



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
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LEGISLATIVE COUNCIL

Thursday, 16 October 1997

Legislative Council

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

MOTION - GOVERNMENT INSTRUMENTALITIES

Privatisation

Resumed from 15 October.

HON LJILJANNA RAVLICH (East Metropolitan) [11.05 am]: Yesterday I ran through a series of issues and concerns I had about privatisation and contracting out. I will continue with additional issues I want to bring to the attention the House and the public. I commented yesterday about the impact of privatisation and contracting out. I sought to have the Government make contracts transparent. It is having a great deal of difficulty with this concept. For some reason it is of the view that it cannot - or will not - legislate to do it. This is a little rich, given that this Government has managed to legislate to reduce the working conditions and pay rates of Western Australian workers, to reduce the rights of unions to protect workers, to ensure that workers injured in the workplace have fewer rights to take civil action damages against employers, and to ensure that workers travelling to and from work are no longer covered by workers' compensation. This Government has shown a pre-occupation with legislating to reduce the conditions of workers in this State, and it has not been backwards in its legislative program to achieve exactly what it wants.

It is appropriate that the Government move towards the legislation required to address the issue of commercial confidentiality and, in doing so, provide members of the public of Western Australia with the information they require about major contracts which have been entered into by the Government with the private sector on their behalf. The most obvious things about contracting out about which people are concerned include the extent to which it has occurred, the amount of contracting out and the lack of detail about the companies with which the Government has entered into contracts.

To demonstrate how grave this problem is, how unorganised the Government is and how little information the Government has about some of these fundamental issues, I shall draw on information which the member for Bassendean received in answer to questions on notice put to seven Ministers. I want to take some time on this issue because it reinforces my point that information is impossible to obtain on some critical issues. The member asked the question of the Minister for Primary Industry and for Fisheries; the Minister for the Environment, and for Employment and Training; the Minister for Health; the Minister representing the Minister for Mines; the Parliamentary Secretary to the Minister for Tourism; the Parliamentary Secretary to the Minister for Sport and Recreation; and the Minister for Labour Relations, for Planning and for Heritage. This problem is very significant. Each of these Ministers was asked the following question -

- (1) What functions or services has each department or government agency under the Minister's control contracted out since 1993, stating -
 - (a) the date;
 - (b) the amount;
 - (c) the recipient;
 - (d) whether the recipient was Western Australian, Australian or foreign; and
 - (e) the term of the contract, for contracts worth the following amounts -
 - (i) more than \$100 000;
 - (ii) between \$50 000 and \$100 000;
 - (iii) between \$10 000 and \$50 000;
 - (iv) between \$1 000 and \$10 000?

They are reasonable questions to ask of Ministers with portfolio responsibilities. The standard response from each of those Ministers was as follows -

- (1) Procuring services from the private and not-for-profit sector is and has traditionally been part of the routine business of government. In 1995/96 public sector agencies spent an estimated \$2.3 billion on many thousands of contracts across an extremely diverse range of goods and services.

That is not a bad start; at least we have some ballpark figure. The response continued -

Unfortunately, the information sought by the member for Bassendean is not readily available and would require considerable resources to collect. I would like to direct the member's attention to those public documents emanating from the State Supply Commission in regard to expenditure on goods and services. Furthermore, I will ensure that the member is provided with a copy of the report on the third annual survey of competitive tendering and contracting in the public sector, which sets out broad information on the level and nature of contract expenditure on services.

The Government is well aware of the potential benefits in the provision of information pertaining to contracts. These data are useful tools in assisting local businesses to identify opportunities to supply to Government as well as providing relevant information to potential subcontractors and subsuppliers to Government contractors.

Work has already commenced on developing systems which will assist in the provision of information relating to the public sector's purchasing and contracting activities. . . . These measures will also fulfil the Government's commitment to implementing the Commission on Government's recommendation 11.

What struck me about that answer was: What is the point of developing such systems which will assist in the provision of information when these activities have been taking place since the Government took office? The Government is now in its second term, so they have been taking place for a significant time. This answer is way too little, too late. It is clear from the response given to the member for Bassendean that the Government has no information about the number of the contracts, about the persons with whom the contracts have been entered into, and about the specific details of the contracts. I am concerned about the administration of these contracts, because this response indicates that the situation is indeed grave.

The member for Bassendean asked a second question of each of these seven Ministers, which was as follows -

- (2) What functions or services are being planned or intended to be contracted out by each department or government agency under the Minister's control during the current term of government, stating -
 - (a) the approximate date it will take place;
 - (b) the amount;
 - (c) the recipient;
 - (d) whether the recipient is Western Australian, Australian or foreign; and
 - (e) the term of the contract, for contracts worth the following amounts -
 - (i) more than \$100 000;
 - (ii) between \$50 000 and \$100 000;
 - (iii) between \$10 000 and \$50 000;
 - (iv) between \$1 000 and \$10 000?

Once again, that is a simple question.

Hon Simon O'Brien: It is not a simple question. A battalion of public servants would need to work around the clock to get out the answer.

Hon LJILJANNA RAVLICH: This information should be available. I as a Western Australian taxpayer want to know where my money is going, whether it is being spent appropriately, and whether the arrangements that have been entered into by the Government will be of benefit to me. This is a very ambitious question on the part of the member for Bassendean, because I have not been able to get information about the number of contracts worth over \$10m. That is a disgrace. In response to that question, each of the Ministers responded as follows -

- (2) It is not possible to determine the extent of contracting out which will occur during the remainder of the Government's current term.

The report on the third annual survey of competitive tendering and contracting referred to above, however, includes some information on agencies' contracting intentions and the type of services likely to be market tested.

The bottom line remains that we need more information about that matter.

In response to the member for Bassendean's question, the Minister for Labour Relations was not even kind enough to give some detail, and in his usual style he said -

- (1)-(2) I am not prepared to allocate the considerable resources required to provide the requested information. However, if the member has a specific query, I will endeavour to provide the information.

That is the sort of response that we come up against all the time.

Hon Simon O'Brien: That supports my earlier interjection that if you ask ludicrously phrased questions that are impossible to respond to without employing a battalion of public servants to work around the clock to extract that colossal amount of information, that is the sort of answer that you will get. It is not unreasonable for the Minister to say, "Hang on. If you have a specific inquiry or if you are concerned about a particular avenue of public expenditure, I will give you the information."

Hon LJILJANNA RAVLICH: I had a specific inquiry, to which I would have been happy to receive a response, and that was about the number of contracts worth \$10m. If the Government cannot provide that information, something is wrong with the system. I want to know; and if a Government was accountable, it would give me that information. It is an absolute nonsense. We should have contractual details. The Government might argue that the specifics asked here require too much detail. The Government might make that value judgment. I make a value judgment to the contrary; namely, that we should be able to access this information. If we followed through the member's argument, the bottom line is that we would not be able to ask for any information.

Hon Simon O'Brien: I said that you want a huge amount of information encompassing every area of activity, to be provided at your whim.

Hon LJILJANNA RAVLICH: I will start with some information. I would not mind some information to start with. However, I am not receiving any information, and that seems to be the problem.

The PRESIDENT: Order! Too many audible conversations are being carried on.

Hon LJILJANNA RAVLICH: Yesterday I spoke about the concerns I have regarding measuring the benefits of contracting out. I outlined the difficulties that arise in using a purely quantitative measure rather than factoring in some qualitative measures. A strong body of argument suggests that not enough work has been done to determine how to measure contracting out and its benefits. Not long ago the Chamber of Commerce and Industry of Western Australia produced a report which indicated that studies it had undertaken show that generally savings in the order of 10 to 30 per cent could be achieved irrespective of the type of service delivered. I will not dispute that, because I do not think it is the issue. The real issue is how the savings are achieved. Some commentators have argued that where the private sector provides a safe service at a lower labour cost it is a transfer rather than an efficiency gain for the community. I turn to page 4 of "Competitive Tendering and Contracting Out in Western Australia" produced by the CCI. John Quiggin argues that if savings are achieved simply as a result of wage reductions they are not real savings. He states -

Given the existence of these cost reductions -

That is, the 10 to 30 per cent -

- it is important to determine their source. If they arise from increases in efficiency with which the tasks are performed, there is presumably a net social benefit from contracting out. On the other hand if cost reductions arise from reductions in wages or from other transfers, the issues are much more complex.

It is very apparent that little work has been done on how to effectively measure the savings or otherwise of contracting out, even on issues such as how one weights the quantitative versus qualitative factors. Therefore, I believe much work needs to be done in the area. If we are to achieve a true estimation of any benefits that might arise from contracting out we must consider the social costs and benefits because, as I said yesterday, one of the social costs is the number of people who lose jobs in the process of contracting out and subsequently are left to fend for themselves, often needing to rely on the unemployment benefits system in order to survive. That is a major concern for me, and it is certainly a major downfall of the privatisation and contracting out process. We need an analysis of whether the benefits or savings are real; and we need to know whether they simply represent a reduction in savings or whether they result in some efficiencies. I do not think that information is available; if it is, the Government is not providing it.

Another concern is the degree of competition which arises from the contracting out process. Time and time again we have heard that one of the benefits of the privatisation and contracting out push is that there will be greater competition. However, I note that this was not the experience in the United Kingdom where it was found that there were many impediments to effective competition. I turn now to an article titled "Cartels, 'Low Balls', Backhanders and Hand-Outs - Privatisation in the UK". It argues that because of the formation of cartels, which are virtually manufacturers' unions of suppliers that control prices, and the presence of low ball bids in the market, whereby a company can very quickly move into the marketplace at a very low price and, therefore, take a part of the market share, those practices prohibit the effective competitiveness of the market forces of supply and demand.

Hon B.K. Donaldson: In which publication does that article appear?

Hon LJILJANNA RAVLICH: It is *The Ecologist*, Vol 26, No 4, July/August 1996. It indicates that the United Kingdom has opened up more of its public services to private operators than many other countries, through wholesale sell offs and contracting out. The theory has been that there will be more competition, more private finance and less bureaucracy. In practice, the private companies frequently act as cartels rather than competitors, combining resources to tackle large scale projects and to ensure that they have state guarantees against financial default. It would be very interesting to see what the Government has done to ensure that the practice does not arise here. The article also states -

In 1990, the Office of Fair Trading launched an enquiry into 11 grounds maintenance contractors accused of operating a cartel. The enquiry found that they had colluded with each other over a period of some 15 years in a secret "unlawful agreement" to fix prices on contracts worth more than £10 million per year and to control 40 per cent of the contracts issued by the Property Services Agency which was responsible for managing most government buildings.

My concern is that we may have practices like those within our economy, and I am not convinced that we have taken sufficient precautionary action to ensure that we do not have cartels forming to win major contracts in Western Australia. Another impediment to competition is low ball bids. On this point, the article states -

The Office of Fair Trading has also been investigating loss leader (or "low ball") bids in which:

"private sector companies may be tendering for local authority contracts on a predatory basis, accepting short-term losses so as to eliminate competitors with the expectation of subsequently making monopoly profits".

One does not need to be too smart to realise that without the proper checks and balances, the formation of cartels - certainly with larger contracts - is a real possibility, and that low ball bids may be a practice among some companies, be they Western Australian, Australian or even foreign.

Given the rate at which the Government has moved down the contracting out line, I am very concerned that the proper checks and balances have not been put in place to ensure that the marketplace is free from these practices which restrict market competition.

Hon Barry House: Do you know we are doing some work on it?

Hon LJILJANNA RAVLICH: I am heartened to hear that. I am alarmed at the rate at which contracting out has been occurring since the Government came to office in 1993. To give it attention in 1997 may be too little too late. I am glad to hear that four years down the track the Government has -

Several members interjected.

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: I have been in this place for only a very short time, yet I have identified the problem.

Hon E.J. Charlton: It seems like a lot longer!

Hon LJILJANNA RAVLICH: I do not think that I am exceptionally bright, but I like to listen to people for whom I work as a spokesperson. They say to me, "Ljiljanna, we believe there is a problem out there." This Government has been in office for a number of years and it has finally cottoned on that a problem may exist in this area. It will finally do something about the matter. If that is the Government's response to this issue, what response will we have to the broader issue of privatisation and contracting out? This is one small subset of the big and important agenda. The infrastructure to support this privatisation and contracting out agenda is not in place. In fact, the contracting out push is occurring in a vacuum. Therefore, it will fall over, and the Government will fall over with it.

Hon Bob Thomas: It will fall over anyway.

Hon LJILJANNA RAVLICH: Indeed. I will do my darnedest to ensure that the entire issue of contracting out public services and goods is monitored, and I will ensure that the interests of the Western Australian public are protected. As a taxpayer, I will also ensure that my own interests are protected.

I turn now to government accountability. Contracting out raises enormous questions of financial accountability. Underlying my comments is the issue of who should be accountable for these contracts? Should it be the department, the Minister, the Department of Contract and Management Services, State Supply or the Premier?

Hon Bob Thomas: The Auditor General or the Ombudsman?

Hon LJILJANNA RAVLICH: Indeed.

Hon Ray Halligan: The Opposition?

Hon LJILJANNA RAVLICH: One can go through a list of who might be responsible for this matter.

Hon E.J. Charlton: We all are.

Hon LJILJANNA RAVLICH: Collectively, the Government is responsible. That is a very good contribution from the Minister for Transport - I appreciate it. All government members are collectively responsible. However, somebody must take up the challenge and communicate to the Western Australian public so that the Government is accountable to the people. The Government is doing a very poor job of being collectively accountable. We continue to ask questions and we do not receive answers. If government members are collectively responsible, the next time they meet as a group they might like to address the issue of how to best provide the community with the information sought in relation to a range of contracts. At the end of the day, the Minister for Transport should say to himself -

Hon E.J. Charlton: I say to you, would you like an invitation to go through the changes at Westrail, MetroBus and the ports? I am happy to give you a total briefing. You ask the questions - I will answer them. We will go through them one at a time. This is not the best forum for that process. Once we have done that, we can have a debate in this place in which your comments will be made on an informed basis.

Hon LJILJANNA RAVLICH: Will the Minister reveal the contracts?

Hon E.J. Charlton: I will reveal everything to you.

Hon Tom Stephens: You say that, but you never do!

Several members interjected.

The PRESIDENT: Order! Slow down members.

Hon LJILJANNA RAVLICH: I do not want Mr Charlton to reveal all.

The PRESIDENT: Order! The correct address is the Minister for Transport, as I have told the member before.

Hon LJILJANNA RAVLICH: I would like the Minister for Transport to reveal to me the contracts.

Opposition members: Hear, hear!

Hon LJILJANNA RAVLICH: I would like the Minister for Transport to show me - I just take the Transport portfolio - initially the first 50 per cent of the MetroBus contracts.

Hon E.J. Charlton: You're on - it's a deal.

Hon Tom Stephens: Table them.

Hon E.J. Charlton: You would not understand them if I put them on the Table.

Hon Tom Stephens: I would take advice.

The PRESIDENT: Order! We are trying to negotiate something here.

Hon LJILJANNA RAVLICH: I have an undertaking recorded in *Hansard* that I can have a copy of the first 50 per cent of the MetroBus contracts. I would also like, so we complete a nice deal, to see the second lot of MetroBus contracts. It would be a very positive outcome if I were to achieve that.

Hon Bob Thomas: Will he show them to you, or give you a copy?

Hon LJILJANNA RAVLICH: I think it is recorded in *Hansard* that it will be a copy.

Hon E.J. Charlton: Get right what I said. We will go through the whole equation.

Hon Tom Stephens: Why not table it?

Hon E.J. Charlton: Because you would not understand it.

The PRESIDENT: Order! The Minister for Transport will come to order.

Hon LJILJANNA RAVLICH: It raises some limitations. If the Minister for Transport, in honouring this commitment, says, "Here is a contract" and he pulls it back quickly, he will have technically shown it to me but made it impossible for me to use the contract. I would then have a problem.

Hon E.J. Charlton: You have a problem - but that will not be it.

Hon LJILJANNA RAVLICH: The Minister may say that he has only 15 minutes to meet with me, and then put the contracts on the Table; however, that would not serve my purpose.

Hon E.J. Charlton: I think you're running away from the offer.

Hon LJILJANNA RAVLICH: If the Minister for Transport claims in some way that he is bound through law and aspects of commercial confidentiality and cannot give me a contract to take away, the Minister for Transport, in wanting to do the right thing, should put some pressure on his colleagues to legislate in this regard. I will continue to repeat the point that this Government has managed to legislate in many areas, but only those which suit its purposes. If the Minister were to do the honourable thing, he would put pressure on his colleagues to enact legislation to ensure that all contracts are transparent.

The Minister for Transport should also ensure that when the Government enters into a contract with a private sector contractor or agency it is understood by the private sector contractor or agency that full disclosure of contractual arrangements are a part of the deal. I am sure that most Australians would expect no less.

It would appear that under current arrangements the public loses its right to access information once public services under contractual arrangements fall into private hands. This has created enormous difficulty for us because in Parliament we have been continually diverted and put off the scent, as it were, with the answers to some of the questions we have asked about contracting out. I do not share the Attorney General's view about Parliament that we are here necessarily to listen to fact. When raising questions on behalf of the Western Australian public, I am entitled to have some suspicions and doubt. Unlike the Attorney General, I am not so self-assured. If I knew the facts and had the answers, quite simply I would not be asking the questions. I ask questions for the simple reason that I do not have the facts. If I and the public have our suspicions and if I on behalf of the public raise those suspicions, that is a very good reason to be here. The challenge is for the Government to allay the Western Australian public's and my fears on matters that may be raised in this House.

As an example of the Government's avoidance of responding to our concerns, I will refer to the Aerobica contract, and the "contra" deal contract. These are good examples of the Government shunning its responsibilities under the parliamentary process and avoiding some of the issues which cause enormous community concern. I will refer to *Hansard* from Wednesday, 20 August when Hon Tom Stephens addressed a question to the Minister for Sport and Recreation about EventsCorp sponsorship of Aerobica. He asked -

- (1) Was there a contract relating to this sponsorship?
- (2) If yes, who was the contract between?
- (3) When was it signed?
- (4) Whose signatures appear on the contract?
- (5) Will the Minister table the contract?

Some information was given in answer to parts (1) and (4). Unlike the Minister for Transport's commitment to me to provide that contract, the Minister for Sport and Recreation in response to that question answered -

Under its terms, the contract between the WATC and the AGF requires me to discuss this matter with the commission prior to the contract being made public. I need to discuss with the commission the matter of my directing it to make the contract available for public presentation. I will do that as soon as possible, and once I have discussed the matter with the board, I will make a decision about whether it will be tabled.

I am not so sure that there has been any follow up, which causes me some concern, because the Minister did agree to consult on this matter.

Hon N.F. Moore: I will save you a few minutes, because I will check on that as soon as I can.

Hon LJILJANNA RAVLICH: I look forward to the day when I see contracts mounting on the Table.

Hon N.F. Moore: You have changed your minds so much on your side of the House.

Several members interjected.

Hon Tom Stephens: We are part of the new Labor!

Hon N.F. Moore: I am glad Hon Ljiljanna Ravlich is part of new Labor!

The PRESIDENT: Order! The Leader of the House and the Leader of the Opposition.

Hon LJILJANNA RAVLICH: I am definitely new. The point was made that I sound as though I am Labor. I do not want to put the House through a lot of trauma but I come back to my first point: Quite clearly the Government is very reticent to provide detail.

