17 years age bracket in the 2000 school year.
- (2) No state funding was provided to the program in 1999-2000; however, the Education Department estimates that over \$2m of state funds is devoted to similar programs each year.
- (3) From the commonwealth funding provided in 1999-2000, schools in the Joondalup education district received \$105 080.
- (4) It was always known that the funding would cease at the end of this year.
- (5) The Leading Edge program was implemented in the Joondalup education district using funding from the full service schools program. The Leading Edge program is jointly coordinated by the Joondalup education district office and the Joondalup campus of TAFE. The program is located at TAFE and presented by TAFE teachers. Courses of work appropriate to the needs and abilities of students have been negotiated. A youth worker is attached to the program. Courses operate over two semesters in line with the school calendar. Up to 25 students may access the program and may be referred by their schools, Centrelink or other relevant agencies. A selection and enrolment process, including parent or care giver interviews, was carried out prior to the commencement of the program. Eight units are completed in semester 1, and in semester 2 students undertake work experience in the areas of retail, hospitality, mechanics, welding, computing and horticulture.
- (6) The full service schools program is not funded by the State Government.

BLACK-SPOT FUNDING

1189. Hon KIM CHANCE to the Minister for Transport:

In the recently announced black-spot funding round, funded by the Commonwealth after advice from the minister's department, 15 of the 87 projects to be funded are in the City of Melville, one of 144 councils in Western Australia.

- (1) Does the minister agree that black-spot funding guidelines require 50 per cent of black-spot funding to be spent in regional Australia?
- (2) Does the minister agree that in Main Roads' "road safety intersection ranking reports" only two intersections in Melville figure in the worst 44 metropolitan crash sites?
- (3) How does the minister explain his department's support for 15 of the 44 metropolitan projects being funded in Melville?

- (4) Did any member of the Government lobby the minister or Main Roads to give preferential treatment to roads within Melville?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Black-spot funding for Western Australia for the coming financial year totals \$4.84m, of which \$2.41m - 49.8 per cent - has been allocated to projects in regional areas. This is in accordance with the Commonwealth's black-spot guidelines, which state that "approximately 50 per cent of black spot funds in each State will be reserved for projects in non-metropolitan areas".
- (2) The road safety intersection ranking reports are based on all reported crashes regardless of the level of seriousness; that is, property damage or injury. The casualty crash data, which is one of the primary criteria used in assessing black-spot allocations, is restricted to those crashes involving serious injury such as death, hospitalisation or medical treatment, and is only one of the factors used in assessing black-spot funding applications.
- (3) All projects proposed in the metropolitan area were assessed and prioritised strictly in accordance with the criteria stipulated by the Commonwealth. A total of 201 applications were received, including 121 in the metropolitan area, but only those which met the necessary criteria and which were ranked as providing the best economic benefit were successful.
- (4) No.

FLY-BREEDING AREAS ON HORTICULTURAL PROPERTIES

1190. Hon RAY HALLIGAN to the minister representing the Minister for Primary Industry:

What is being done to help reduce the number of fly-breeding areas on horticultural properties surrounding Wanneroo?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. Stable fly has had an increasingly serious effect on the cattle and horse industries as well as rural communities since mid 1980. While the problem centres on the Perth metropolitan region, outbreaks have been reported from Northampton to Capel. The Minister for Primary Industry initiated the stable fly management project in 1996. This project, with the strong support of the Health Department, was established to identify causes and find solutions to the stable fly problem.

The stable fly management report released by the Minister for Primary Industry in August 1998 confirmed that the use of raw poultry manure in the production of vegetables and other horticultural crops was a major contributor to the stable fly problem. The principal recommendations from that report included the development of alternatives for poultry manure use or its disposal, and banning the application of poultry manure to land in Western Australia. The intended ban on the application of poultry manure to land in Western Australia will not be announced until alternative uses or means of disposing of this manure have been finalised.

To assist with minimising stable fly breeding, the project has produced and widely distributed "Best Management Practices for Using Poultry Manure in Horticulture", and a brochure, "Fly Breeding Associated with Horticulture and Livestock", which provides guidelines for identifying, assessing and controlling all types of fly breeding. To enable the continued use of poultry manure in horticulture, Agriculture Western Australia is finalising details on both manure treatment processes and information on the use of processed manure in horticulture. As an alternative, the Western Australian Broiler Growers Association is finalising the establishment of a poultry-litter fired, electricity generation plant.