Hon Kim Chance: Almost recalcitrant.

Hon LJILJANNA RAVLICH: Yes; it goes back to my fundamental point. The Government for some reason does not think it has to be accountable to the Western Australian taxpayers. I do not know where it gets that view. Quite clearly that is shared. Although the Minister for Transport peddles the rhetoric that we are all responsible and accountable, it is not followed through with action. We want to see the goods. I do not think that is too much to ask. I can go through the many copies of *Hansard* since I have been here and find hundreds of examples. I will give one which arose from a question asked by Hon Ken Travers to the Minister for Tourism on the subject of Elle Racing. It reads -

I refer to the 19 December payment of \$140 000 by the Western Australian Tourism Commission to John Harvey.

(1) Can the Minister confirm this was the cash component of a "contra" deal with Harvey?

(2) If yes -

Point of Order

Hon RAY HALLIGAN: Is Hon Ljiljanna Ravlich quoting from an uncorrected proof of *Hansard*?

The PRESIDENT: I cannot tell the member that, so I will have to ask Hon Ljiljanna Ravlich.

Hon LJILJANNA RAVLICH: Yes, I am.

The PRESIDENT: It is against standing orders and as a result I must bring it to the member's notice.

Hon LJILJANNA RAVLICH: I am quoting from an uncorrected copy.

The PRESIDENT: Irrespective of whether the member says it is uncorrected, it is uncorrected and she cannot quote from an uncorrected *Hansard*. The fact is that it has been brought to my attention and I have to bring it to her attention.

Debate Resumed

Hon LJILJANNA RAVLICH: Thank you, Mr President. The point still stands that the question was asked and once again this side of the House did not receive a response. All too often we can stand here seeking information and get some promise that those contracts are coming.

Hon Tom Stephens: In the old days of State Print we used to be able to get a weekly version of *Hansard*. Since the printing has been contracted out we do not get the weekly *Hansard*, so we may be forced into breaching standing orders.

The PRESIDENT: Order! That does not alter the standing order.

Hon LJILJANNA RAVLICH: Given the way these things are handled, the point is that in the short term, and until the Government legislates to make contracts transparent, there should be a set of criteria for contracts on which the Parliament can pass its judgment on what constitutes confidentiality. It appears the Government uses the veil of confidentiality over the information on contracts which it obviously does not want to release to the Opposition. The Opposition needs the information on contracts before they are botched. The Opposition could have valuable input into monitoring some of these contracts.

Hon N.F. Moore: With your history!

Hon Bob Thomas: This Government has a pretty good record!

Hon N.F. Moore: Someone did not do their part.

Hon LJILJANNA RAVLICH: If the contracts were tabled and members who were interested had the opportunity to peruse them, their input would be of enormous benefit to the Government. The Opposition needs the information before the contracts are botched. We have not seen the botched contracts, but there is sufficient evidence to suggest that some of the contracts are nowhere near as good as they were said to be. I refer members to the Elle Racing Pty Ltd, Adamswood hospital administration services, Global Dance Foundation and the world aerobics competition contracts. An amount of \$350 000 was lost on the world aerobics contract, in spite of record crowds.

Hon N.F. Moore: Who lost \$350 000?

Hon LJILJANNA RAVLICH: The Government did.

Hon N.F. Moore: It did not. You have no idea what you are talking about.

Hon LJILJANNA RAVLICH: The Minister for Tourism's response is predictable.

Hon N.F. Moore: You are saying something that is not correct.

Hon LJILJANNA RAVLICH: I will not stand here -

Hon N.F. Moore: I wish you would not stand here and make allegations.

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: It is an absolute joke to suggest there is nothing wrong with some or all of those contracts.

Hon N.F. Moore: I am telling you that \$350 000 was not lost by the Government.

Hon LJILJANNA RAVLICH: The Minister for Tourism will not cop it on the chin. I do not know the reason that he is not prepared to do that. A good Minister would say to the public of Western Australia, "Hey, I've made a mistake. These contracts were not as good as they should have been." Instead, the Minister is still trying to defend -

The PRESIDENT: Order! Members will get a chance to speak in due course. Hon Ljiljanna Ravlich has six minutes left today to debate this matter.

Hon Derrick Tomlinson: She is doing her best to wind up.

Hon LJILJANNA RAVLICH: To the contrary.

Hon N.F. Moore: She is repetitive.

Hon LJILJANNA RAVLICH: I assure the Minister that I will not continue to be repetitive.

Several members interjected.

The PRESIDENT: Order! This is a serious matter and the member is entitled to be heard in silence. This place is turning into a circus.

Hon LJILJANNA RAVLICH: The Opposition is aware of formal recommendations calling for more accountability and openness in government and in decision making. It was one of the Government's policy platforms at the last two elections, but none of the accountability mechanisms has been implemented. The Opposition cannot get a straight answer to many of its questions on how contracts have been managed.

In my first week in this place I attended the Estimates Committee hearings. At one of the hearings I actually put a question to the Minister for Tourism. I will quote it because it demonstrates the frustration that I, as a member of Parliament, have in not getting the appropriate responses from Government. At the hearing on 30 May I asked the Minister -

In view of the Government's difficulties in handling the Elle Racing contract, the Adamswood hospital administration services contract and the Global Dance Foundation contract, how much funding has been allocated in the 1997-98 Budget for the evaluation of government contracts? What contract management processes have been put in place to ensure that contracting out is cost effective, because there is mounting evidence to suggest that some contracts are not cost effective? Could the Minister outline how project management processes will guarantee that stringent checks are carried out before the awarding of contracts,

that they are carried out on the day-to-day management of contracts, and that contract outcomes meet a standard?

I think that is a reasonable set of questions for a new member of Parliament to ask. The Minister's response was -

The preamble to the question is grossly inaccurate and designed to try to score a point. If the member is suggesting that the Elle Racing contract is in trouble, I suggest she does not understand what is going on.

Hon N.F. Moore: There is nothing wrong with it from our point of view - the other bloke did not fulfil his part of the deal.

Hon LJILJANNA RAVLICH: I was very confused.

Hon N.F. Moore: And you still are.

Hon LJILJANNA RAVLICH: I have a bundle of documents, but I will not refer to them because it would take me a month of Sundays to do so. This information was collected over a month. I would need a trailer to bring in all the information about the botched contracts.

Hon N.F. Moore: What is botched about them?

Hon LJILJANNA RAVLICH: The Minister for Tourism claimed that I did not understand what was going on.

Hon N.F. Moore: And you still do not.

Hon LJILJANNA RAVLICH: The Minister's reply continues -

If she is suggesting that the State of Western Australia should not enter its own boat, she should say that upfront also. That would carry her view of politics to an absurd extreme. Perhaps we could use her to promote Western Australia instead of using someone like Elle Macpherson. There are no problems with that contract as far as I am aware.

That was on Friday, 30 May and on 31 May there was an article in the paper headed "Problems still, as Elle enters the Whitbread".

Hon N.F. Moore: Why rely on *The West Australian* for those details? The other person did not carry out his part of the bargain. It is very simple!

Hon LJILJANNA RAVLICH: On 30 May there were no problems with the contract. For weeks there had been comment in state and national newspapers that these contracts were not coming up to scratch. The Minister is trying to defend the indefensible. He said -

The preface to the question is highly inaccurate and is designed to score a political point more than to add light to the question. There is a difference of opinion between the member and other people within the government about contracting out. Her political views are such that contracting out would be unacceptable regardless of the consequences of it. I suggest that is very strongly her political perspective, having heard her maiden speech the other day. It is probably a good thing that Western Australia will not go back into the dark ages of true socialism.

Debate adjourned, pursuant to standing orders.

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS AND STATUTES REVISION

Presentation of Nineteenth Report

Hon M.D. Nixon presented the Nineteenth Report of the Standing Committee on Constitutional Affairs and Statutes Revision in relation to the Statutes (Repeals and Minor Amendments) Bill, and on his motion it was resolved -

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

[See paper No 883.]

SELECT COMMITTEE ON THE REQUEST TO RELEASE DOCUMENTS OF THE SELECT COMMITTEE ON THE WESTERN AUSTRALIAN POLICE SERVICE TO THE ANTI-CORRUPTION COMMISSION

Report - Consideration in Committee

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

The CHAIRMAN: The question before us is that the recommendations on page 26 of the report be agreed to.

Hon DERRICK TOMLINSON: I draw the attention of the Committee to the recommendations on page 26 of the report. There are five recommendations. The first four may be read as parts of the one recommendation. The fifth recommendation is -

The letter from the Hon JLC Wickham QC dated 22 March 1996 and the attached discussion paper be released to the Joint Standing Committee on the ACC.

This recommendation is different from the four recommendations that precede it. I should point out to the Committee that the recommendation is outside the terms of reference of the Committee.

The first four recommendations are a direct response to a request from the Chairman of the Anti-Corruption Commission, in a letter directed to the Clerk of the Legislative Council but presented to the House by the President on 17 June. The request was that the documents and evidence accumulated by the Select Committee on the Western Australian Police Service be transmitted to the Anti-Corruption Commission. A select committee was appointed to consider that request and it has made recommendations 1 to 4.

Recommendation 1 is that the evidence be transmitted to the ACC in the form recommended in paragraph 4.2 of the report. Recommendation 2 is a direction to the ACC as to how it may deal with such evidence and documents. Recommendation 3 is that the ACC should return the documents to the custody of the Clerk by 1 December 1998. Recommendation 4 is that a copy of this report be submitted to the Joint Standing Committee on the Anti-Corruption Commission.

I would like to explain the reservations of members of the original committee to the transmittal of the documents in the custody of the Clerk of this place to the ACC. The Select Committee on the Western Australian Police Service was a creature of the Parliament. It was created by a decision of this Chamber and it conducted its activities at the direction, and with the protection, of this Chamber. It was not a creature of the Executive. It could not be directed by the Executive and it was not answerable to the Executive in any way. That select committee ceased to exist upon the prorogation of the Parliament prior to the election. When the committee ceased to exist the documents went into the custody of the Clerk of the Legislative Council. Those documents belong to this Chamber.

The evidence was given in confidence to the select committee. Some of the witnesses who came before the committee did so because it had the protection of parliamentary privilege. The witnesses came before the committee because they had confidence in it. They came before the committee with what they believed to be information that was threatening to the welfare of the State as well as to their own welfare. They were cautious about giving it to bodies other than a committee of the Parliament which had all the privileges and protection of the Parliament. It would be a breach of that confidence were we, as a Parliament, simply to hand over the information they gave to the select committee to a body which is a creature of the Executive, rather than a creature of the Parliament. The Anti-Corruption Commission is a creature of the Executive. Giving documents and evidence provided in confidence to a body which is a creature of the Parliament to another body which is not a creature of the Parliament but is a creature of the Executive, could constitute a breach of confidence. Therefore, the members of the former Select Committee on the Western Australian Police Service were very cautious in the way they went about determining whether this Chamber should respond in the affirmative to the request of the Anti-Corruption Commission that the material be transmitted.

The material is in four forms; that is, written submissions accumulated by the select committee; the evidence of hearings conducted in private by the select committee; letters and correspondence received by the select committee; and other materials, including written documents and auditory tapes which were presented to the select committee supplementary to evidence given in private hearings. The committee reviewed all those documents and has recommended in paragraph 4.2 those documents which should be released, those which should not be released because they are irrelevant to term of reference No 3 of the former Select Committee on the Western Australian Police Service, and those which should not be released because the witnesses concerned requested or declined an invitation for their release.

Under the relevant standing order a witness before a select committee could request that the evidence he or she was about to give be subject to a suppression order and not be divulged to any person. Many of the witnesses who came before the committee made such a request. In reviewing all the evidence, the select committee into the release of the documents took note of the request of those suppression orders. Some of the witnesses requested a suppression order concerning evidence that, in the opinion of the select committee on the release of documents, was no threat to them, to others or to confidentiality if the documents were transmitted to the Anti-Corruption Commission. The committee therefore decided to recommend the transmittal of those documents without written permission of the witnesses.

However, as a courtesy the committee wrote to each of the witnesses to advise them of the action it took. Many of them responded, most of them in a positive manner.

Some evidence was given by witnesses which the committee judged to be of such a nature that we would not transmit it without the written consent of the witnesses, in which case written consent of the witnesses was sought. Some declined. Where the witnesses declined we have recommended that the evidence not be transmitted.

On a third set of evidence the witnesses were granted suppression orders and the select committee on documents judged the evidence to be of such a nature that its release would constitute a possible threat to the welfare of the individuals who had come before the select committee into the Police Service or who had been called before that committee to give such evidence. Where the committee on documents made that judgment, it was decided to recommend that the documents not be released to the Anti-Corruption Commission. With that explanation I move -

That recommendations 1 to 4 on page 26 be agreed to.

I reserve the right to speak to recommendation 5 when we have dealt with recommendations 1 to 4.

Hon N.D. GRIFFITHS: In seconding the motion I point out that the members of the Australian Labor Party in this Chamber agree with the recommendations of the release of documents committee and I foreshadow that they will support a motion to agree to recommendation 5 if such a motion is moved in due course. I note that Hon Derrick Tomlinson expects to move a motion subject to the outcome of this motion.

It is important that the Chamber take note of the sequence of events because some commentators - with the greatest respect to them - have commented on this matter with a degree of ignorance. The report now under discussion was tabled in this Chamber on 16 September. We rose on, I think, 17 September and returned this week.

This document is significant because it deals with the privileges of this Chamber and with the interrelationship between the Parliament, a House of Parliament and an agency of the Executive. It is not something that should be dealt with lightly. It was very important that members of this Chamber had the opportunity to read it over and above the appropriate conventions in place to allow time for consideration, reflection and discussion with their colleagues. It now comes before us at an appropriate time, some weeks having passed, albeit most of them not sitting weeks.

When we consider the time taken to deal with the evidence presented to the defunct Select Committee on the Western Australian Police Service members should note that that committee presented its report on term of reference No 3 on 19 June 1996. The Government's response to that report was provided by the Attorney General on 19 September 1996 by way of a ministerial statement. With respect to the interaction between this Chamber, the evidence of the police committee and the Anti-Corruption Commission, the pertinent comments of the Attorney General are contained in appendix C on the second page of this report. After making reference to the death of Stephen Wardle and then referring to the evidence of Mr and Mrs Tilbury, the Attorney General said -

The Government has already referred the committee's report to the Anti-Corruption Commission to which this House should now give leave for the committee to release its materials.

Nothing happened until the Premier wrote to Hon Derrick Tomlinson on 10 March 1997. The reference to that is contained at page 4 of the report under discussion. The terms of that letter should be read to the effect that what was being sought were documents to do with the death of the late Stephen Wardle.

Hon Derrick Tomlinson: And the subsequent treatment of Mr and Mrs Tilbury.

Hon N.D. GRIFFITHS: Yes. It is in this context I will quote from the Premier's letter as referred to in the report. He points out that on 20 June 1996 - the day after the police committee presented its report - he forwarded to the Anti-Corruption Commission a copy of the report. The report states that on 10 March 1997 the Premier said: "I understand the Commission is now giving preliminary consideration to the issues raised concerning Stephen Wardle and Mr and Mrs Tilbury." The letter dealt with those issues. Noting the wording of the Anti-Corruption Commission Act, I find the words "I understand the Commission is now giving preliminary consideration" interesting. I wonder how the Premier knew the commission was giving that matter preliminary consideration. I suppose those words do not venture into the area of breach that some may say occurred in other instances to do with the Anti-Corruption Commission around that time.

As a result of that letter Hon Derrick Tomlinson, properly and, in my view, speedily, given the way events occur in this place, gave a notice of motion on 20 March 1997 to deal with that issue. Matters progressed - a number of motions were on the Notice Paper - and he moved his motion on 1 May 1997. Nothing had been heard from the ACC. It then released a media statement. That is referred to at paragraph 3.4 on page 5 of the report. It is an interesting media statement because the report states it commences with the words -

The Anti-Corruption Commission (ACC) understands that some people may have the wrong impression that the Commission had only recently requested access to all of the evidence submitted to the Select Committee on the Western Australian Police Service (The Tomlinson Committee).

I do not mind its being called the Tomlinson committee; neither does Hon Derrick Tomlinson. There were five of us on it. The report continues -

The ACC Chief Executive Officer . . . said this was far from the truth.

"The fact is, the ACC has been actively seeking all the evidence since September 1996, when the Hon. Attorney General, Mr P. Foss, presented the Government's response to the Tomlinson Committee's interim report . . .

At that time the Commission received advice that Mr Foss told the Legislative Council it should give leave for the Committee to release all its materials.

I referred to the statement of the Attorney General that was made last September. I find interesting the reference that the commission followed up the matter at regular intervals. With whom? I thought that given the commission is an agent of the Executive and the Attorney General is a member of the Executive, the commission would have had all the necessary advice on what the appropriate processes were. Clearly, for whatever reason, those appropriate processes were not followed. That is not the fault of this Chamber, nor of members of the former police committee. That is not the fault of Hon Norman Moore. Members of the Legislative Council have not failed in their duty to the public to deal with matters of concern involving allegations of police misconduct. Members have at all times acted promptly, given the nature of our duty to ensure that due process is followed.

The report sets out the sequence of events. A meeting took place on 11 June. I invite members to look at the report again and consider what it says. It was only after the meeting took place in the Clerk's office on 11 June between those members who became members of that select committee; the three surviving members of the Select Committee on the Western Australian Police Service; Hon P.H. Lockyer and Hon Reg Davies, who I trust continue to enjoy good health and have not left us, other than leaving this place; and the Clerk and Mr Mann, that the President received a letter from Hon John Wickham. It seems the ACC became aware of the question of due process at that time - 11 June.

I do not know why it had not done what should have been done before. However, there was a very long gap between receiving the report from the Premier on 20 June 1996 and writing to the Clerk of the Legislative Council in a letter dated 16 June 1997. That is not the fault of this Chamber or the fault of any member of this Chamber. The President, again properly, informed the Chamber of the letter on 17 June. It was a serious matter; it had to be considered. It was considered. I moved a motion on 26 June. As matters occur, that debate was not held up: It was put and passed on the same day. The committee was formed. One does not venture into the deliberations of a committee, but I think I am allowed to say we had some longish sessions.

Hon Derrick Tomlinson: Longish lunches.

Hon N.D. GRIFFITHS: They were longish lunches, but I regret to say they consisted of sandwiches, water, coffee and fruit. Perhaps there will be occasion to have longish lunches in the future - our next committee. Some found the prospect of a longish lunch exciting; however, I assure members that when it involved considering this very dry subject, drinking that water and eating those sandwiches, I could do without it.

The committee had to go through this process because there was a lot of evidence. The fact that the three members had quite a bit to do with that evidence over many years enabled the work to be done faster than would otherwise be the case. Our work involved also using not insignificant resources of the Legislative Council and getting documents together and, as members can see, having the categories noted and matters brought across from files. The committee had a report ready. It brought it before the Chamber expeditiously, but not hastily. It was done after proper consideration. The report is before members.

I thought the Chamber should be reminded of the circumstances that gave rise to this select committee and the report. Hon Derrick Tomlinson has dealt with the matters that are directly relevant to this motion. When the Chamber chose the surviving members of the police committee to do the job, it did so on trust. It was a choice that enabled the confidentiality provided to the witnesses by that former committee to be maintained.

However, when one looks at the detail of the recommendations and considers each piece of evidence, summarised in the very shorthand way that it is, one sees that unless the Chamber as a whole is to look at the evidence, it must take the committee's recommendations on trust. There is no other way. We cannot go into the detail of what is in the recommendations because to do so would be to defeat the whole purpose of the exercise.

Hon MURRAY MONTGOMERY: As one of the members of the committee I, too, very much support its recommendations. As Hon Nick Griffiths has pointed out, it is interesting to note how we have moved from presenting the police committee report last year to the meeting that we had in the Clerk's office in June this year.

Mr Wayne Mann, the executive officer of the Anti-Corruption Commission, certainly has had experience of the parliamentary system. He was an executive officer of select committees and knows and understands the system and how it works. Given that we have reached the position we faced on 15 June, it would appear that some ineptness has been exhibited.

This House acted quickly. It has been five months, including some parliamentary breaks, since the letter was written. This House and the committee have acted as quickly as possible. Four months have elapsed since the committee was established and it has now presented its recommendations.

The committee has recommended that the papers and the submissions be handed to the Anti-Corruption Commission. It must be pointed out that those papers, submissions and transcripts remain the property of this House and are still classified as in camera evidence - they are secret. Only the people who need to look at them will see them. They are not public documents and they will not become public documents. It is important that people understand that point.

The recommendations are made on the basis of enormous trust in the three members of the committee on the part of the House. As Hon Nick Griffiths said, short of every member reading the transcripts and evidence, it is a matter of trust. I support recommendations one to four.

Question put and passed.

Hon DERRICK TOMLINSON: I move -

That recommendation No 5 be agreed to.

Before addressing this motion, I will respond to the matter raised by Hon Nick Griffiths on the confidentiality and the possible breach of confidentiality in the letter written to me by the Premier. The letter to which he referred is quoted on page 4 of the report. The specific matter to which the honourable member has referred was the Premier's statement -

I understand the Commission is now giving preliminary consideration to the issues raised concerning Stephen Wardle and Mr and Mrs Tilbury.

The confidentiality provisions of the Anti-Corruption Commission Act would appear to have been breached by that.

Hon N.D. Griffiths: I did not say that.

Hon DERRICK TOMLINSON: No, that is what I said: It would appear that they have been breached. That is no reference to what the honourable member said.

I refer members to the Anti-Corruption Commission Act, section 52, which relates to the non-disclosure of information, and subsection (1) prohibits the disclosure of information and imposes a penalty of \$8 000 or imprisonment for two years. However, subsection (3) provides -

Subsection (1) does not prevent the Commission from divulging information, or making a statement, about the performance of the functions of the Commission to any person or the public or a section of the public if the Commission considers that it is in the interests of any person, or in the public interest, to divulge that information, or make that statement, in that manner.

I suggest that that would absolve the Premier from any breach.

I deliberately chose to move that the committee agree to recommendation No 5 separately from the other four because it is a different matter. The terms of reference of the select committee directed it to review all evidence, transcripts, documents and so on, and to recommend whether they -

- (a) may be released to the Anti-Corruption Commission;
- (b) may be released after obtaining the express written consent of witnesses to whom those parts relate;
- (c) should not be released.

Recommendation No 5 states that a letter written by Hon J.L.C. Wickham be released to the Joint Standing Committee on the Anti-Corruption Commission and in that respect it might be seen to be outside the committee's terms of reference.

The letter to which the recommendation refers was addressed to me and was received by me, but was in fact a discussion paper that had previously been submitted to the Joint Standing Committee on the Commission on Government. In that respect it was not confidential to the Select Committee on the Western Australian Police Service; it had been transmitted in the first instance to another committee of both Houses of this Parliament. It is different from the confidential information given as evidence to the Select Committee on the Western Australian Police Service. It is a valuable discussion paper on issues of policy in relation to corruption within the Police Service. Therefore, it would be a valuable discussion paper to put before the Joint Standing Committee on the Anti-Corruption Commission. Our recommendation is consistent with the original recommendations of the Select Committee on the Western Australian Police Service even though it may be inconsistent with the terms of reference of the committee. The recommendations of that select committee were the establishment of a police anticorruption commission and the establishment of a standing committee of the Legislative Council on the Police Service. Neither of those recommendations was accepted by the Government. In fact, the Government acted to establish the Anti-Corruption Commission by the amendment of the Official Corruption Commission Act 1988 and to establish a Joint Standing Committee on the Anti-Corruption Commission.

A recommendation of the Select Committee on the Western Australian Police Service was that the evidence which had been gathered by that select committee be transmitted to or referred to the Legislative Council. Consistent with that recommendation, and given the nature of the letter by Mr Justice Wickham received by me, the committee whose report we are now considering has recommended that the letter be transmitted to the Joint Standing Committee on the Anti-Corruption Commission.

Hon N.D. GRIFFITHS: In seconding the motion I wish to place on record that I concur with the thrust of the remarks of Hon Derrick Tomlinson.

Hon PETER FOSS: It is a little difficult for those of us who have not been privy to this letter to know what is the appropriate reaction to it. I have considerable difficulty, even having heard Hon Derrick Tomlinson, understanding whether it is appropriate that this letter be transmitted. I wonder - especially as the person who wrote the letter has not been consulted - whether it is possible that this part of the matter be adjourned and the ACC asked whether it would like this matter to be considered by the committee and, if so, for the ACC to write to the committee. The difficulty we have is that this Chamber is being asked to decide on a letter that it knows nothing about. I assume that the letter was not published as part of the report because it was thought appropriate not to publish it. If concern exists about publishing the letter it is hard to ask this Chamber to make a decision. If there were no problems with publishing the letter why was it not attached to the report? Had that happened, this Chamber and the public would be in the same position as the committee to consider this.

Hon DERRICK TOMLINSON: The committee did consider publishing the letter as an attachment to the report now before us. The nature of the letter is such that the committee believed that its confidentiality should be protected. It does not in any way embarrass any individual, perhaps other than the author if he were to be offended that a letter written in confidence had been made public through this Parliament. It does not contain any incriminating or embarrassing information relating to individuals. It is a discussion paper regarding procedures for dealing with allegations or information about criminal misconduct or corruption within the Police Service. It is an important letter in understanding the philosophy behind the workings of the Anti-Corruption Commission and would be a valuable document to the joint standing committee in its work of reviewing and reporting to the Parliament on the workings of the Anti-Corruption Commission. It is nothing more than a valuable working document which in no way embarrasses or incriminates any individual, but would be useful to the workings of another committee established by the joint Chambers of this Parliament.

Hon N.D. GRIFFITHS: It is a document that was provided first to the Joint Standing Committee on the Commission on Government so that committee could take on board its contents and then to the Select Committee of this Chamber into the Police Service, and one can infer it was provided for the same purpose. It just so happens that Hon Derrick Tomlinson, Hon Murray Montgomery and I were members of that select committee into the police. We do not seem to be able to get away from this subject. We now find ourselves on the Joint Standing Committee on the Anti-Corruption Commission. Without belittling the considered comments of the Attorney General it is our judgment - I regret to say after years of experience in dealing with this issue - that this is an important document for the Joint Standing Committee on the Anti-Corruption Commission to have. Given the nature of this area of policy I regret that I feel somewhat constrained in the sorts of comments I can make in dealing with it. I ask the Attorney to take this on trust.

Hon PETER FOSS: I am happy to take the committee on trust. I have a concern with the principle that a letter provided in confidence should be checked out with the person who provided the confidence prior to our passing it on to somebody else. It would seem a fairly simple mechanical matter for somebody to find out from the ACC whether it has any objection to this course being taken. It would be a common courtesy. It will not harm anybody

if there is no objection to it, and if anybody did have an objection to it that may be a relevant matter. I assume there would not be any objection made; however, it may be appropriate to notify the ACC since the person who wrote on behalf of the ACC has ceased to be chairman and there is a new chairman. It may be that the letter is no longer a current statement of the way in which the commission operates. As a matter of principle, and as it is such a simple thing to do, could not the views of the commission be obtained in the same way as everyone else who provides confidential evidence to the committee? A simple telephone call would suffice. I am happy to take members' views that there is no harm in doing it, but as it was provided in confidence should not we have regard to that as a more important issue at this stage than whether there is any harm? If as the member says it would be a useful document to have I am sure there would be no objection on the part of the ACC to the letter being passed on. It would be a simple matter to postpone this consideration while somebody who knows the content of the letter telephones the ACC and asks whether it has any problems. If we are told there are no problems, it will overcome all the difficulties we have on a point of principle. It is such a simple thing to do. I wonder why we do not do that first.

Hon N.D. GRIFFITHS: The author of the letter has ceased to be with the Anti-Corruption Commission; however, the author wrote the letter on behalf of the Official Corruption Commission, which has been renamed the Anti-Corruption Commission. It is a body with greater powers, different powers and different personnel. It was provided by Hon John Wickham in his capacity as the Chairman of the Official Corruption Commission to two parliamentary committees. It is a document that a third parliamentary committee, because it was looking at part of the work of one of those parliamentary committees, came across again. This matter has been before us for some time. There can be no conceivable objection to the matter being progressed. The composition of the ACC is different from what it was when the letter was sent. I note the Attorney General is very concerned to go through the courtesies, and that is very good; however, it is unnecessary in this case. We should just move on and deal with it.

Hon DERRICK TOMLINSON: I may be splitting hairs. I am not sure that even though when Mr Wickham wrote the letter he was chairperson of the ACC, he wrote it as representing the views of OCC at that time. The discussion paper was addressed to me as the chairperson of the Select Committee on the Western Australian Police Service and signed by Mr Wickham in the context of providing a set of suggestions which might be considered in a discussion which may have comprised a group of people, including Mr Wickham and perhaps the Commissioner of Police. If we were to ask anybody for permission for the release of the document, I suggest we should ask the author, not the ACC. That being the case and understanding the nature of Mr Wickham's interest in the OCC, the work of the Western Australian Police Service and the continuing work of the Anti-Corruption Commission, even though he is no longer directly associated with it, I am confident he would have received and considered the report which we are now debating and which was tabled two or three weeks ago. In that time Mr Wickham has not communicated with me, or to my knowledge anybody else, objecting to the course of action which has been recommended. I suggest that in spite of the very real matter of courtesy to which the Attorney General has referred, we would not be in breach of any courtesy were we to send the material to the Joint Standing Committee on the Anti-Corruption Commission.

Hon PETER FOSS: I do not have quite the same confidence that Mr Wickham has seen it. I wonder what the objection is. We are all dependent on this. I do not think we should seek his permission. It just seemed to be an appropriate courtesy. The fact that there is a problem between these two members as to who he represents -

Hon N.D. Griffiths: There is no problem.

Hon PETER FOSS: One member thinks Mr Wickham wrote the letter on behalf of the OCC and the other thinks he wrote it in a private capacity.

Hon N.D. Griffiths: I refer you to the committee report; page 25, 4.3. It is quite explicit.

Hon PETER FOSS: All I know is that there is a difference between what Hon Nick Griffiths has said and what Hon Derrick Tomlinson has said.

Hon N.D. Griffiths: I know what the report says.

Hon PETER FOSS: I do not think it is appropriate that we should ask permission. I am merely suggesting that, first of all, we should find out whether there is any objection. It seems to be a very simple thing to do, so why not do it? If Mr Justice Wickham had a problem with it, it is a relevant matter for this House to know about it. We have gone through a whole report, and a process of asking people whether they have any problems with our submitting information, although I admit this is a more serious occasion. Why can we not simply ask one more person whether he has a problem with the letter being released? The next time the Committee meets it can be advised that Mr Wickham has been asked about this matter and is prepared to release the letter. I am not opposing it. I just thought it would be appropriate to ask His Honour whether he has any problem with the letter being passed on. From what both members have said, I assume he will not have any problems with its being passed on.

Hon N.D. Griffiths: The document has been provided to two parliamentary committees. A third one got hold of it. There is no conceivable reason that he would not want it to be forwarded.

Hon PETER FOSS: I am sure the member's logic is correct, but what objection can there be to asking Mr Wickham about it?

Hon N.D. Griffiths: Because the implementation of good policy will be held up yet again.

Hon PETER FOSS: No, it will not. Hon Nick Griffiths could have asked before he came into the Chamber today.

Hon N.D. Griffiths: There is no need to ask him; there is no reason. He has already provided it to two committees. A third committee has got hold of it. We want a fourth to get hold of it.

Hon PETER FOSS: I have no objection to that in principle. I just cannot see why we do not just ask him. It seems a fairly simple matter.

Hon Tom Stephens: Who would ask him?

Hon PETER FOSS: Anybody can ask him. Even I can ask him, although there would not be much point in my doing that.

Hon N.D. Griffiths: Why don't you, if you are so concerned about it?

Hon PETER FOSS: I have not discussed the letter with him because I do not know what is in it. It is very hard for me to carry on a conversation with Mr Wickham about the contents of a letter about which I know nothing. What sort of questions would I ask him?

Hon Tom Stephens: The committee is not insisting.

Hon PETER FOSS: It is not a breach of parliamentary behaviour for a person who is privy to the letter to discuss it with him. A person could ask him in a private capacity and then inform the Committee of the result of the conversation. I cannot see why this has turned into such a big issue. It is just a common courtesy we can offer to somebody. I am suggesting that it would be easy to find out whether he has an objection. If he has, it is relevant for us to listen to it. We are dealing with a document about which we know nothing. Yet Hon Nick Griffiths is saying that Mr Justice Wickham cannot possibly object. Why can we not find out whether he objects? If the member is that confident, what is wrong with his making a telephone call?

Hon Tom Stephens: Why do we not suspend standing orders and perhaps sit through the lunch break to debate this matter further. If I had a telephone I would ring him. Give me his number and I will ring him.

Hon E.J. Charlton: You have been on the phone for the past half an hour.

Hon PETER FOSS: I am sure Hon Nick Griffiths would have rung him had the Leader of the Opposition got off the telephone and given him the opportunity.

Hon E.J. Charlton: We want a success, so the Leader of the Opposition had better not ring him.

Hon PETER FOSS: What is the objection to telephoning Mr Wickham and finding out whether he has an objection to releasing the letter?

Hon Tom Stephens: Let's just do it

Hon PETER FOSS: Why does Hon Nick Griffiths not go out right now and telephone him?

Hon N.D. Griffiths: The Attorney General is the one who is concerned about this.

Hon PETER FOSS: I cannot see why it has been turned into such a big issue.

Hon Tom Stephens: You have a mobile phone; you ring him.

Hon PETER FOSS: I have already indicated why there is no point in my ringing him about this letter. I find it quite extraordinary that a simple proposition of offering a courtesy has turned into such a big thing.

Hon DERRICK TOMLINSON: All the committee is trying to do is explain its actions. If anybody has his knickers in a knot, I suggest it is the Attorney General who has his knickers knotted.

Hon N.F. MOORE: I have some sympathy with the concerns raised by the Attorney General. I suggest that, if the Committee is agreeable, we will deal with this first matter thing on Tuesday. It is only a one-sentence decision that has to be made. For the sake of a couple of days, the courtesy should be extended to Mr Justice Wickham, as it was

to all other people whose evidence is now being transferred. As I understand it, they were all asked about their position. There is a courtesy attached to this matter that we should also extend to Mr Wickham. None of us, other than the committee members, knows what the letter contains. It is only proper that we extend that courtesy to Mr Wickham. As I indicated, if the Committee is agreeable to delaying the debate on this matter until Tuesday, we can deal with it first thing when we get to orders of the day. It will take only one or two minutes. For the sake of a couple of days, I suggest we do that.

Debate adjourned, pursuant to sessional orders.

Sitting suspended from 1.01 to 2.00 pm

VOLUNTARY EUTHANASIA BILL

First Reading

Bill introduced, on motion by Hon Norm Kelly, and read a first time.

Second Reading

HON NORM KELLY (East Metropolitan) [2.00 pm]: I move -

That the Bill be now read a second time.

This Bill is introduced into this House to put into place legislation to govern the administration of voluntary euthanasia in this State. Its purpose is to create a legal and medical framework whereby mentally competent adults suffering from an irreversible illness or condition can legally request the means to end their lives.

Numerous surveys, polls and reports have all indicated that there is a demand for this type of legislation in the Australian community.

In the context of a modern liberal democratic society, individuals should have the ability to exercise personal choice on moral issues of this nature. Voluntary euthanasia inherently centres on the individual, and the individual's right to self-determination over his or her own body. It is a right which should extend to choosing the timing and circumstances of one's own death, should the pain and suffering of living with an irreversible illness or condition become intolerable.

Voluntary euthanasia is a personal decision that can only be made by the individual, and in accordance with the individual's conscience and moral sensibilities. Individual rights, however, need to be balanced with those of the wider community. Human beings are not isolated individuals. We are all interconnected, we all affect one another, and we share a common humanity.

One of the distinguishing features of a modern democratic society is that we believe it is wrong when vocal or powerful groups in our community have a disproportionate say in determining or limiting the choices for the rest of the society. As elected members of Parliament, we need to take into account that we represent a diverse community, made up of individuals and groups with different and often competing viewpoints and belief systems. We must acknowledge the rights of individuals to have their own belief system - as long as those belief systems do not adversely affect others.

This Bill does not impose the principle or practice of voluntary euthanasia on anyone. However, it provides the legal and medical structures for members of our community to end their lives should the pain and stress of living with an irreversible illness or condition become insufferable.

According to the report of the Senate's Legal and Constitutional Affairs Committee inquiry into euthanasia, compiled in March this year, 672 Australians over the age of 75 committed suicide during a five year period in the early 1990s. That is more than 134 elderly suicides each year. It is not necessary to detail the appalling ways that many of those aged persons chose to commit suicide. However, I will say that a number of those suicides were very likely driven by the dread of an inevitable painful death, or a continuing unbearable existence. We should not be forcing adults with an irreversible illness or condition into a position where they feel compelled to take their own lives, using whatever means they have available, as a way of escaping their unbearable pain. In a civilised, mature and humane society, we should be offering a more merciful and dignified option for those who desire it.

Another central reason we need laws governing voluntary euthanasia is that there are times when palliative care services, no matter how advanced, cannot always address an individual's suffering to the satisfaction of that individual. The Australian Democrats, and organisations such as the Western Australian Voluntary Euthanasia Society, strongly support the need for better quality palliative care programs, increased funding, additional support for carers and extra respite options. We recognise that for a large number of patients, good quality palliative care

is effective and fully addresses their needs. However, we, along with many others in the medical profession, also agree that no matter how good palliative care services are, or what life-prolonging technologies are developed, there are always some cases where these services cannot meet an individual's needs. For a proportion of terminally ill patients, pain relief or life sustaining options only address part of their suffering.

Marcia Angell, the Executive Editor of the New England Journal of Medicine, recently said -

... dying can be slow and agonising, and some people simply want to get it over with. Good palliative care usually can help, but not always, and often not enough. The problem is not just pain, although that can be devastating. Other symptoms, such as breathlessness and nausea, can be worse and even harder to relieve. And there are no good treatments for weakness, immobility and helplessness - probably the most important reasons for despair in those dying slowly, along with the knowledge that the condition is irreversible.