HERITAGE GRANTS PROGRAM, SOUTH WEST APPLICATIONS

1191. Hon J.A. COWDELL to the Attorney General representing the Minister for Heritage:

- (1) How many applications were received from the south west in the second round of the Heritage Council's grants program and what was the total value of the grants requested?
- (2) How many applications were successful and what funds were granted?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Twenty-four applications were received. The total amount requested was \$472 111.
- (2) Of these 24 applications, 10 grants were successful, although one of the 10 successful applicants declined to accept the Heritage Council's offer of grant funds. This resulted in a total grant expenditure of \$97 450.

OAKAJEE, GREENHOUSE GAS EMISSIONS

1192. Hon GIZ WATSON to the Attorney General representing the Minister for the Environment:

With reference to the proposed Oakajee heavy industrial site -

- (1) What are the total expected tonnages of greenhouse gas emissions from Kingstream's proposed steel plant, power station and associated facilities at the Oakajee site?

- (2) Will the total expected tonnages of greenhouse gas emissions be sufficient to trigger the federal Environment minister's proposed greenhouse assessment process?
- (3) Will the total expected tonnages of greenhouse gas emissions be sufficient to trigger the state Environment minister's proposed greenhouse assessment process?
- (4) Will the minister table a copy of the State Government's proposed greenhouse trigger policy?

Hon PETER FOSS replied:

I thank the member for some notice of this question. Due to the limited time available I request the member to place the question on notice.

GUNNING INQUIRY, MR WALLACE'S EVIDENCE

1193. Hon TOM STEPHENS to the Leader of the House representing the Minister for Fair Trading:

I refer to the evidence of Mr Wallace to the Gunning inquiry that he prepared a wide-ranging report in 1996 for senior ministry staff and the Finance Brokers Supervisory Board. Will the minister table a copy of the report; and, if not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The only document identified by Mr Wallace from 1996 is a memorandum to ministry officers and the Finance Brokers Supervisory Board of 12 November 1996. This document was tendered as evidence to the Gunning inquiry on 29 April 2000. I table a copy of the memorandum and the response from Mr Wallace's manager at the time.

[See paper No 1017.]

NESS, MR GAVIN, CONTRACT

1194. Hon G.T. GIFFARD to the minister representing the Minister for Works:

I refer to the awarding of a contract to Gavin Ness for the conduct of funerals for indigent persons from Port Hedland, South Hedland and the communities of Strelley, Warralong, Yandeyarra and Woodstock.

- (1) Given that, at the time of awarding the contract, Mr Ness did not have a funeral directors licence and had not indicated whether he had a vehicle, storage facilities or an office, what were the essential criteria for determining the awarding of the contract?
- (2) Which criteria did Mr Ness comply with?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) It was essential for tenderers to respond to all selection criteria. The selection criteria had three components: Compliance criteria; price information; and application of government policies. Under the compliance criteria, tenderers were requested to indicate their agreement to comply with the contractual conditions and to indicate whether they unconditionally warrant compliance with the technical specification or scope of works contained within the request. Under the price information, tenderers were requested to indicate to which towns they were offering a service and the price per burial for three categories: Adult; child, stillborn to five years; and child, five to 14 years. Under the application of government policies, tenderers were requested to indicate any claim for regional preference, and to respond to the quality assurance requirements related to funeral licences. The tender request also highlighted the following -

A tender may not need to comply with every detail of every requirement. Where Contract and Management Services is satisfied with the level of compliance, the assessment will be "yes".

- (2) A number of potential tenderers approached Family and Children's Services and the Department of Contract and Management Services during the tendering period to ascertain whether commitment to obtaining appropriate licences and facilities, should they be successful, would be adequate for evaluation purposes. CAMS discussed this with Family and Children's Services and it was agreed that a commitment would be acceptable. The Family and Children's Services evaluation panel concluded that the tender from Gavin Ness met all the selection criteria.

MATRIX VEHICLE FLEET CONTRACT, SKEA NELSON AND HAGER

1195. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

- (1) Can the minister confirm whether Mr Rohan Skea or Skea Nelson and Hager has been advising the Government on the Matrix vehicle fleet contract?
- (2) Was Mr Rohan Skea or Skea Nelson and Hager engaged by the Government originally to put the Matrix contract together?
- (3) How much has been paid to Mr Rohan Skea or Skea Nelson and Hager for work on the Matrix contract in the years 1996 to 2000?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I regret I need to ask Hon Ljiljana Ravlich to place the question on notice.

REGIONAL FOREST AGREEMENT, SCIENTIFIC ARTICLES

1196. Hon NORM KELLY to the Attorney General representing the Minister for the Environment:

In response to paragraph (2) of question on notice 1674 answered on 2 May 2000 on why key scientific articles which raise fundamental concerns about the impacts of logging had been omitted from a list produced by the minister, the minister responded that she was unaware of these relevant papers and would appreciate a list. When notice of this question was given I attached a list of those papers.

- (1) Given that one of the major criticisms from scientists over the conduct of the Regional Forest Agreement process was that science was being used in a highly selective way to support the logging status quo in the forest, is the minister concerned that such selective listings of scientific papers are still being produced by her department?
- (2) What steps will the minister take to ensure the requests for scientific information from her department produce a full range of reasonable scientific opinion rather than papers that only support the dominant viewpoint or the bureaucratic or industry viewpoint?

Hon PETER FOSS replied:

I reject the things which are assumed in the question by the member. I will provide answers to those parts which are questions. I thank the member for some notice of this question.

- (1) The Minister for the Environment does not believe that the listing of scientific papers in response to question on notice 851 was selective. The minister points out that the 1994 paper by Mawson and Long which the member lists as an omission in attachment 1 is listed in my response to question on notice 851. The other papers, with the possible exception of the paper by Wilson and Friend, are research commentary rather than research outcomes or scientific fact.
- (2) The Department of Conservation and Land Management will continue to provide all available and accessible information including scientific opinion, if requested, as well as scientific fact.

REGIONAL FOREST AGREEMENT, WELLINGTON DISCOVERY FOREST FUNDING

1197. Hon CHRISTINE SHARP to the Attorney General representing the Minister for the Environment:

- (1) Have any funds from the Regional Forest Agreement moneys been put into the Potters Gorge development project at the Wellington Dam project?
- (2) If so, what is the amount and who has been receiving the moneys?
- (3) Have any moneys from RFA funds been spent on the "Living Windows Wellington Discovery Forest"?
- (4) If so, what is the amount?
- (5) What is the total expenditure on the Wellington discovery forest?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Not applicable.
- (3) No.
- (4) Not applicable.
- (5) Since 1994 approximately \$170 000 has been spent on developing the discovery centre, including \$122 000 from an eco-museum grant from the South West Development Commission.

GUNNING INQUIRY, MR WALLACE'S EVIDENCE

1198. Hon CHERYL DAVENPORT to the Leader of the House representing the Minister for Fair Trading:

I refer to the evidence that Mr Wallace gave to the Gunning inquiry.

- (1) When was the official policy of fast tracking complaints introduced?
- (2) Who made the promise in 1993 referred to in Mr Wallace's evidence that more staff would be provided, and why was this not done?
- (3) How many complaints and other files have been identified to be dealt with through this process?
- (4) On how many of these files has, in effect, nothing been done?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) When the Ministry of Fair Trading was restructured in November 1993, a fast-track system was introduced to deal with minor complaints. The systems in the real estate branch, which at the time comprised four boards, were developed as a result of considerations by a compliance review group comprising ministry officers Mr Will Morgan, Mr Michael Johnson and Mr Gary Wallace. These officers were asked to examine options to streamline the process for handling minor compliance complaints.
- (2) The Ministry of Fair Trading is reviewing the evidence given by Mr Wallace to the Gunning inquiry, and an appropriate response will be provided after the transcript of his evidence is available.
- (3)-(4) The answer to this question will take some time to compile and will be provided in writing when available.

FINANCE BROKERS SUPERVISORY BOARD, DEFINITION OF "CLIENT"

1199. Hon KEN TRAVERS to the Leader of the House representing the Minister for Fair Trading:

I refer to the legal advice provided to the Finance Brokers Supervisory Board that investors were not clients and therefore could not be heard.