The Senate committee's report openly recognised that voluntary euthanasia is already widely practised in Australia. The report referred to a number of surveys that have been undertaken to measure the practices and attitudes of Australian medical practitioners to voluntary euthanasia. A 1993 survey of 1 268 doctors in New South Wales and the Australian Capital Territory, conducted by Professors Peter Baume and Emma O'Malley found that -

nearly 50 per cent of respondents had been asked by a patient to hasten his or her death;

nearly 30 per cent had taken active steps to bring about the death of a patient. Of these doctors, over 80 per cent had done so more than once; and

nearly 60 per cent felt that the law should be changed to permit active voluntary euthanasia.

Another recent survey worthy of mention was conducted by Professors Helga Kuhse, Peter Singer and Peter Baume, and was published in this February's *Medical Journal of Australia*. This survey also looked into the nature and frequency of voluntary euthanasia and other doctor assisted deaths in Australia. The study found that almost 2 per cent of all deaths in 1995 and 1996 were the result of active voluntary euthanasia. That equates to over 2 000 cases each year. On a population basis, that would equate to approximately 200 acts of voluntary euthanasia in Western Australia each year.

In my research into voluntary euthanasia, I recently conducted a random survey of 100 medical practitioners in the East Metropolitan Region. The results showed that -

more than 50 per cent of respondents had been asked by a patient to hasten his or her death; and

30 per cent had taken active steps to assist with the death of a patient, and of these doctors, many had done so more than once.

As shown in the Senate committee report, it is obvious that many people now die in hospitals as a result of the withdrawal or refusal of life sustaining treatment, the administration of life shortening pain and symptom control euthanasia, or assisted suicide. Dr Robert Marr, representing the Doctors Reform Society, told the Senate committee that every doctor in Australia knows that secret euthanasia is practised. He recommended that we must bring it out into the open and stop sticking our heads in the sand and saying that this is not going on.

The purpose of this Bill is to formalise and decriminalise procedures that are already being practised. We want to bring it out of hiding and into the open, where it is subject to formal controls, stringent safeguards and proper scrutiny. We also want to ensure that doctors who work in accordance with those controls and stringent safeguards are afforded legal security for their actions.

Common law currently protects the right of patients to demand that their treatment be withdrawn. It protects medical practitioners who, following the wishes of their patients, remove life support machines or life sustaining drugs. This protection is consistent with the removal of the criminal offence of suicide in all Australian jurisdictions. What this Bill proposes is not vastly different from the protections offered to both the terminally ill patient and the supervising medical practitioner at common law. What this Bill will change is that a patient, instead of enduring unbearable pain and intolerable suffering over days or possibly weeks, will be able to die in a quick and painless way.

It is wrong and potentially more dangerous to keep turning a blind eye to an uncontrolled practice as vitally serious as this. Doctors must be held accountable for their actions - and those who work within controls and guidelines should be afforded appropriate legal protection.

I will now outline the main provisions contained in this Bill.

The purpose of this Bill is to put into place legislation that governs the administration of voluntary euthanasia in this State. It will create a legal and medical framework by which individuals, who have an irreversible illness or condition, can legally request the means to end their suffering.

This Bill establishes administrative structures which can be employed only by mentally competent adults suffering a medically diagnosed illness or condition which, as it progresses, will result in an irreversible deterioration or loss of the applicants' mental or physical faculties and when the patients have no desire to continue living, due to the pain, suffering or debilitation associated with the illness or condition. A patient seeking voluntary euthanasia must sign a request, or, if unable to write, a witness may sign a request on an applicant's behalf.

The Bill contains strong safeguards including the following requirements: Two doctors must examine the patient separately and certify that the applicant is mentally competent; has an irreversible illness or condition; is not suffering from treatable depression; and has made an independent decision or request. The patient must be made aware of available treatments, including palliative care; the risks, side effects and likely outcomes of continuing treatment for the illness or condition; and the availability of, and access to, appropriate counselling.

A request for voluntary euthanasia must be made in the presence of two adult witnesses, of whom one cannot be a friend or a relative. A witness, when signing on behalf of the patient, will forfeit any financial gain or advantage resulting from the applicant's death. A request can be revoked by the applicant at any time or in any manner. When a patient becomes mentally incompetent after making a request, but before all the administrative conditions have been met, the request will automatically lapse.

In administering voluntary euthanasia under this Bill only a medical practitioner can administer voluntary euthanasia or assist in its self-administration; a person requesting voluntary euthanasia must wait at least 48 hours between the time of officially making the request and its administration; and voluntary euthanasia can be administered only through the use of drugs or by withdrawing or withholding treatment.

A doctor is entitled to refuse a request on personal grounds. However, he or she is required to make reasonable efforts to refer the patient to another doctor willing to accept the applicant's request.

Whenever a death by voluntary euthanasia occurs, the medical practitioner involved must inform the State Coroner within 48 hours and provide a copy of the request and death certificate. A medical practitioner who administers voluntary euthanasia in accordance with this Bill incurs no civil or criminal liability.

As legislators, we have a duty and a responsibility to deal with this important community issue. We must not bury our heads in the sand and say it is too difficult to deal with. We must encourage wide community debate based on the legal and moral issues surrounding voluntary euthanasia. These issues include modern medical practice, individuals' rights and community interests.

Advances in medicine this century have provided the medical profession with the tools to prolong life. It must be asked by the community whether the ability to prolong life amounts to an improvement in our quality of life. In the search for an answer to this question we must recognise that our actions as part of a society must not override or in any way limit an individual's personal choice and self-determination over his or her body.

The essential principle behind this Bill is to give individuals the ability to exercise a personal choice and to have control over their bodies. As the title of this Bill clearly states, this Bill is about a voluntary choice for individuals who choose to have this as an option.

John Stuart Mill, in his famous treatise "On Liberty", states: The only purpose for which power can be rightly exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.

I commend this Bill to the House.

Debate adjourned, on motion by Hon Muriel Patterson.

GRAIN MARKETING AMENDMENT BILL

Second Reading

Resumed from 14 October.

HON M.J. CRIDDLE (Agricultural) [2.16 pm]: I have a great deal of pleasure in supporting this Bill. It is something the industry has wanted. As a person who has been involved in the Grain Pool of WA and the selling of grain through the pool I believe this legislation is a step in the right direction. In 1996 a steering committee blueprint was put forward with all of the suggestions that are contained in this Bill. I welcome this Bill. The Grain Pool has

a long record of good achievement for Western Australian grain growers and has consistently done better in the sale of barley than the eastern States. It is well recognised that it has performed excellently in that regard. These changes will help to modernise the way the Grain Pool is run and will help it to meet some of the challenges in the export market and allow the domestic market to be deregulated for barley, white lupins, canola and linseed. Linseed comprises only a small part of the market.

This change is in line with what happens in the wheat industry. In 1989 the Australian Wheat Board followed the same direction. This legislation will allow some exports to be value added provided, as Hon Kim Chance said, it changes the physical characteristics of the grain. That does not mean just cleaning up the grain: The lupins must be de-hulled or the barley must be malted, for example. It is a great opportunity for local brewers and lupin operators to add that value. It is a great opportunity also for employment and industry in Western Australia to develop. Great benefits can be gained from that occurring.

The legislation will provide also for a relaxation on containers and bags. Over the past four or five years people wishing to sell into different areas have come to me with stories about what they can achieve to the great advantage of the grain industry. This Bill will give them an opportunity to show the benefit of their wares. If they can achieve that, apart from Taiwan and Japan, to which the Grain Pool has commitments, they will be able to venture into other markets and may be able to achieve that end. It will be interesting to see that happen.

The addition of a ministerial appointee on the board is also interesting. I have always thought that producers should control their own grain marketing groups. The board already has two commercial members, and this appointee will add to that expertise. However, I remain convinced that the growers should control the destiny of their grain marketing organisations.

Mention has been made of futures and hedging and the board's using those facilities to a small extent to guarantee returns for producers. Producers are becoming well and truly qualified in that area. Some people have taken on that challenge in their own businesses and have used that facility in conjunction with the Australian Wheat Board. It will be used more often by farmers.

I am very strongly in favour of the single desk export market, and I would not like to see it removed. It has been beneficial to growers, particularly those well away from capital cities. Outside a radius of 150 kilometres, all the options go out the window. That was proven a couple of years ago when people from the eastern States came to buy grain. They wanted a particular type of grain and I asked them whether they would be back next year. They said that there was no guarantee that they would be come back to buy that grain or any other grain. That is the difficulty we face in the marketing of grain in Western Australia: The distance from the main outlet in Perth. The further one goes, the more one pays for transport. We currently have an advantage because Westrail is doing the right thing in that we have witnessed a 27 per cent reduction in rail costs in the past few years. The Minister for Transport obviously agrees with that statement; he has done very well in that area.

The single desk is very beneficial to people in country areas well away from the capital city. It also benefits those closer because they can put whatever grain they like into the pool. If they want to sell high quality grain to a particular market, they can still do that provided it is processed in Western Australia.

Given the board's marketing focus, it will be required submit a corporate plan. I note a foreshadowed amendment from the Democrats. I have some reservations about that because, if the plan is tabled in Parliament after 14 days of the Minister's receiving it, I am concerned that other people will take advantage of the plan and might well use it against the growers. I will be interested to hear what Hon Helen Hodgson says about that amendment. I note another foreshadowed amendment reducing the reporting period from 12 to six months. I will also listen to that debate with interest.

The corporate plan is designed to establish the direction of the Grain Pool. The plan will be produced annually and will allow the board to get its strategies in place. The Minister will be well aware of those strategies because obviously the State Government will still underwrite the first advance. Those facilities must be put in place so that we know the direction in which the board is going.

The producer council, which has been a very good advisory group to the board, will remain in place but the statutory requirement has been removed. It has been of benefit, and I am sure the board will continue its function to the advantage of the industry. The council's representatives are spread throughout the grain growing area. If one is in the north and barley comes on first, sometimes there is a bit of staining and the person on the producer council is of great benefit in getting that message back to head office so any difficulties are ironed out early, before the harvest progresses north.

I support the Bill and look forward to its coming into operation in the near future.

HON B.K. DONALDSON (Agricultural) [2.25 pm]: I also support the Bill. It is a very important measure. If these amendments were not made, the Grain Pool would be confined to a time capsule. Marketing and technological changes are occurring throughout the world. To be commercially competitive, the Grain Pool must operate under a new regime, so these amendments are fortuitous.

The retention of the single desk is very important. As Hon Murray Criddle pointed out, it has been important to grain growers for many years.

Another issue is the deregulation of the domestic market, which is also vitally important for value adding. I note the technology changes in genetic engineering that can be very important in changing food and feed needs around the world. We should try to capture that market in this State rather than export our grain overseas to be value added and sent back to us. Many goods are coming onto the market.

Hon Kim Chance: It also relates to human consumption.

Hon B.K. DONALDSON: That is correct. It is very important that those two aspects be enshrined in legislation.

Hon Kim Chance went back in history and I will take members back to the 1930s. I was not around -

Hon Kim Chance: Nor was I in 1922.

Hon B.K. DONALDSON: Many farmers in this House will probably remember their grandfathers talking about what happened in the 1930s. In those days grain growers were at the mercy of grain merchants. I can remember my father's words to me when I first came home from school in 1956. Every decade the Australian Wheat Board's single desk status came into question. He and other farmers at that time said there might be some shortcomings with the board but, whatever the differences, we should retain the board's single desk status. They would have hated to see our generation experience those difficult times when grain merchants controlled the market. The wild fluctuations in grain price created havoc for farmers and it was difficult for them to remain financially viable.

That also provided an opportunity for overseas buyers to move among the grain merchants and trade one off against the others. While a grain merchant is trying sell grain on behalf of producers, naturally he would like to clear that stock, because he is making money as well. At the end of the day, the producer is the loser. I have always totally supported the single desk status not only for the Australian Wheat Board but also for the Grain Pool.

In 1989 some producers were very anxious about the deregulation of the domestic wheat market. Most farmers in this House would know that the domestic wheat market represents only 5 per cent of production and the rest is exported, so that did not have a lot of effect on WA growers. Recent tonnage figures show that between 1989 and 1997 wheat farmers in this State produced on average about 40 per cent of Australia's total wheat production. In 1994-95 WA produced 61 per cent of the wheat tonnage in Australia; surprisingly, in 1996-97 that decreased to 32.7 per cent.

Hon Kim Chance: We slipped behind New South Wales, which became the leader.

Hon B.K. DONALDSON: In 1996-97 Western Australia produced 7m tonnes of wheat representing 32.7 per cent of the total wheat production, yet in 1994-95 when WA produced 61 per cent of the total tonnage it produced only 5.5m tonnes. That shows the wild fluctuations and volatility of production in Australia.

Hon Kim Chance: The way El Nino looks we might see some more fluctuations.

Hon B.K. DONALDSON: The Grain Pool has stable marketing arrangements. Growers have benefited greatly from the expertise and the selling ability of the Grain Pool. I would hate to see that change in any way. There have been pressures for Western Australia to become part of an Australia-wide scheme. Although there have been wild fluctuations across Australia, Western Australia provides continuity of supply to the world market by producing a relatively consistent tonnage in most years. We have had a few hiccups at odd times with lupin production, but one would hope as the years go by with better marketing opportunities and farming technology that we may have a more stable and increased supply of some of those prescribed grains.

The Bill will also remove the archaic requirement for the Minister to approve payments to growers. It will also formalise the position of deputy chairman. It will allow the Grain Pool to become commercially active, which is important due to the changing times and market conditions.

The national competition policy will test the single desk status. I hope that review considers the public benefit that has accrued to growers and to the State generally from the Grain Pool and also the Australian Wheat Board. That review will be hard pressed to change the existing set up. I shudder to think of the situation in the 1930s, where many people felt that in some areas competition was not to the public's or the producers' benefit in the long term.

I have great pleasure in supporting the amendments to the Grain Marketing Act and I look forward to the continued success of the Grain Pool in its endeavours to market prescribed grains for Western Australian growers.

HON HELEN HODGSON (North Metropolitan) [2.34 pm]: This Bill is designed to improve accountability mechanisms within the grain market. It will provide statutory independence to the Grain Pool. The Grain Pool is a monopoly which is backed by financial fines. It is the sole marketing authority of prescribed grain, that being barley, rapeseed and lupins. The Grain Pool is the source of livelihood for many farmers and it is important to have proper accountability, appeals processes and openness in the activities of the Grain Pool.

Statutory independence will improve the ability of accountability agencies such as the Auditor General to review and report to Parliament on the affairs of the Grain Pool. The Auditor General will report directly to Parliament and not via the Minister. That is an important aspect to improve the accountability measures.

The proposed model has major advantages over the current functioning of the Grain Pool. It enhances the commercial freedom of the board to act as a corporation. However, the extent of ministerial powers granted in this legislation suggest that the Government will remain in control of some of the operations of the corporation. These powers are properly protected by accountability and openness measures, such as the requirement that ministerial instructions be tabled in Parliament and included in the annual report of the corporation. The excellent model in this Bill requires that ministerial instructions are tabled within 14 days.

The movement of the board towards a market model of operations should improve efficiency and decrease the amount of administration and administrative processes. The Bill will achieve a good balance because it will not reduce the administrative processes at the cost of accountability. This model ensures greater international competitiveness while it still locks in a monopoly. The monopoly aspect still has some disadvantages for some domestic consumers. A number of issues have been raised about the implementation of the national competition code. We must watch to see how that develops in this area.

The board comprises seven elected members and three ministerial appointees. The Democrats want to move away from ministerial appointments to boards because we feel that industry representation is more appropriate. In this case the balance of three appointed members to seven elected members is workable. It allows the Minister to fill in gaps in experience and knowledge of elected members to the board; therefore, we do not propose any amendment in that area.

We propose to move amendments to change procedures that relate to the annual report. Twelve months is an extremely long time in which to prepare and table an annual report. The requirement in the commercial world is for an annual general meeting to be held within five months of the end of the financial year. A 12 month reporting period on top of a 12 month operational period means that matters could be 24 months old before they are properly reported on, in this case, to the producers and growers who equate to shareholders in a corporation. I hope this answers Hon Murray Criddle's question on why we are moving to shorten the length of time to present a report to the people to whom the Grain Pool is accountable.

The other issue that we are raising by way of amendment relates to annual operational plans. The Bill provides for two levels of plans: The annual operation plan and the corporate plan. I appreciate the view that the tabling of plans in Parliament might affect the commercial operations of the Grain Pool. This is why we propose that only the corporate plan be tabled. The corporate plan proposes strategic directions. It does not give the detail. The operational plan supplies the detail that the Government might wish to keep in commercial confidence. That is why we separated the two plans in the proposal that we will bring forward by way of an amendment this afternoon.

I have some concerns about the appeals provisions in the Act. It would have been nice to see these addressed in this Bill. As things stand, if a person disagrees with a decision of the board, that person can appeal to the Minister. There is some level of separation because the board is a separate body from the Minister; however, we would prefer to see a model with an overall independent tribunal reviewing matters of this nature. I would like to see some moves towards establishing these independent bodies so that we can move away from a situation where the Minister is making the ultimate decision. I do not intend to move any amendments about direction. However, I reiterate that we would like to see an independent body established and we, in this place, do not have the power to do that. I would like the Minister to address this matter in the next five year review.

I reiterate that the Australian Democrats will support this Bill, although we will move some amendments in Committee.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [2.41 pm]: I thank members for their support for the changes to the Grain Marketing Act. I invite Hon Helen Hodgson to get a little closer to the parameters of the Grain Pool of WA, to see how it operates and the task it has. It is one thing to talk about accountability and transparency; it is another for the Grain Pool to be in the marketplace attempting to achieve the highest success in

marketing the grain it handles, thus ensuring it obtains the best price for that grain and providing the highest income to the grain growers of this State. It is one thing to tell the world how we operate; it is another to get the best result. This Grain Pool was set up under an Act of Parliament. The Minister with the responsibility for that Act is ultimately responsible for the organisation. That is how the system works. If an organisation is covered by an Act of Parliament, it obviously comes under the responsibility of a Minister, and the buck stops with the Minister.

Hon Helen Hodgson also raised the issue of having an independent body to handle appeals. An independent body cannot make decisions about whether organisations are running correctly or incorrectly because at the end of the day the Minister is ultimately responsible for the actions of the independent body. Otherwise, we should just deregulate this sector and let it look after itself. I do not say that in a critical way. The continuity of the marketing operation in which the Grain Pool is involved goes much further than that. The Grain Pool is involved in much more than marketing; it is about promotion, market development, and ensuring feedback to the grain industry about the types of grain that have a future in the industry around the world. Many things must be taken into account.

Hon Kim Chance raised a number of issues in the Bill, and I will respond briefly to them. He mentioned futures trading. A provision in the Bill tightens up the process under which the Grain Pool will operate its futures trading. Currently there is no explicit statement indicating that futures trading cannot be carried out for speculative purposes. The provision simply identifies that and it also requires observation of prudential standards in so doing. The Grain Pool can establish subsidiary companies only with the approval of the Minister and the Treasurer.

Hon Kim Chance commented on the additional board member, as did other members. As has been acknowledged, the ratio is still 7:3. We would be pretty happy if we had that ratio on the boards of a number of similar organisations.

Hon Kim Chance: The Australian Wheat Board perhaps?