- (1) What was the position of the person who provided this advice?
- (2) Did this advice relate to the Finance Brokers Control Act and, if so, to what does it relate?
- (3) Was Crown Law advice also sought and, if not, why not?
- (4) Will the minister table this advice and, if not, why not?
- (5) Has the minister or the Ministry of Fair Trading received or become aware of any other advice in relation to this issue and, if yes, what is the substance of this advice?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The ministry has advised that it has various opinions relating to the term "client" in the code of conduct. Opinions were provided by legal officers employed by the Ministry of Fair Trading. Having regard to the significance of these opinions, the ministry sought a further opinion from a Queen's Counsel. That opinion confirmed the advice given by the ministry's legal officers.
- (2) Yes.
- (3) Advice from the Crown Solicitor's Office was considered unnecessary following receipt of advice from the Queen's Counsel.
- (4) The minister has advised that the opinions are subject to legal professional privilege and are not public documents.
- (5) The ministry had earlier sought and obtained a Queen's Counsel opinion. That advice related to determining whether brokers act as agents for borrowers or lenders.

BUNBURY COASTAL ENHANCEMENT STEERING COMMITTEE, TABLING OF BRIEFS

1200. Hon BOB THOMAS to the Leader of the House representing the Minister for Regional Development:

- (1) Will the Leader of the House representing the Minister for Regional Development table all briefs including the terms of reference given to Port and Harbour Consultants and GHD Pty Ltd engineers from the Bunbury coastal enhancement steering committee
- (2) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The briefs, including the terms of reference given to Port and Harbour Consultants and GHD Pty Ltd engineers from the Bunbury coastal enhancement steering committee, will be tabled by the Deputy Premier in the other House at the earliest opportunity.
- (2) Not applicable.

ABORIGINAL HEALTH UNIT, IMPACT OF EXPENDITURE

1201. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

I refer to the \$74m spent by the Aboriginal health unit on Aboriginal health since 1993.

- (1) What impact has this expenditure had on improving Aboriginal health?
- (2) How much of the \$74m was state funding, specific purpose grants or other grants from the Commonwealth?

- (3) What has been the total cost of running the Office of Aboriginal Health since 1993?
- (4) Is the total cost in (3) included in the figure of \$74m spent on Aboriginal health since 1993?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) This funding has increased Aboriginal involvement in the development and delivery of health services; enhanced the capacity of Aboriginal communities to ensure the cultural security of services offered to them; contributed to an enhancement of the coverage and comprehensiveness of services offered to Aboriginal Western Australians; and contributed to the achievement of improved health outcomes for Aboriginal Western Australians.
- (2) State funding, \$66 030 403; specific purpose grants and other commonwealth grants, \$7 416 497.
- (3) \$15 450 000.
- (4) Yes.

PYRTON SITE, MR RICHARD ELLIOTT

1202. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Was Mr Richard Elliott engaged as a consultant by the Government for work connected with the proposed Pyrton prison site in Eden Hill?
- (2) What was the nature of the work he carried out?
- (3) Did he prepare a report or any other documentation on the work he carried out and, if so, will the minister table the report or other documentation?
- (4) If not, why not?
- (5) What was he paid for the work and why was he engaged?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) He provided consultancy services to liaise between the Disability Services Commission, the Ministry of Justice, the Ministry of Housing, Treasury, the Department of Land Administration, the Aboriginal Affairs Department and the Ministry for Planning
- (3) No.
- (4) The purpose was to negotiate preliminary agreement between departments and a report was not required.
- (5) He was paid \$11 000 to liaise at senior executive and ministerial levels.