Hon E.J. CHARLTON: I think that is probably a good balance. Like Hon Kim Chance, I think the industry must put the right people on the board, and sometimes that does not happen. Professional people should be brought in to assist; for example, a marketer should be brought in to deal with marketing issues. In that way the representatives of the people whose grain is being sold by the board can ensure the job is done right.

Yes, the producers' council has taken away the authority's role but, as I understand it, it is intended that that role will be maintained. It provides a good mechanism for feedback to come through that group. It will be keeping in touch. The world runs on perception, unfortunately, and not always on fact. This council is a good forum for information to go back and forward about what growers think. The logistics committee that we put in place is about involving all the organisations, and having their representatives sit around the table. In that way we do not have Co-operative Bulk Handling Ltd making a decision on its own about what it thinks is best from its point of view. That might have a detrimental effect on another component. It is the same for Westrail, the Australian Wheat Board or the Grain Pool. We bring those organisations together with representatives from the WA Farmers Federation, the Pastoralists and Graziers Association of WA, Main Roads Western Australia and the road transporters. In that way, we will have an industry response. The producers' council is a good forum.

The national competition policy review will be done in 1999-2000. I think Hon Kim Chance mentioned that it may have been in the year before that. The corporate plan will be tabled 14 days after the report has been submitted to the Minister, although the process takes place prior to that. As I have already said, nobody is saying that we should not have accountability; but it is how we do that. We live in times when people are very focused on accountability and process, and for very good reasons. I am not suggesting accountability should be pushed aside. However, we must take into consideration all the parameters when looking at that issue to ensure that we do not hobble an organisation or an agency with a process that stymies it.

One of the greatest problems with which those in small business are faced in trying to survive is caused by governments putting a lot of pressure on them about the provision of returns, statistics, and information about their process and about how they run their businesses, who they employ and how those people are selected. People involved in small business come to me, as I am sure they do to all other members in this place, and say that they throw their hands up in the air because the process is stopping them from employing people. One of the tragedies in current times is that they cannot employ people not because of the cost their wages - that is the easy bit; they can do that no trouble - but because of the overheads that we, as governments, put on them. In the end, these things must be paid for by someone. That is why I am a strong supporter of changing the tax system in this country and simplifying the process so that those who want to can do a day's work and small business can be encouraged to employ people. Employees will know how much they will be taking home and they will be made more responsible for their financial affairs. I am sure we will see an enormous turn around in this nation if we reform our taxation system. Perhaps I should save that debate for another day.

I thank Hon Murray Criddle and Hon Bruce Donaldson for their support of this Bill. Hon Murray Criddle commented about the tabling of the plans. I think Hon Helen Hodgson has identified that the plan that will be tabled is not the specific internal workings of the Grain Pool. I had the same view as the member; I could not believe it when the Minister, who is not known for being a caring type like most of us, told me that he would support it, and I thought perhaps we should get him checked out! Obviously Hon Helen Hodgson's lovely smiling face won the day. We will ask her to talk to him again when we need to get him to open up a bit.

I thank members for their support of the Bill, which will give the Grain Pool a great launching pad for the future. The Grain Pool does an outstanding job and is highly regarded throughout the grain industry and by producers not only in Western Australia but around the world. We must never forget that the reason that Australia has the edge when it comes to grain marketing is the high standard that has been established by the Grain Pool, where we have one seller, and where people from around the world know that the quantity that is agreed to be delivered will be delivered, that the price will be stable and no-one will undercut them tomorrow, and that they can deal with confidence. Rather than have multiple sellers and people who play the system, everyone is a winner. That is enormously valuable.

People around the world who deal with the Grain Pool and with the Wheat Board say that it is a pleasure to do business with those bodies because they know that they are dealing with professional people and that they will be dealing with the same people next year, which provides continuity of operation. We congratulate the Grain Pool and wish it the best with these changes.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon E.J. Charlton (Minister for Transport), in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Hon HELEN HODGSON: Once again we have a clause that states that this Act will come into operation on proclamation rather than on receiving royal assent. When will this Bill be proclaimed, and what is the reason for the delay?

Hon E.J. CHARLTON: I took a gamble that I would not be asked any questions on that score, and I will take some advice

Hon TOM STEPHENS: I hope the Minister will take the opportunity of advising the Chamber in double quick time of the reason for the delay in proclamation.

Hon E.J. CHARLTON: I am advised that the words "on such day as is fixed by proclamation" mean in this case that it will be done forthwith.

Hon HELEN HODGSON: If it will be done forthwith, we would prefer to have the Bill come into operation on receiving royal assent and not have to go through the additional stage of proclamation.

Hon E.J. CHARLTON: That is the advice that was given to me. I reiterate that there will be no impediments.

Hon Helen Hodgson: I accept the Minister's assurance.

Clause put and passed.

Clauses 3 and 4 put and passed.

Clause 5: Section 9 amended, and savings -

Hon KIM CHANCE: Proposed section 8 at the bottom of page 5 states that each director may be, at any time, removed from office by the Minister for disability, insolvency, neglect of duty, etc. I am interested in the use of the word "insolvency" rather than "bankruptcy". I am not sure - I was looking for the Minister for Finance, but he may have been called out of the Chamber on urgent business - whether the use of the word insolvency rather than bankruptcy is common when defining a qualification. I raise that concern because bankruptcy is a publicly definable event, but insolvency is as much a state of mind as anything else. We all know that it means something with regard to dollars, but there is no cause for some forms of corporation to declare a state of insolvency, although there

certainly is in the case of other forms of corporation. A private individual does not need to declare a state of insolvency. That gives rise to the problem of how we will know whether a state of insolvency exists, particularly when we talking about an office held by a private person.

Hon Derrick Tomlinson: It affects one's capacity to conduct financial transactions, which is different from being bankrupt.

Hon KIM CHANCE: That is the reason I was looking for the Minister for Finance. There is a difference, depending on the corporate structure with which the individual is concerned. For example, it is possible to be insolvent and not know that one is insolvent. It is possible to be insolvent for one day, and to be solvent the next. It is a very difficult quality to measure at any time. On the other hand, bankruptcy is fairly definable. One becomes a bankrupt in two stages; then one has an arrangement according to the Bankruptcy Act in between.

Hon E.J. CHARLTON: The words in this Bill are the same as those in the earlier legislation. Insolvency is referred to in this Bill. It is stated that each director may be, at any time, removed from office by the Minister as a result of disability, insolvency, neglect of duty, and so on. I take the member's point because it is a good one. We should consider that as a separate issue. The words used here are the same as those in the current legislation.

Hon J.A. SCOTT: At the top of page 6 the director is referred to as "he". Can a director be a woman?

Hon E.J. CHARLTON: Goodness gracious! What is the world coming to! This is a revolution! The director is referred to as "he" -

Hon Mark Nevill: That is covered in the Interpretation Act.

Hon E.J. CHARLTON: Yes.

Clause put and passed.

Clauses 6 and 7 put and passed.

Clause 8: Section 12A inserted -

Hon HELEN HODGSON: I move -

Page 8, line 6 - To delete the figure "12" and substitute the figure "6".

I referred to this matter during the second reading debate. It is more in line with corporate procedure to provide a six month period. Under Corporations Law the period is five months. A 12 month period beyond the end of a financial year is too long for the reporting process and procedures involved with the Grain Pool.

Hon E.J. CHARLTON: The Government agrees with the amendment. The provision was always meant to be within 12 months. It is likely that it would be within six months anyway.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 9 to 14 put and passed.

Clause 15: Part IIA inserted -

Hon HELEN HODGSON: My proposed amendment seeks to ensure that producers are able to review a corporate plan through having it tabled in Parliament so that members can look at it. That will make the process more accountable. The corporate plan details the objectives of a corporation and outlines the strategies to be pursued. It does not go as far as the annual operational plan which may contain commercially confidential information.

Hon E.J. CHARLTON: We must be careful to not defeat our aim of having an organisation that is operating in an accountable and honourable way. The organisation must demonstrate how it does that, but also it must perform. The member said during the second reading debate that this is all about the overall corporate plan rather than the specifics of the day to day operations of the organisation. The Government will accept the member's proposed amendment.

However, I understand the member was advised that parliamentary counsel recommended a different set of words to maintain consistency and continuity with other like procedures. Does the member have a problem about changing the wording of her proposed amendment?

Hon HELEN HODGSON: For some reason the recommended wording did not reach me until after my amendment had been circulated. I have no problem with that wording. I move -

Page 16, after line 24 - To insert the following new subclause -

- (5) The Minister shall cause a copy of a corporate plan to be laid before each House of Parliament within 14 sitting days of that House after the plan is submitted to the Minister under subsection (1).

Hon B.K. DONALDSON: What will be achieved by tabling the corporate plan? We have many checks and balances, and the growers are the first people to be accountable. We are talking about an overall corporate plan. The Minister explained that this was not to do with the day to day operations; it is only a corporate plan. Anyone who understands corporate plans would know that they are changed regularly during the year. One sets out with a plan, but that does not mean that it is etched in stone. Any good corporation will amend the corporate plan many times during a year. I do not see the necessity to table a corporate plan which will be in the annual report and will be delivered to the Minister.

The people who would be most concerned about what happens with the operation are those receiving payments for the grain they deliver. I ask the Minister one question: Once the plan is tabled in the House, is it subject to disallowance and some lengthy debate? Hon Helen Hodgson might shake her head but I have seen some funny things happen in this place.

The statutory marketing authority would need to wait each year to see whether the plan was altered. It would probably be too frightened to make changes. This proposal is over the top. We have a very good marketing organisation, and enough checks and balances are in the Bill and the Grain Marketing Act itself to make this stupid amendment unnecessary. We are talking about an overall corporate plan. I am surprised that the member, who has been a taxation lecturer and has been involved with corporate business, does not understand that a plan is only as good as it applies each day.

Hon HELEN HODGSON: Probably, some misunderstanding is involved in this debate. The fact that the corporate plan will be laid before each House of Parliament means that members could debate it if they so wish. As a tabled document, it will be available to the public, as is the case with other tabled documents. However, it will not be subject to disallowance. In no way is the amendment intended to impair the operations of the board. It will ensure that producers and people affected by the plan will see the corporate plan.

The amendment is in line with those for other statutory authorities such as AlintaGas which must table a corporate plan in this place. On that basis, it is not a "stupid" amendment; it is necessary.

Hon SIMON O'BRIEN: I also take issue with the necessity for the corporate plan of the Grain Pool to be laid by legislative requirement before both Houses of Parliament. I will not go as far as Hon Bruce Donaldson and say the amendment is a stupid idea, but it is unnecessary and undesirable.

I do not propose to lecture the Chamber on its role, but I remind members that we are not in the business of running and managing the day to day business of the Grain Pool, even though we take an interest in it. I ask the Minister: In the same way as members often receive corporate plans and annual reports from a variety of corporations and other bodies, would we not receive a copy of the corporate plan? Will the legislation require under new part 2A that we receive a copy of that plan anyway at the time, or shortly after, the Minister receives it? If so, members will be able to scrutinise the corporate plan without the associated ramifications of tabling the document in the House.

Hon Helen Hodgson said that one of the reasons for laying the corporate plan before the House was to enable debate on it. I doubt whether we would want to debate the corporate plan of the Grain Pool as we are not managing a grain pool operation here or running a fishery.

Hon N.F. Moore: We are managing a few fisheries at the same time!

Hon Kim Chance: We are doing a pretty good job too.

Hon SIMON O'BRIEN: I suggest that we do not pursue this amendment.

On a more serious matter, if a corporate plan is debated after tabling in the House - Hon Bruce Donaldson alluded to this point - what happens if, as with the nature of corporate plans, it needs some amendment? Is the amendment then tabled for possible debate? Will we see motions put up to change the direction of the estimates of the Grain Pool? If a change is made to the corporate plan, has the Minister somehow misled Parliament? For many reasons it is an undesirable amendment.

The desired end can be achieved through the corporate plan's creation and delivery to the Minister's office. Does the Minister intend under proposed part 2A of the Bill for the corporate plan to be distributed to members in the normal course anyway?

Hon KIM CHANCE: The part of the Opposition comprising the ALP supports the amendment in its current wording. I received a copy of the current form of the amendment a moment ago. However, it is my understanding that the Minister has indicated his support, albeit guarded, for the amendment, and I was happy to concur with the Minister when that advice was relayed to the ALP.

Questions were raised regarding the corporate plan and the way it should be managed. One can reasonably ask the question: If a corporate plan is to be produced at all, which takes some time, money and effort, why keep it secret? Why would one not want it released to Parliament within 14 days of its presentation?

Hon Simon O'Brien: Absolutely. To answer the rhetorical question, other people are meant to use the corporate plan and put it into effect. We are not in the business of running the Grain Pool.

Hon N.F. Moore: Not yet - give us time!

Hon KIM CHANCE: Given the explanation to what I thought was a rhetorical question, I think I now understand where some members opposite are coming from: They believe that the corporate plan has something to do with the way that corporations operate. Corporate plans have nothing to do with that. Corporate plans are a glossy document designed to keep accountability freaks happy. They do not do anything constructive. They are rather like activity; that is, people like activity because it saves them from ever doing anything.

To the extent that a corporate plan has any effect at all, I can see no reason for it not being available to both Houses of this Parliament within 14 sitting days of its becoming available to the Minister. Therefore, the Labor Party is happy to support the amendment.

Hon MARK NEVILL: We should be consistent and support this amendment as over the last few weeks we have put many unnecessary provisions in a number of Bills.

Hon N.F. Moore: Why stop now!

Hon MARK NEVILL: We should be consistent. Hon Bruce Donaldson referred to the corporate plan as being out of date - that happens the minute it is printed. In the Gas Corporation Act and the Electricity Corporation Act such documents are called statements of corporate intent. The Leader of the House has been deficient in not being consistent in the terminology, which he was striving for last night.

Hon N.F. Moore: I am not parliamentary counsel, but I do my bit.

Hon MARK NEVILL: What do we call them - corporate plans or statements of corporate intent? I have looked at the Western Power and AlintaGas corporate plans, and they are of little interest. I wonder whether they achieve much. The statement of corporate intent must be consistent with the strategic development plan.

The statement of corporate intent has to fit in with the strategic development plan. The AlintaGas statement of corporate intent is not a glossy at all but a black and white document. It does not really achieve a lot but I know the agony that Western Power and AlintaGas have to go through to get that statement of corporate intent presented. Although the Minister can vary that statement of corporate intent, it is not the Minister who causes the problem but the Office of Energy which advises the Minister. It goes through those statements of corporate intent.

An inordinate amount of time is wasted by those two corporations when putting those documents together. I do not believe they should have a plan, because it is something they intend to do and is out of date as soon as they have printed it. I doubt whether in many cases it achieves a lot. I do not think there is anything commercially sensitive in the corporate plan. The Gas Corporation's statement of corporate intent has performance targets, which are always useful and interesting, but that is about all. It has outlined objectives, which are fairly useful. It outlines the nature and scope of the functions proposed to be performed during the relevant financial year; it is pretty rubbery. It has an outline of the main undertakings during the relevant financial year, but that information is in the Program Statements that come with the state Budget. Hopefully the information is the same if we are not printing different outlines of plans for financial years. It refers to the nature and extent of community services and the type of information to be given to the Minister, and it really becomes quite tedious.

Hon Simon O'Brien: Precisely. We need these things like so many others to be available. However, does Parliament need to be tying itself, as the mover of the amendment says, by having this tabled so that it can be debated? I do not think we are meant to be running the Grain Pool.

Hon MARK NEVILL: A lot of documents are tabled in here of which we take no notice, but every now and then a document becomes very important. For the record or for future purposes something may be important. The amendment is fairly innocuous and should be supported. There will be nothing commercially sensitive in the contents of the statements because they do not want to tip off their competitors. Having examined the AlintaGas and Western

Power statements of corporate intent, I do not think they are of any great value to the corporation itself or the Parliament. Let us hope this one is a bit different.

Hon B.K. DONALDSON: I am very pleased that Hon Mark Nevill, for whom I have the greatest respect, mentioned how innocuous this amendment is and that it probably would not achieve anything. I remind members that the second reading speech has the following -

prepare each year a rolling forward corporate plan - three to five years - defining objectives, giving outlines of strategies, setting out assessments of strategic market directions and giving particulars of performance indicators relevant to objectives;

prepare each year an annual operational plan, for the information of the Minister, setting out the particulars of actions it intends to take during that year to give effect to its corporate strategies;

ensure that its actions give effect to its corporate and operational plans with provision for variations to be made -

I must repeat "with provision for variations to be made". As Hon Mark Nevill said, it is out of date as soon as it is printed. It continues -

- in the light of changed circumstances; and

present in its annual report imported performance measures which assess performance against the strategies and objectives in the annual operational plan and the corporate plan.

People have tended to forget that in exceptional circumstances, when the operation of the Grain Pool was placing the finances of the State at risk, the Minister could exercise, probably reluctantly, that power to direct the Grain Pool not to follow that pathway. There are checks and balances. At the end of the day the producers are the ones who really count. What I have seen during the last couple of months makes me wonder why we need a Grain Pool board at all. With the restrictions and stupidity that is going on we might just as well allow this place to run the Grain Pool. Hon Kim Chance would probably make a very good chairman.

Hon Simon O'Brien: As long as he retired to the hairdressers first.

Hon B.K. DONALDSON: If he got himself a haircut, he could get himself a real job.

Hon Kim Chance: I will get a haircut tomorrow; the real job will have to wait!

Hon B.K. DONALDSON: This amendment is one of those stupid things that have been introduced. I know Hon Simon O'Brien thinks differently, but I cannot support this. I will be voting against the amendment put forward by the Minister, as I have informed both the Minister and the Leader of the House, because it is unnecessary.

Hon E.J. CHARLTON: It has been an important, interesting and good short debate. I thought at the start of the process that we would zip through and that the adviser would not get time to get to the Table because no issues would be raised. As I said when summing up in the second reading debate, the Government and the Minister did not feel there was any need whatsoever for this amendment. However, the Minister advised me that he could not see that it would be detrimental to the operations of the Grain Pool, so on that basis he would not oppose it. If he thought that it would be detrimental he definitely would not have agreed to it.

As the Minister representing the Minister in the other place, apart from recommending parliamentary counsel's suggestion to change the terminology, I do not accept the amendment on the basis that it would interfere with the operations of the Grain Pool. If I did not agree with the advice that has been given to me I would certainly reject it.

The points that have been raised cover the situation. There is absolutely no need for this amendment because the corporate plan goes to the Minister. One point that has not been raised in this debate is that members can raise issues concerning the operation of the Grain Pool in this place at any time. The Grain Pool operates under an Act of the Parliament. Whether the Grain Pool is taken to task through the tabling of the corporate plan has nothing to do with it.

I advise Hon Helen Hodgson that simply having the corporate plan tabled is not the basis on which a person can direct attention to the operations of the Grain Pool. The same applies to other statutory authorities in this State. In addition to that there is an annual operational plan and I would not be in favour of its being made public because it covers the day-to-day operations of the Grain Pool.

If I were in charge of the Grain Pool I would not want provisions in the legislation that would make life harder for me. We seem to be amending legislation to create an opportunity for government interference simply to keep an eye on everyone. Over the last 20 years what have we done to help businesses in Australia? The tragedy is that we have

put so many road blocks in their way to make them accountable and, at the end of the day, the result has not been more people employed and greater productivity. As a consequence, the nation is poorer for it. I do not agree with the philosophy of watchdogs. If people get it wrong they should be dealt with and they have to pay the price. I am a strong believer in chief executive officers of government agencies having more flexibility and more responsibility. If they get it wrong they wear it. They get paid well to do a job, but they must perform. Today there are too many people trying to keep their nose clean and they are not taking any chances. They are not maximising the benefit for the people of the State because they are making sure they do not make a mistake. People are human; everyone makes mistakes. If people spend their time covering their tracks to make sure they do not get it wrong, we will not get anywhere. In some cases we may have been saved from embarrassment, but on the other side of the equation people are being watched so much that there is a reluctance to do things.

Hon Mark Nevill: I will send those comments to Prescott at BHP because he will appreciate them.

Hon E.J. CHARLTON: If anybody needs advice, he does. I promised I would not speak on my corporate view of Australia. I would be happy to put my corporate plan on the Table of the House on a weekly rather than an annual basis! I acknowledge that Hon Bruce Donaldson, Hon Simon O'Brien, and Hon Murray Criddle want to know the reasons for this. Members might say they have not heard that there is any need for it. However, it probably will not have a detrimental effect on the Grain Pool, and the Minister indicated that.

Hon Kim Chance: Why do they want to print it if they do not want to show it to anyone?

Hon E.J. CHARLTON: For one simple reason. They want people to read it.

Hon Kim Chance: But not members of Parliament.

Hon E.J. CHARLTON: It is the right and privilege of members to act according to the rules that apply. However, there are times when we play politics. We think we benefit from that, but innocent people who are trying to do a hard day's work for their organisation often become the victims of our carrying on.

Hon Kim Chance: It would not be a disallowable instrument.

Hon E.J. CHARLTON: I am responding to the member's point about tabling the document and then debating it. If it were not here it would create the opportunity for a debate for the reasons the member outlined. Hon Helen Hodgson wants the document tabled to allow people to peruse it if they are interested and comment on it if they feel so inclined. The people running the business should say "Let us run the business and if you have a problem come and see us and we will sort it out." I have told Hon Ljiljanna Ravlich a few times recently that if she has a problem with something we will sort it out by talking to the people who are running the show.

Hon Ljiljanna Ravlich: You did not mind creating a few victims with the industrial relations legislation.

Several members interjected.

Hon E.J. CHARLTON: We have more than covered the clause. Members will notice that on page 17 of the Bill it states the Grain Pool shall give a copy of any variation to a corporate plan to the Minister within 28 days after the day on which the variation is made. Those situations are covered in that clause. I leave it to the Committee to make a judgment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 16 and 17 put and passed.

Clause 18: Section 22 amended -

Hon KIM CHANCE: This clause describes the penalties for a breach of the single desk powers. I do not want to make an issue out of this, but these penalties are pathetically inadequate - penalties for a natural person, first offence, \$5 000 and for a second or subsequent offence, \$10 000. If we are talking about the quantities which are involved in the international grain trade where a single ship might take out 65 000 tonnes of grain, then \$5 000 divided over 65 000 tonnes is not much of a deterrent for a person who might seek to take the cost of that penalty as an operating expense. For the second and subsequent offences the penalty will be \$10 000. In other words, once somebody has been successfully prosecuted twice there is no greater penalty, and he will pay \$10 000 for every shipload sent out. If that amount is divided by whatever load these ships can carry, it does not seem an enormous penalty. The penalties in paragraph (b) for bodies corporate are \$25 000 for a first offence and \$50 000 for subsequent offences. Again, although that is closer to the mark, it still seems to be inadequate. I will not make much of it, but it should be noted.

Hon E.J. CHARLTON: I am advised that action has been taken in only one incident in the past, and there have been no actions in recent years. That takes nothing from what the honourable member said. If we had been looking at this in the Road Safety Council, we would have imposed a fairly substantial increase in the penalty.

Clause put and passed.

Clauses 19 to 43 put and passed.

Title put and passed.

Bill reported, with amendments.

Leave granted to proceed with remaining stages.

Report

Report adopted.

Third Reading

Bill read a third time, on motion by Hon E.J. Charlton (Minister for Transport), and returned to the Assembly with amendments.

LEAVE OF ABSENCE - HON CHERYL DAVENPORT

On motion by Hon Bob Thomas, resolved -

That leave of absence until Thursday, 23 October be granted to Hon Cheryl Davenport on the ground of ill health.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

SMALL BUSINESS DEVELOPMENT CORPORATION AMENDMENT BILL

Committee

Resumed from 15 October. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon N.F. Moore (Leader of the House) in charge of the Bill.

Clause 6: Sections 11A, 11B and 11C inserted -

Progress was reported after the following amendment had been partly considered -

Page 4, lines 20 to 28 - To delete proposed section 11B and substitute the following -

- 11B.** (1) The Minister may issue a directive to an agency and the agency is to give effect to the directive. A directive is to be in writing signed by the Minister.
- (2) A directive must relate to agency policy or the discharge of its functions and is incapable of -
- (a) authorizing anything unlawful;
 - (b) suspending the application to the agency of any written law;
 - (c) enabling the agency to do that which it may resolve to do of its own motion without the directive;
 - (d) conferring additional functions on, or rescinding existing functions possessed by the agency.

(3) The agency shall consider the directive within 14 days of its receipt and if it forms the opinion that the directive is outside power or otherwise unlawful, it shall notify the Minister of that opinion and the reasons supporting it and, unless the Corporation is required by the Minister's written notice that the directive is to be given effect, the directive lapses.

(4) Adherence to the Minister's notice given under subsection (3) does not cure any illegality or defect inherent in the directive or acts done by the Corporation in giving effect to the directive, but no action lies against the Corporation for anything done in conforming with the directive.

(5) A directive, the Corporation's notification to the Minister under subsection (3), and the Minister's notice insisting on adherence to the directive, shall be laid before each House of Parliament within 7 days of the making of each instrument.

(6) The instruments described in subsection (5) are to be published in the annual report of the Corporation.

The CHAIRMAN: Members will recall that the words proposed to be deleted were deleted. The question now is that the words proposed to be substituted be substituted.

Hon N.F. MOORE: I spent some time last night arguing why we should not insert this, and I have not changed my mind in the 24 hours since. It is adhocery in a sense and that it is to be avoided. However, I suspect that the Chamber will seek to insist on including the amendment moved by Hon Mark Nevill. Therefore, I propose an amendment to Hon Mark Nevill's amendment. This is a fall back position. It has nothing to do with any real support for what he is doing. I will move an amendment to proposed subsection (5) "A directive, the Corporation's notification to the Minister under subsection (3), and the Minister's notice insisting on adherence to the directive, shall be laid before each House of Parliament within 7 days of the making of each instrument." I move -

To delete the word "each" before the word "instrument" and insert the words "the last such" .

The process in proposed section 11B(5) may result in a situation where the first directive is tabled, the corporation disagrees with the Minister's directive so that must be tabled a few days later and the Minister's response must be tabled again. We could have documents being tabled one after the other which would demonstrate a potential dispute between a Minister and corporation. That would be made public through tabling before there had been an opportunity for a resolution to be achieved.

The Chamber wants to know what is going on; it does not want to become involved in what is being deliberated upon. I suggest that if the directive is made, the corporate responds and the Minister redirects, that should happen before tabling. The final directive would be tabled within seven days. All that Parliament needs to know is whether it was resolved. If we go through the three stages as suggested in proposed section 11B(5) nothing would happen until the whole process had been completed. It would be unfair on a Minister and corporation if a dispute between the two were made public prior to their having a chance to resolve it.

Hon MARK NEVILL: That amendment is sensible and acceptable to the Labor Party. We are not particularly interested in knowing about the toing and froing that goes on; we are interested in what is resolved to be the direction and the response at the end of the day.

Amendment on the amendment put and passed.

Amendment (words to be inserted), as amended, put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I caste my vote with the ayes.

Division resulted as follows -

Ayes (14)

Hon J.A. Cowdell
Hon E.R.J. Dermer
Hon N.D. Griffiths
Hon John Halden
Hon Helen Hodgson

Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljana Ravlich
Hon J.A. Scott
Hon Christine Sharp

Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (13)

Hon E.J. Charlton
Hon M.J. Criddle
Hon Max Evans
Hon Peter Foss
Hon Ray Halligan

Hon Barry House
Hon Murray Montgomery
Hon N.F. Moore
Hon Simon O'Brien

Hon B.M. Scott
Hon Greg Smith
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon Cheryl Davenport
Hon Kim Chance
Hon Tom Helm

Hon W.N. Stretch
Hon B.K. Donaldson
Hon M.D. Nixon

Amendment (words to be inserted), as amended, thus passed.

Clause, as amended, put and passed.

Clause 7 put and passed.

Clause 8: Section 18 repealed and a section substituted -

Hon NORM KELLY: I move -

Page 6, after line 14 - To insert the following new paragraph -

- (c) where the disclosure of information is in the public interest and details corrupt, illegal or improper conduct;

Hon N.F. MOORE: I do not support this amendment. It is not necessary. Existing legislation, such as the Anti-Corruption Commission Act, covers this type of thing. It is superfluous to add it to this Bill. Ad hoc amendments to legislation such as this - similarly with the last clause - do not help our aim of achieving some uniform legislation.

Hon NORM KELLY: I would like to think that the Anti-Corruption Commission Act provided adequate coverage for occasions when people working for the corporation may need to detail corrupt, illegal or improper conduct. Unfortunately, I do not have sufficient confidence in that Act. That being the case, it must be made clear to people working under the provisions of the Small Business Development Corporation Act the occasions on which they are required to keep information confidential and when they are allowed to reveal it.

It is important to have this legislation reinforced in various Acts pertaining to these authorities. It is not a mickey mouse clause, as the Minister may suggest, but it means people who are aware of any corrupt, illegal or improper conduct will be able to make the facts known.

Amendment put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Before the tellers tell, I cast my vote with the noes.

Division resulted as follows -

Ayes (14)

Hon J.A. Cowdell
Hon E.R.J. Dermer
Hon N.D. Griffiths
Hon John Halden
Hon Helen Hodgson

Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljana Ravlich
Hon J.A. Scott
Hon Christine Sharp

Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (13)

Hon E.J. Charlton
 Hon M.J. Criddle
 Hon Max Evans
 Hon Peter Foss
 Hon Ray Halligan

Hon Barry House
 Hon Murray Montgomery
 Hon N.F. Moore
 Hon Simon O'Brien

Hon B.M. Scott
 Hon Greg Smith
 Hon Derrick Tomlinson
 Hon Muriel Patterson (*Teller*)

Pairs

Hon Cheryl Davenport
 Hon Tom Helm
 Hon Kim Chance

Hon W.N. Stretch
 Hon B.K. Donaldson
 Hon M.D. Nixon

Amendment thus passed.

Clause, as amended, put and passed.

Clause 9 put and passed.

New clause 6 -

Hon NORM KELLY: I move -

Page 3, after line 18 - To insert the following new clause to stand as clause 6 -

New section 5A

The principal Act is amended by inserting after section 5 the following -

- 5A.** (1) The Minister shall -
- (a) establish and publish selection criteria for positions on the Board which include the balance of skills and abilities needed for the Corporation;
 - (b) advertise in the major newspapers that a position is available and applicants are invited to apply; and
 - (c) outline the basis of appointment, including the need to disclose any possible conflicts of interest.

This amendment is to ensure better scrutiny of the selection process for members of the board. It in no way seeks to interfere with the Minister's powers under the Act, but to allow greater transparency in those processes. There is nothing for the Government to fear if this amendment is included in the Bill. It is not superfluous and should be standard practice for board appointments.

Hon N.F. MOORE: Not only is this Chamber seeking to run the Fisheries Department and the Grain Pool, it now wants to tell the Government how to appoint people. We have had discussions in the past couple of months about who is supposed to be governing Western Australia - the Parliament or the Government.

Hon Mark Nevill: This Chamber will tell you not only how to appoint people but who to appoint!

Hon N.F. MOORE: It almost is doing that. The parent Act and the Bill give the Minister the power to appoint. That is an appropriate way of making decisions about the membership of boards. Almost every statutory authority in creation provides the capacity for the Government of the day to make appointments. The Government seeks the best people to do the job and appoints them through Cabinet and often through Executive Council, but not in this case. If the people appointed do not do their job properly it becomes obvious and they are replaced. Often when the next Government takes office, it replaces them when their term expires.

Governments tend to appoint people who have sympathy or empathy with the policies of the Government of the day.

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: Some people are still in public sector appointments who have an empathy with the Labor Party.

Hon Ljiljanna Ravlich: You threw most of them out.

Hon N.F. MOORE: There are very few left because they deserted the Labor side of politics. It would be ridiculous to appoint to a board, which is involved in privatising a particular entity according to government policy, someone who represented the trade union movement, or Hon Ljiljanna Ravlich.

Hon Ljiljanna Ravlich: What is wrong with me?

Hon N.F. MOORE: The member has a philosophy totally opposed to the policy of the Government of the day.

Hon Ljiljanna Ravlich: Absolutely; that is why I am on this side.

Hon N.F. MOORE: This amendment seeks to provide that the Minister shall establish selection criteria. I do not know whether that means someone must be a member of the Liberal Party, the Labor Party or the Democrats - or of both the last two, whichever the case might be on a particular day.

Hon Simon O'Brien: That is tautology.

Hon N.F. MOORE: That is true. It would depend on whom one was having coffee with; that might make one change from one to the other. Will a criterion be that applicants are not allowed to be politically motivated?

When Hon Norman Kelly referred to this in the second reading debate he said that we must get rid of political patronage. Perhaps one criterion will be that applicants are not allowed to be a member of a political party for the time being or that they must declare which one they are a member of.

If applicants for the board must have a balance of skills and abilities needed by the corporation will we have to work out what are the skills required to be a member of the corporation?

Proposed subsection (b) is *The West Australian* clause and requires that the board vacancies be advertised in the newspaper.

Progress reported, pursuant to Standing Orders.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.57 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Progress of Business of the House

Hon N.F. MOORE: I will make some observations about the progress of the House this week. We have been sitting the regular hours this week, other than the slight extension of an hour last night. During that time we passed the Family Court Bill and its partner, the Acts Amendment and Repeal (Family Court) Bill, the Juries Amendment Bill in about 37 seconds, and the Grain Marketing Amendment Bill. That is the sum total of our achievement in passing government legislation.

Hon Bob Thomas: Significant progress was made on the last Bill.

Hon N.F. MOORE: I am not being critical of how many Bills we get through in a period, because every Bill deserves to be scrutinised for as long as necessary. However, members should contemplate that this week we spent a great deal of time on two Bills, the Small Business Development Corporation Amendment Bill and the Grain Marketing Amendment Bill, discussing issues which are not peculiar to those Bills but which are generic issues about accountability and the relationship between statutory authorities and their Ministers as well as Parliament. These issues have taken probably most of the time. The Small Business Development Corporation Amendment Bill initially sought to make a small change to the board. However, no debate took place on that issue; it was on the other issues introduced at the request of parliamentary counsel. Members had a long debate on the Grain Marketing Amendment Bill about whether the corporate plan should be tabled in Parliament. That is another generic issue that applies not just to the Grain Pool, but to every organisation in government.

Hon Mark Nevill interjected.

Hon N.F. MOORE: Please do not interject. I am trying to be positive and constructive. If members have this debate every time a Bill will amend a statutory authority and parliamentary counsel suggests additional words to cover generic issues, we will be wasting a lot of time. Now that we have developed a fairly mature - if I can use that word advisedly - committee system, these sorts of issues are matters in which committees can become involved. I acknowledge that the thirty-sixth report was one such committee deliberation on fundamental issues relating to government agencies. The Legislative Council committees should give serious thought to looking at questions that were raised by the two Bills this week and coming back to the House with recommendations on how changes might

be introduced across the board, rather than our spending many hours debating those points again and again on every Bill that contains these changes.

As I said yesterday, the Government has tried to get parliamentary counsel to bring some uniformity into legislation; that is, to use the same words for the same sorts of legislation. It is of concern to me that if we start changing that in this House, we will move away from the idea of uniformity. I am not arguing for uniformity for the sake of uniformity, but because it is important for all agencies to know what the rules are and for those rules to be common to all agencies.

I ask the House to give thought to using the standing committee structure to debate these issues that have been raised this week and to see whether as a House we can look at making generalised recommendations to government and parliamentary counsel about what might be done on these matters. It will be a waste of the time of the House if every time one of these clauses comes from parliamentary counsel we spend a lot of time debating that and not the real substance of the Bill, which in this case was two extra members on the board of the Small Business Development Corporation.

If this House makes amendments to legislation on the basis of parliamentary counsel's recommendation, the temptation will be for Ministers to say: Why bother to make those amendments? Why not just bring in a Bill to do exactly what we want to do, leave out all the rest of it, and leave the parent Act as it is? I said yesterday in debate on the SBDC Bill that the parent Act allows the Minister to direct and to not have to tell anybody. That is what the situation would be if the Minister had not sought to change that capacity of the Minister to direct. The reason for such little progress this week is that the House spent so much time on those generic questions.

Hon Mark Nevill: Don't call so many divisions.

Hon N.F. MOORE: Sometimes a division must be called to ensure that everybody -

Hon N.D. Griffiths: Is here.

Hon N.F. MOORE: Yes, and that members will vote the way they said they were going to vote. It is important that from time to time people put their hand up on the issues the House is contemplating.

That is just an observation. Members do not have to take any notice of what I say on this matter. However, I believe there is some merit in the committees giving some thought to these fundamental issues of accountability and the relationship between agencies and Ministers. I had the view that something needed to be done. The thirty-sixth report eventuated because I felt strongly about that. We have not finalised that. Other issues must be considered, such as the tabling of the corporate plans. That can be implemented for one agency, as was done today, but that case and a couple that were mentioned earlier are the only cases to which that will apply. Will we make a decision as a House that everybody must do that, or will we say it is unnecessary for certain reasons? Those matters must be debated properly. A committee deliberation is the place for that to at least begin. Evidence can be taken from people around the State about what they think is and is not appropriate for these agencies.

Hon Mark Nevill: If you had a strong legislative program, perhaps we would not have to worry about these matters.

Hon N.F. MOORE: There is plenty of legislation. There is no problem with that. However, when we pass three Bills a week, we are not making a lot of progress. I would hate somebody to ask us about our productivity level because I would have to say it is pretty average in a week like this. I am not arguing for more hours, but just that members use their time differently. We have set aside Wednesdays from 9.00 am, when I am sure all members start, until the House commences, for committee deliberations. That may be the time to look at some of these more fundamental questions.

Adjournment Debate - AlintaGas Employees' Superannuation

HON HELEN HODGSON (North Metropolitan) [5.05 pm]: I agree with the general thrust of the comments of the Leader of the House. We should have uniformity and we should ensure that these sorts of clauses go into all Bills. That would be an evolutionary process. I would be happy to see more accountability measures such as those members have tried to introduce this week introduced progressively into Bills involving statutory authorities as they come before the House. However, that is not the main issue I will address in this adjournment debate. I feel I should bring to the attention of the House a matter of some concern that has occurred in the past week.

A couple of weeks ago I was approached by a group of constituents who are employed by AlintaGas. They are concerned about the situation they may face in the medium term future with the proposed sale of the pipeline. In particular, they were concerned about their superannuation entitlements. They asked me to make some inquiries about where they stood and what their rights and obligations were.