MAIN ROADS WA, LAND RESUMPTION

1203. Hon TOM STEPHENS to the Minister for Transport:

In relation to Main Roads WA's ill-fated attempts to resume property on the corner of Loftus and Newcastle Streets as detailed in this morning's *The West Australian* -

- (1) What is the total cost of Main Roads' expenses in trying to resume any or all of this land?
- (2) Given that the local council has recognised that access to this block off Newcastle Street would not meet recognised Australian road safety standards, why has Main Roads persisted for so long and at so much expense to advocate unsafe access to this block?
- (3) Is calling in the Ombudsman over this issue, and the revelation that Main Roads initially offered \$6 000 which grew to \$430 000, recognition that the minister has lost control of Main Roads' administration?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Direct out of pocket expenses for valuation, planning and negotiation services amount to approximately \$15 000. Main Roads WA has dedicated property management staff who do not cost their daily activities on particular properties; therefore, I do not believe that costing their time is appropriate and this information will not be collated.
- (2) At a meeting on Tuesday, 23 May 2000 the Town of Vincent clarified its position in relation to access to the property. Main Roads has previously assessed the site, along with council representatives. Although the access off Newcastle Street did not fully comply with Australian road safety standards, the safety provisions were considered adequate. In view of the council's recent advice, the issue is being further considered, including the options for rear access.

- (3) Main Roads made the decision to invite the Ombudsman to independently review the process because allegations had been made that the process followed by Main Roads officers had not been appropriate. The amounts referred to relate to two different parcels of land. The amount of \$6 000 was for the truncation of 18 square metres which was formally resumed. The amount of \$430 000 refers to the resumed component as well as the voluntary purchase offer by Main Roads for the balance of the property.

TRADE PRACTICES LEGISLATION, LAW COUNCIL CRITICISM

1204. Hon N.D. GRIFFITHS to the Attorney General representing the Treasurer:

I refer to the A New Tax System (Trade Practices Amendment) Bill introduced into the House of Representatives on 16 March 2000.

- (1) Is the minister aware of the Law Council of Australia's criticism of the Bill; namely that it is unconscionable and represents a radical departure from competition policy which cannot be justified?
- (2) Does the minister agree with the criticism?
- (3) If not, why not?
- (4) Has the Government attempted to dissuade the Federal Government from pursuing the Bill, given the criticism it has attracted?
- (5) If not, why not?

Hon PETER FOSS replied:

I have some trouble with this. First of all I do not think a federal Bill is within my responsibilities as a minister. It seems that I am being asked for an opinion.

The PRESIDENT: That is the very reason I wanted to know whether it was directed to you.

Hon PETER FOSS: Only as the minister representing the Treasurer.

The PRESIDENT: I realise that now. The first question I have to ask is, is it within the Treasurer's portfolio to be involved in this particular Bill or Act?

Hon PETER FOSS: It is a federal Bill.

Hon Tom Stephens: What does the Treasurer say?

Hon PETER FOSS: What does it matter?

Hon N.D. Griffiths: It is to do with the GST.

The PRESIDENT: The point is that the way in which the question has been framed causes me to ask the question: What are we doing talking about a commonwealth Bill unless it directly relates to a state minister's responsibility? I am happy to hear Hon Nick Griffiths tell me how it relates to some state responsibility.

Hon N.D. GRIFFITHS: The Bill relates to the implementation of the goods and services tax and has a relationship to the intergovernmental agreement which was signed by the Treasurer of this State.

The PRESIDENT: That may be the case. I say that the way in which the question has been framed has caused me to raise my eyebrows. I want to ask the Attorney General whether he has an answer to the question. If he does not, fine, but if he does -

Hon PETER FOSS: The answer is: The member should put the question on notice. The question is directed to me and I have to give an answer. My answer is that I do not believe it is within my responsibilities. If the President were to rule that it was within my responsibilities, the answer I have here is to put it on notice.

The PRESIDENT: I know that some members to my left obviously sit down together in the same room to write their questions. I say that because the questions have a similar ring to them. When next sitting in the room together, will they look at Standing Order No 140? It says -

140. (a) Questions shall be concise and not contain: . . .

It then details various elements and issues that it should not contain. It goes on to state in 140 (a)(ii) that it should not contain -

- (1) arguments;
- (2) inferences;
- (3) imputations;
- (4) unnecessary epithets;
- (5) ironical expressions;
- (6) hypothetical matter;

If members look at today's questions, I am sure they will agree that the standing orders were breached in a number of cases.

Several members interjected.

The PRESIDENT: I say to the Leader of the Opposition that there are certainly a number of rules in the standing orders about answers. He knows that one of the things I cannot direct is that a minister answer in a particular way. The Leader of the Opposition has been around long enough to know that.