The first thing I did was contact the office of the Minister for Energy to find out where things were at and what measures were being taken to protect the rights of these people. This week I received a message that it was inappropriate for me to be briefed on this matter. I was approached by constituents who want me to find out the facts about what is going on, and the message I got back was that it was inappropriate for me as a member of Parliament to be briefed on a factual matter. That is, what is happening to the sale of the AlintaGas pipeline? What is happening to protect employees' entitlements in this process? Will the purchasers be made aware of any obligations that may be placed on them under the purchase contracts? Not just the employees, but also the proposed purchasers, will be affected by this sale. What will happen if matters are not resolved and the purchasers take on an obligation of which they may not be aware? What will happen if the Government ends up with a residual responsibility in this matter? I am prepared to find out the facts before I take a stance on this issue. However, it is extremely difficult to find out the facts when the Minister will not tell me.

I have been unable to ask any parliamentary questions of the Minister for Energy this week because he has been engaged in urgent parliamentary business elsewhere. I asked a question of the Minister for Finance this afternoon and that information will be useful. However, on a matter like this it is a slow and tedious way of proceeding to have to ask separate questions and to dig out the information piece by piece. The appropriate way to proceed is for me to ask the Minister to ensure the appropriate official in his department can give me a briefing on the facts of the matter. I am not seeking policy information; I am not seeking to interfere. I am trying to find out what is going on so I can tell my constituents where they stand.

These people have been contributing to a superannuation fund for a number of years and, through no fault of their own, because of a governmental decision, they will be forced to terminate their membership in this superannuation fund. This is a big thing for them. Their money has been put away and the information they have been provided with suggests they will lose out financially. That is not appropriate. There should be some way of protecting members of the fund who have been contributing.

I might have my information wrong. However, the Minister will not give me a briefing to tell me what is going on. It is not appropriate for the Minister to deny information to a member of the Legislative Council when I am merely trying to verify the facts so I can assist constituents in a matter of grave concern to them.

Adjournment Debate - Progress of Business of the House

HON N.D. GRIFFITHS (East Metropolitan) [5.10 pm]: The Leader of the House said that the House had made little progress this week. I understand he was referring to government business. There was very little government business before the House at the beginning of this week, but most of it was debated. The most substantive piece of legislation was the Family Court Bill, which comprised over 257 pages. The Family Court (Orders of Registrars) Bill and the Juries Amendment Bill were also debated - both Bills of great significance.

Sometimes it is not the amount of time spent on an issue but the result at the end of the day that is important. Often matters of great substance are dealt with relatively speedily because there is agreement. It is true that from time to time Houses of Parliament get bogged down in what some might see as trivia. However, given the activity of the House over the week overall, it was a productive week.

If we wanted to go through a number of Bills and measure our productivity, the Leader of the House could have changed the order and we could have dealt with a number of A classification Bills. The Leader of the House knows to which Bills I am referring but I will refresh his memory by listing them in their order on the Notice Paper: Orders of the day Nos 8, 9 and 10. They would have been dealt with very speedily and the leader can anticipate that that will be the case next week.

Adjournment Debate - Recruitment Services Australia

HON LJILJANNA RAVLICH (East Metropolitan) [5.12 pm]: Mr President, I can only assume that you leave the best until last.

The PRESIDENT: No, please do not assume that. You are the last.

Hon LJILJANNA RAVLICH: I refer members to a matter of considerable importance -

Hon N.D. Griffiths: Whenever you rise the best is on her feet.

Hon LJILJANNA RAVLICH: Thank you. I am mindful that the time is ticking away.

I refer members to a matter of great importance, particularly to public sector workers. The issue relates to the Recruitment Services Australia test, which is administered by that organisation. The test is conducted nationally and

it must be passed for people to be able to secure permanent employment in the Western Australian Public Service, and I understand in the Public Service in Australia generally.

Unfortunately this test is rather strange, and I will explain to members why I believe it to be so. It was brought to my attention by a young gentleman who sat the test and did not perform particularly well. When I looked at the test itself, I was very surprised that, given his achievements in the test, he did not qualify for public sector employment.

In the past the Public Service was a very good employer of young people. It provided entry level opportunities for young people to get into the workforce - usually on a traineeship or as a level 1 clerk. That is no longer the case. A profile of the Western Australian Public Service workforce that I have obtained shows that things look very grim indeed. In fact, the number of permanent employees less than 25 years of age across the Public Service in most agencies would average between zero and 5 per cent. That is absolutely pathetic and inadequate.

The test consists of 10 sections and, to achieve a satisfactory rating, applicants must score five out of 10 for each of the 10 sections. If an applicant were to score 10 out of 10 in nine categories and four out of 10 in the final category, he or she would be disqualified.

Mr Paul Erceg scored 10 for leadership, nine for learning ability, six for working with numbers, seven for generally abilities, eight for working towards goals, and so on. They were high scores. However, he managed a score of two for resourcefulness. I am having real difficulty in working out the effectiveness of this testing process given that someone can achieve 10 for leadership and two for resourcefulness. I question its validity and whether it should be used as an instrument to determine who does and does not enter the Western Australian Public Service. It seems a strange way of making those sorts of judgments.

I took the liberty of finding out how many students sat this test and how many obtained full time work in the Public Service. I wrote to Paul Schapper, the CEO of the Public Sector Management Office, seeking information about this examination. In response he advised that each year between 1 200 and 1 500 people from the database are employed within the public sector.

A significant number of people sit the test. In 1993, 4 831 students sat the test and 3 835 passed. I thought that was not bad and that probably a number of young people would get jobs. However, when I wrote back to Mr Schapper and requested more information about how many of the 1 200 to 1 500 obtained permanent jobs, the response was very different, and alarming to say the least. In 1994, 2 605 people sat the test and 2 118 passed, but only 136 were employed. In 1993, only 1.43 per cent, or 355 people, from a pool of 3 835 people who passed the test obtained permanent jobs. That is woeful. In 1997, 2 836 people passed the test and wanted work in the Public Service but only 48 managed to secure full time employment.

There are additional problems with this process because many women who are currently employed on contract or working part time in the Public Service and who want to transfer to full time employment are also required to sit the test. If they do not pass the test, they are denied that employment.

Hon Simon O'Brien: Is your problem with the test itself or the fact that only a certain number of people are employed?

Hon LJILJANNA RAVLICH: The problem is with both the test and the fact that employees who have given loyal service to the State Public Service, who may have been trained up by doing contract work or temporary work, and who want to move from contract and temporary work to permanent employment sit this test and if they do not pass they cannot be re-employed within the Public Service. Also they cannot resit this test for another two years. Basically, if they bomb out they do not get a second shot at it.

Many government departments are very unhappy about the restrictions placed on them by Recruitment Services Australia. Many departments, having trained contract and temporary staff, are of the view they have made an investment in the human capital of the organisation but under the current arrangements it does not necessarily mean that those people will become long term permanent employees. I am concerned because this affects young people within the public sector and certainly women.

I urge the Government to have a close look at this area and to address the important issues I have raised during this debate.

Question put and passed.

House adjourned at 5.21 pm

QUESTIONS ON NOTICE

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

WATER CORPORATION - CARNARVON

Electricity Costs for Irrigation Water

501. Hon MARK NEVILL to the Minister for Finance representing the Minister for Water Resources:

- (1) What price does the Water Corporation pay for electricity used for pumping irrigation water in Carnarvon?
- (2) What is the cost structure per kilometre for irrigation water used in Carnarvon?
- (3) How does the cost structure compare with other irrigation areas in the State?
- (4) Has the Water Corporation considered calling tenders for the supply of power for pumping the water?
- (5) If not, why not?
- (6) If yes, what action has been taken?

Hon MAX EVANS replied:

- (1)-(6) See paper No 884.

WATER CORPORATION - CONTRACTORS

Complaints

781. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How many complaints have been recorded for each area of the Water Corporation's operation?
- (2) How many of these complaints have related to work carried out by contractors on behalf of the Water Corporation?

Hon MAX EVANS replied:

- (1) 1291 complaints have been lodged with the Water Corporation from 1 January 1997 to 30 September 1997.
- (2) Of these complaints, 112 are related to work carried out by contractors on behalf of the Water Corporation.

WATER RESOURCES - ACCOUNT PAYMENT

Credit Card Requests

785. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

How many requests does the Water Corporation receive each year from customers wishing to pay their bill by credit card?

Hon MAX EVANS replied:

During its annual billing period in July 1997, the Water Corporation received a total of 83,653 enquiries. Of these enquiries, approximately 10% related to customers wishing to pay their account by credit card. Statistics are not available for other periods of the year.

WATER RESOURCES - JOHN TONKIN WATER CENTRE

Office Space - Occupation and Rental Cost

789. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How much office space exists at the John Tonkin Water Centre?

- (2) How many square metres does the Water Corporation occupy currently at the John Tonkin Water Centre?
- (3) How many square metres did the Water Corporation occupy in 1996?
- (4) What other tenants are at the John Tonkin Water Centre and how many square metres do each of those tenants occupy?
- (5) What is the rental cost to the Water Corporation at the John Tonkin Water Centre?
- (6) What is the rental cost to each of the other tenants at the John Tonkin Water Centre?
- (7) How many square metres of office space are vacant at the John Tonkin Water Centre?
- (8) What proposal does the Water Corporation have for this vacant space?
- (9) Does the Water Corporation plan to vacate any of its space at the John Tonkin Water Centre?
- (10) If so -
 - (a) how much space will be vacated; and
 - (b) when is it anticipated that the Water Corporation will vacate any of its space at the John Tonkin Water Centre?

Hon MAX EVANS replied:

- (1) 19533 square metres.
- (2) 13647 square metres.
- (3) 13368 square metres.
- (4)

Inside Information Consulting (Records)	140 square metres
Halpern Glick Maunsell	3202 square metres
Ferntree	308 square metres
Ritchie Cafeteria	164 square metres
Statewest	27 square metres
- (5) Nil.
- (6) This information is viewed as commercially sensitive to the Corporation and the companies involved.
- (7) 2045 square metres
- (8) Leasing.
- (9) Yes.
- (10) It is anticipated -
 - (a) 1000 square metres.
 - (b) February 1998.

WATER RESOURCES - DIESEL USAGE

Quantity and Cost

804. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How much diesel is used by the Water Corporation annually to provide water to regional Western Australia?
- (2) Does the Water Corporation pass on the cost of the Federal Government's diesel excise to regional water consumers?

Hon MAX EVANS replied:

- (1) Annual diesel usage for use in off-road borefield and pump stations for the year 1996/97 was 1,388,800 litres.
- (2) Yes.

WATER RESOURCES - KALGOORLIE

Water Use Efficiency Program - Study

810. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) Has the Water Corporation carried out any studies into the effectiveness and benefits of the program to encourage water use efficiency in Kalgoorlie?
- (2) If yes, what were the findings/results of these studies?
- (3) What was the total cost of the program?

Hon MAX EVANS replied:

- (1) Yes.
- (2) A preliminary report has been prepared and a final analysis of the results is under way. The final report will be available by the end of October 1997.
- (3) \$3.1 million.

WATER RESOURCES - DUAL FLUSH TOILET PILOT TRIAL

Effectiveness Study

811. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) Has the Water Corporation carried out any studies into the effectiveness or benefits of the pilot trial to install dual flush toilets to customers in -
 - (a) Jerramungup;
 - (b) Newdegate;
 - (c) Ongerup;
 - (d) Cranbrook?
- (2) What were the findings/results of these studies?
- (3) What was the total cost of the program?

Hon MAX EVANS replied:

- (1) Yes.
- (2) The analysis of the results is continuing. Due to the small number of customers involved the results to date have been inconclusive.
- (3) \$3,000.

WATER RESOURCES - METROPOLITAN CONSUMPTION

Residential/Nonresidential Customers - Cost

813. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) Approximately what percentage of metropolitan water consumption is used by -
 - (a) residential customers;
 - (b) non residential customers?
- (2) What is the average cost per kl for water for -
 - (a) residential customers;
 - (b) non residential customers?

Hon MAX EVANS replied:

- (1)
 - (a) 77%.
 - (b) 23%.
- (2)
 - (a) Approximately 46.9 cents per kilolitre.
 - (b) Approximately 58.8 cents per kilolitre.

WATER RESOURCES - METROPOLITAN CONSUMPTION

Annual Average

814. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) What is the average annual level of water consumption per household in Perth?
- (2) What are the ten suburbs with the highest level of water consumption per household in Perth?
- (3) What are the ten suburbs with the lowest level of water consumption per household in Perth?

Hon MAX EVANS replied:

- (1) 317 kilolitres.
- (2) Baskerville
Brigadoon
The Vines
Churchlands
Peppermint Grove
Winthrop
Iluka
Jandakot
City Beach
Woodvale
- (3) Safety Bay
Osborne Park
Highgate
North Fremantle
West Perth
Carlisle
East Perth
Welshpool
Northbridge
Shoalwater

WATER RESOURCES - SPRINKLER BAN

Reduction in Consumption

815. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) What was the reduction in water consumption predicted due to the introduction of the ban on sprinkler use during the day?
- (2) What is the actual reduction in water consumption as a result of the ban on sprinkler use during the day?

Hon MAX EVANS replied:

- (1)-(2) The day time sprinkler ban is just one of a number of measures initiated by the Water Corporation to encourage its customers to use water wisely. The Corporation is therefore unable to isolate the effectiveness of this individual action. The measure has an estimated saving of 5 million kilolitres per annum.

WATER CORPORATION - SEWERAGE INFILL PROGRAM

Connections

817. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

How many houses were able to be, but were not yet, connected to the reticulated sewerage system on -

- (a) June 30, 1995;
- (b) June 30, 1996;
- (c) June 30, 1997?

Hon MAX EVANS replied:

- (1) (a) Accurate figures for 1995 are not available.
- (b) Accurate figures for 1996 are not available.

- (c) In 1997, there were 87,506 assessments in Western Australia that were able to be, but were not connected to reticulated sewerage.

SEWERAGE - COUNTRY WASTE WATER TREATMENT PLANTS

Failure to meet Criteria

821. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:
- (1) For 1996/97, how many country wastewater treatment plants failed to meet current effluent discharge criteria?
 - (2) What are the locations of those country plants?
 - (3) In what aspects did each of the plants fail to meet the criteria?
 - (4) What remedial action has been taken to improve those plants?
 - (5) Are all those plants still operative?
 - (6) Is it expected that the plants will meet the criteria in 1997/98?

Hon MAX EVANS replied:

- (1) Thirteen.
- (2) Collie, Eaton, Pinjarra, Waroona, Yunderup, Boddington, Kojonup, Pingelly, Northam, Broome, Halls Creek, Port Hedland and South Hedland.
- (3) Collie, Pinjarra, Yunderup, Kojonup, Pingelly, Broome, Port Hedland and South Hedland experienced treated wastewater overflows to the environment. Eaton, Waroona, Boddington, Northam and Halls Creek experienced treated wastewater quality problems, including nutrient and faecal coliform levels, suspended solids and odours.
- (4) Remedial works and treatment plant upgrades are either proposed or in place.
- (5) Yes, with the exception of Yunderup which has been diverted to Mandurah Number 1 Treatment Plant at Gordon Road.
- (6) Yes.

SEWERAGE - COUNTRY WASTE WATER TREATMENT PLANTS

Environmental Licence Conditions

822. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:
- (1) Which country waste water treatment plants do not comply with environmental license conditions?
 - (2) Has the Water Corporation finalised a program for upgrading these plants?
 - (3) Which plants are to be upgraded and when?

Hon MAX EVANS replied:

- (1) Kojonup, Exmouth, Broome, Halls Creek, South Hedland and Waroona.
- (2) Yes.
- (3)

Kojonup	1998/99
Exmouth	1998/99
Broome	December 1997
Halls Creek	December 1997
South Hedland	1998/99
Waroona	December 1997

WATER CORPORATION - CUSTOMER CENTRE

Location

825. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:
- (1) What will be the physical location for the new centralised Customer Centre of the Water Corporation?

- (2) What other locations were considered for the centre?
- (3) On what criteria was the final decision made?

Hon MAX EVANS replied:

- (1) 240 Balcatta Road, Balcatta.
- (2) Privately owned locations in West Perth, South Perth and Northbridge. Water Corporation owned locations in Balcatta, Leederville and Canning Vale.
- (3) Financial analysis and the best placed location to suit the Corporation's long term accommodation needs.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT - ANIMAL ETHICS COMMITTEE

Membership and Operation

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

I refer the Minister for the Environment to the Department of Conservation and Land Management's ("CALM") Animal Ethics Committee -

- (1) What is the composition of CALM's Animal Ethics Committee, who are the current members of the committee, how often does the committee meet?
- (2) What is the process to ensure that all relevant CALM research and management projects are referred to the committee?
- (3) What process is in place to ensure that the committee has at its disposal the most recent information about the project?
- (4) In case of modification or continuation of a project, is the committee required to review the modified/continued proposal?
- (5) What is the 1996/97 financial budget allocation for CALM's Animal Ethics Committee?
- (6) Will the Minister table all documentation regarding the responsibilities and operations of CALM's Animal Ethics Committee?

Hon MAX EVANS replied:

- (1) CALM's Animal Ethics Committee comprises:

Mr Keith Morris	Chair, CALM
Dr Tony Friend	Research Scientist, CALM
Mr Gordon Wyre	Wildlife Branch, CALM
Dr Ray Butler	Veterinarian
Mr Harry Fraser	Animal Welfare interests
Dr Barry Wilson	Independent scientist

The AEC meets every two months or so.

- (2) All Science Project Plans submitted by scientists involving vertebrate animals must be approved by the Animal Experimentation Committee (AEC) before research can commence. All translocation proposals must be approved by the AEC.
- (3) Application for approval is made on an application form. If the AEC have queries about a project they can request the relevant scientist to brief them before making a decision. The current Chair and CALM research scientist also have expert knowledge of most of the applications put to the AEC for consideration and can provide advice to the independent members if required.
- (4) All AEC approved applications are required to submit an annual report which details any changes to procedures.
- (5) Costs associated with operating the CALM AEC are met from within the Science and Information Division's administration budget. No specific allocation is made.
- (6) Yes. See paper No 885.

HOUSING - KARAWARA

Bushland - Degraded

855. Hon GIZ WATSON to the Minister for Finance representing the Minister for Housing:

In respect of the fact that it is understood that the South Perth City Council voted unanimously on June 25, 1997, to retain 1.5 hectares of the existing 3.8 hectare Gillon Street, Karawara bushland site to form approximately 10 per cent of public open space -

- (1) Was the Minister for Housing reported correctly by the *Southern Gazette* newspaper of August 5-11, 1997, page 3, when he stated this 1.5 hectare site was "...a large area of degraded bushland"?
- (2) Is 1.5 hectares a small area to be set aside when there is approximately 100 native flora species and no major weed invasion and under the Keighery classification it would be rated as very good?
- (3) Will the Minister outline how he reached the definition of this bushland as degraded?
- (4) Did the Minister telephone the South Perth Mayor, Mr John Harwick, to tell him that if the council did not change their decision, they would lose \$600 000 for the relocation of the community hall, and a \$250 000 grant for environmental projects, and that Planning Minister Kierath would reject their proposal to save 15 hectares as a bushland reserve?
- (6) Has Homeswest ever saved any areas for bushland reserve?
- (7) If yes, where?

Hon MAX EVANS replied:

- (1) No.
- (2)-(3) A report was completed by Bowman Bishaw Gorham in January 1994 on the status of the bushland at Lot 690 Gillon Street, Karawara. The Minister for Housing made the decision to develop the site following assessment of the report which provided the following conclusions:
 - The Gillon Street site is too small to have high values as a regional conservation reserve.
 - The Gillon Street site is of little consequence other than as an illustrative example of the vegetation complex.
 - The site is not critical in terms of Public Open Space values except that it is the only uncleared area in the vicinity.
 - No declared rare or significant species were found on the site during the survey.
 - The site is not large enough to support viable populations of fauna and has low conservation value for resident fauna.
 - The minimal viable size for a managed conservation reserve on the Swan Coastal Plain is estimated to be 20 hectares.
- (4) No. The Minister for Housing contacted the South Perth Mayor and discussed the importance and the benefits of the redevelopment of Karawara to the City of South Perth and the local Community.
- (6) Yes.
- (7) Statewide. Since 1995 Homeswest has given up 165.4 hectares of Regional Open Space and a further 1,500 hectares will be provided over the next 10 years.

QUESTIONS WITHOUT NOTICE

SHIPPING - PINE TRUST

Grounding - Ownership

887. Hon TOM STEPHENS to the Minister for Transport:

I refer to the grounding of the *Pine Trust* near Denham.

- (1) Can the Minister confirm that this vessel is owned by a Japanese, Sydney-based company, but is sailing under a Panamanian flag?
- (2) Is this the same firm that owned the *Sanko Harvest*, which ran aground near Esperance in 1992, discharging 500 tonnes of bunker oil and 30 000 tonnes of fertiliser into the ocean?
- (3) If that is the case, is the vessel another of the so-called "ships of shame" sailing under a foreign flag to avoid Australian shipping regulations?
- (4) What action does the Government intend to take to tighten restrictions on this sort of shipping practice, and to investigate the actions of Sanko Kessen in this matter?

The PRESIDENT: Order! I invite the Minister for Transport to consider the third question, which I think seeks an expression of opinion on whether a vessel is a ship of shame.

Hon E.J. CHARLTON replied:

- (1)-(3) I cannot advise the circumstances of ownership of the vessels, or whether the matter is related to the other ship that caused problems. I will provide the information as soon as possible, either today or tomorrow.
- (4) Western Australia has been working with other States and Territories of Australia to set a national approach to the operation of vessels, taking into consideration safety and environmental aspects. I have had discussions with Western Australian exporters and, as a unit, they have been highly vigilant in their desire to ensure that only ships of an acceptable standard operate off the Western Australian coast - and I mean the entire Western Australian coast. Anyone seeking a vessel for charter or to carry a product should not be influenced by price but by the quality of the ship. We have been involved in initiatives to try to approach the problem on a national basis, rather than work alone. We must take a national approach to the problem.

COMMITTEES - SELECT COMMITTEE ON CAPE RANGE NATIONAL PARK AND NINGALOO MARINE PARK

Report - Government's Response

888. Hon TOM STEPHENS to the Minister representing the Minister for the Environment:

I refer to the response of the Government to the first report of the Legislative Council Select Committee on Cape Range National Park and Ningaloo Marine Park and specifically to the responses to recommendations 2, 5, 5a and 5b taken together, and, secondly, to recommendations 3 and all parts of recommendations 4 taken together.

- (1) Will the Minister abide by the combined intention of recommendation 2 and recommendations 5, 5a, and 5b of the first report of the Legislative Council Select Committee on Cape Range National Park and Ningaloo Marine Park, which taken together clearly mean that "there be no shore based resort development on the western side of Cape Range, on coastal land abutting Ningaloo Marine Park . . . apart from the area of the Mauds Landing townsite?"
- (2) Will the Minister abide by the combined intention of recommendation 3 and recommendations 4, 4a, 4b, 4c, and 4d of the first report of the Legislative Council Select Committee on Cape Range National Park and Ningaloo Marine Park, which taken together urge the Government to form a strategy group with the capacity to frame and implement guidelines for development in this area so that any such framework is not implemented on an ad hoc basis?

Point of Order

Hon PETER FOSS: I am concerned about this question. I think it is out of order, for a number of reasons. Firstly, it is not just a question; it appears to be putting a number of propositions, some of which are improper. It is interpreting words, and putting that to the Minister. The member should confine himself to asking a question rather than positing matters which are argumentative and contentious as part of the preamble to the question.

The PRESIDENT: The Attorney's comments are correct in relation to debatable material. However, as I heard the question, it is not unreasonable to ask it of the responsible Minister, who obviously has an opportunity, if he wishes to give it further consideration, to ask that it be placed on notice pending some further investigation; or he can take some other action. As to whether the question does the other things outlined by the Attorney General, I am not in a position to say without reading the report and closely reading the question; but under the circumstances it is not an unreasonable question or one that the Minister representing the Minister for the Environment cannot answer.

Questions Without Notice Resumed

Hon MAX EVANS replied:

- (1)-(2) The Government's position is contained in the response tabled in the Legislative Assembly on 18 September 1997.

TELECOMMUNICATIONS - WIDE-BAND SERVICES

Expansion

889. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the answer of the Leader of the House representing the Premier to question on notice 826 which states "the Department of Commerce and Trade has been proactive in encouraging new carriers to provide wide-band telecommunications services in Perth and regional centres".

- (1) What specific actions have been taken by the Department of Commerce and Trade to encourage the provision of wide-band telecommunications services in Perth and regional centres?
- (2) When is it anticipated that the Office of Information and Communications will be in a position to contribute to the encouragement of the provision of wide-band telecommunications services?
- (3) When is it anticipated that the provision of wide-band telecommunications services will be extended to the town of Tom Price?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Department of Commerce and Trade has been working with the Regional Development Commission to develop regional telecommunications plans for the nine regions of the State. The department has established a memorandum of understanding with the Commonwealth Department of Communications and the Arts to ensure the State maximises benefits from the regional telecommunications infrastructure fund. The department is being briefed by current and potential new carriers as they emerge and distributing this information where it is not commercial in confidence.
- (2) The Office of Information and Communications is working on this issue.
- (3) Timing is a matter for commercial decision by the telecommunications carriers and service providers and is influenced by developments in satellite and wireless technology.

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME - MEMBER ENTITLEMENTS

Guidelines

890. Hon HELEN HODGSON to the Minister for Finance:

- (1) Does the government employees superannuation fund have guidelines on member entitlements when a member is required to leave the fund through retrenchment from employment or privatisation of the employer?
- (2) If so, what are those guidelines?
- (3) Is it correct that employee entitlements are discounted in these circumstances?
- (4) What discount factor is applied?

Hon MAX EVANS replied:

I thank the member for some notice of the question.

- (1) Yes.
- (2) The relevant rules are contained in the Government Employees Superannuation Act.
- (3) Only the contributory service component of the deferred benefit of members of the 1987 scheme - the defined benefit, lump sum scheme - are discounted on transfer to another superannuation fund, and only if the member is younger than age 55, the age at which deferred benefits generally become payable. Other benefits are not discounted.

- (4) The discount is applied in a compounding fashion at a rate of 1.75 per cent per year remaining from the date of transfer to the date the member would reach of age of 55 years.

PRISONS - BANDYUP

Number of Prisoners and Strip Searches

891. Hon LJILJANNA RAVLICH to the Minister for Justice:

- (1) How many women were incarcerated at Bandyup Women's Prison in 1995-96 compared with 1994-95?
- (2) How many strip searches were conducted at Bandyup in 1995-96 compared with 1994-95?
- (3) How many items of contraband were detected from these strip searches over the same period?
- (4) Are strip searches on women incarcerated at Bandyup ever carried out by male prison officers?
- (5) If so, under what circumstances?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) In 1995-96, 340 prisoners were received into Bandyup. In 1994-95, 443 prisoners were received into Bandyup.
- (2) In 1995-96, 1 264 strip searches were conducted. In 1994-95, 1 060 strip searches were conducted.
- (3) In 1995-96, 10 items of contraband were detected. In 1994-95, 8 items of contraband were detected.
- (4) No.
- (5) Not applicable.

TOURISM - COMMISSION

Advertising - Selection of Company

892. Hon KEN TRAVERS to the Minister for Tourism:

With regard to the process for the selection of an advertising company to develop a long term advertising position for the Western Australian Tourism Commission, I ask -

- (1) Was a panel established to analyse the submissions received by the State Supply Commission?
- (2) Who were the members of the panel?
- (3) Did that panel show preference for a particular company?

Hon N.F. MOORE replied:

I have with me a question which is similar to that asked by the member, but I am not sure it is the exact question. Hon Ken Travers has asked a number of questions this afternoon about these contracts, but the officer in charge is not available today to provide advice on those matters.

Hon Tom Stephens: Do they apply to both Hon Ed Dermer's and Hon Ken Travers' questions?

Hon N.F. MOORE: Several questions were asked by Hon Ken Travers regarding the WATC contract and MarketForce Advertising. I think some of Hon Ed Dermer's questions were asked of the wrong Minister. The officer is not available today, so I ask the member to place all the questions on notice.

FORESTS AND FORESTRY - SECOND ORDER CATCHMENTS

Number and Location

893. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:

My question concerns the implementation of ministerial condition No 16 pursuant to amendments to the 1987 forest management plan and timber strategy under the Environmental Protection Act.

- (1) Will the Minister table advice given to the Department of Conservation and Land Management by the Water and Rivers Commission pursuant to ministerial condition No 16-1?

- (2) How many second order catchments have been examined and in which forest blocks do they exist?
- (3) How many catchments have been subjected to storage testing and in which forest blocks do they exist?
- (4) How many second order catchments have been identified as high salt risk and in which forest blocks do they exist?
- (5) Following this testing procedure, what specific precautions has CALM implemented in order to meet its obligation under ministerial condition No 16-2?
- (6) Has the Water and Rivers Commission expressed any requirement in respect of ministerial condition No 16-2 concerning retention of additional river and stream buffers and the location of areas temporarily reserved during phased logging operations; if it has, what are they and will the Minister please table them?

Hon MAX EVANS replied:

I thank the member for some notice of this question. This information is being collated and I request that the member put the question on notice.

PORTS AND HARBOURS - GERALDTON

Southern Access Corridor - Construction

894. Hon KIM CHANCE to the Minister for Transport:

If a port at Oakajee goes ahead, will the Minister still spend up to \$70m building the southern access corridor to the Port of Geraldton?

Hon E.J. CHARLTON replied:

It is critically important that members understand and acknowledge that two separate tasks are to be performed by the two ports. The Oakajee port and its operation will deal with the Kingstream proposal and other subsequent mining process exports and imports. The Port of Geraldton, with its current throughput of some 3.5 million tonnes, will continue to be the port for those other operations. That is not a government opinion, as it has been put to us by users. The port users have been specific in their attention to this issue as they have requested the Government to specifically set out the part it will play in transport access into that port.

The major operators, RGC Mineral Sands Pty Ltd and Co-operative Bulk Handling Ltd, in conjunction with the Grain Pool and the Wheat Board, have indicated specifically to the Government that if they are to continue to invest funds into the Port of Geraldton, they want assurance that appropriate access will be provided to carry out their operations in the most efficient manner. As a consequence, the southern transport corridor was incorporated into the greater Geraldton plan.

We in Transport have responded by having Main Roads and Westrail identify the specifics of the transport corridor into the Port of Geraldton. That considers the proposed alignment as well as the engineering, noise and all the community factors involved in an upgrade of the current transport corridor. This process incorporates shifting the railway line, which is a related issue. Obviously, the City of Geraldton has indicated that if the city is to develop with progress to be made on the marina, the current alignment of the railway line is an impediment.

The short answer is, yes; we will be proceeding to put in place the southern transport corridor in response to the current port users, who have indicated that they intend to ensure that the volume of products currently passing through the Port of Geraldton will increase significantly in the next few years. RGC has indicated that it will bring products in through the Port of Geraldton, possibly from India, to be processed at its operation at Narngulu. It will not be shifting anywhere. The Government must respond to the requests from the port users.

ENVIRONMENT - STEPHENSON AND WARD INCINERATOR CO PTY LTD

Incinerator Site - Clean-up

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

- (1) In relation to the PCB contamination at the Stephenson and Ward/Medi-Collect incinerator site, how precisely will the contaminated soil be -
 - (a) decontaminated;
 - (b) disposed of?

- (2) How precisely will the contaminated water be -
- (a) decontaminated;
 - (b) disposed of?
- (3) Is there any plan to incinerate any of the contaminated material? If yes, will any of this be done at the Stephenson and Ward/Medi-Collect incinerator?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) I am advised that the preferred site for disposal of the contaminated soils is the intractable waste disposal facility at Mt Walton East. Some non-scheduled PCB wastes may be directed to class 3 landfills within the Perth metropolitan area. Some smaller quantities of soil may be directed to the ELI ECO LOGIC plant located in Kwinana but this plant does not have the capacity to treat all of the soils. These disposal options are described in greater detail in the site remediation plan which has been approved by the Environmental Protection Authority and which has been discussed with the local community.
- (2) I am advised that the favoured option for disposal of contaminated water would be the ELI ECO LOGIC plant at Kwinana. It may also be necessary to filter PCBs from the water column using a process based on capturing PCBs in an activated carbon or a similar filter medium. Any filter material contaminated with PCB could then be disposed of either at the ELI ECO LOGIC plant or the intractable waste disposal facility at Mt Walton East. These disposal options are described in greater detail in the site remediation plan which has been approved by the EPA and which has been discussed with the local community.
- (3) No.

SEWERAGE - DERBY WASTE WATER TREATMENT PLANT

Effluent Discharge

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

- (1) Is the Minister aware of reports of effluent from the Derby waste water treatment plant flowing into a tidal creek on King Sound?
- (2) Has an environment impact assessment of the effects of discharging effluent into the tidal creek system at Derby been performed?
- (3) If not, why not, and when will an assessment be made?
- (4) On what basis has the Water Corporation obtained Department of Environmental Protection support for this effluent discharge?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(4) No. The Water Corporation currently has a Department of Environmental Protection licence for this waste water treatment plant that permits controlled and monitored discharge of high quality secondary treated wastewater to King Sound. The Minister is prepared to provide the member with a briefing on the licence for the Derby treatment plant if the member so desires.

SMALL BUSINESS - RETAIL SALES

Low Growth Rate

897. Hon MARK NEVILL to the Leader of the House representing the Premier:

I refer to the recent Australian Bureau of Statistics report on retail sales which found that Western Australia recorded the lowest increase in retail sales in July. Does the Government intend to help the small business retail sector by -

- (a) supporting the recommendation of the House of Representatives Standing Committee on Industry, Science and Technology which calls for sitting tenants to have the option to renew leases for further five year periods, therefore providing certainty of tenure; and

- (b) ensuring that changes to commercial tenancy legislation which protect small businesses are introduced into the House without further delay?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. Although the question accurately refers to July retail figures, it is important to note that, during the first quarter of 1997, Western Australia's retail turnover has been equal to or above the national average. Growth continues and the seasonably adjusted figure for August 1997 represents the highest growth rate of any State and far exceeds the national average - 2.3 per cent versus the nation average of minus 0.4 per cent. Turnover figures for August 1997 are 8.7 per cent above those for the same month in 1996.

- (a) A special meeting of State and Territory Ministers responsible for retail tenancy is scheduled to be convened before the end of the year to consider proposed national benchmark principles for retail tenancy. Matters referred to in the committee report will form the basis of these discussions.
- (b) Commercial tenancy legislation is the province of the Minister for Fair Trading. The Premier is aware that the amendment Bill is scheduled for introduction in the current session.

ROADS - FREMANTLE-ROCKINGHAM CONTROLLED ACCESS HIGHWAY AND EASTERN BYPASS

Community Support

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

As the Minister has consistently and publicly asserted that the eastern bypass and the Fremantle-Rockingham controlled access highway are being built in response to community requests, will the Minister explain -

- (a) why the south west group of councils do not support these roads;
- (b) why 17 community groups in the region have expressed opposition to these roads; and
- (c) who precisely are the people he claims are clamouring for these roads?

Hon E.J. CHARLTON replied:

Those in the silent majority, who have not been agitated by people like the member and a few others to jump up and down, are the 99 per cent of Western Australians who use the roadways and freeways of this State to go about their daily business. We respond to those people in this State. When people get up in the morning, they do not telephone the member and say, "Goodness gracious me, I think I might have to hop in my car or catch public transport today"; they just go off and do it. They are the people who are making a contribution to Western Australia, not the people who sit in Murdoch University dreaming about Melbourne trams, because that is what light rail is. I suggest that the member stand on a corner in Fremantle and stop all cars and ask the drivers if they would like to see a bit of road improvement around Fremantle. He would find that the number of people who he thinks have his particular opinion are not the great majority. Some people have said they prefer Stock Road but they do not use it. People who live on Hampton Road do not want to have Hampton Road used. Where do we send the vehicles - via the beach?

PORTS AND HARBOURS - BROOME PORT AUTHORITY

Employment Agreement - Continuity of Service Clause

899. Hon KIM CHANCE to the Minister for Transport:

- (1) Have employees of the Broome Port Authority been asked to sign an agreement which incorporates a continuity of service clause?
- (2) When are such agreements due to commence?
- (3) Do the new arrangements conflict with arrangements which still have effect?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) The employees of the Broome Port Authority have not been asked to sign an agreement which incorporates a continuity of service clause.
- (2)-(3) Not applicable.

TELECOMMUNICATIONS - CABLES

*Underground Installation***900. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Commerce and Trade:**

I refer to the answer from the Leader of the House representing the Minister for Energy to the question I asked on 19 August 1997. The answer advised that coordinating the timing of requirements is the most important limitation on the potential for power cables and communication cables being laid underground in the same trenches. I now ask -

- (1) Will the Office of Information and Communications address the issue of the coordination of the timing of requirements for the simultaneous underground installation of power cables and telecommunications cables?
- (2) Will the Office of Information and Communications facilitate consultation between Western Power, AlintaGas, the office of the Minister for Resources Development and for Energy and telecommunications carriers with the purpose of examining the potential for simultaneous underground installation of energy and telecommunications infrastructure?
- (3) If so, when is it anticipated that the Office of Information and Communications will be in a position to undertake this work?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) Yes.
- (3) The Office of Information and Communications is currently undertaking this work.

GOVERNMENT ADVERTISING - VINTEN BROWNING

*Restraining Orders Act - Community Awareness Campaign***901. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) Was the advertising agency Vinten Browning hired to run a community awareness campaign with respect to the Restraining Orders Act?
- (2) If so, when was it hired?
- (3) When did it cease to be engaged?
- (4) What was it paid?
- (5) Did it complete that for which it was contracted?
- (6) Was the work completed by Marketforce?
- (7) If so, why was the agency changed?
- (8) Were extra costs incurred as a result, and if so, how much?

Hon PETER FOSS replied:

- (1) Yes.
- (2)-(4) I do not know.
- (5) No.
- (6) Yes.
- (7) It was changed because of the unsatisfactory performance.
- (8) No.

HOSPITALS - MANDURAH DISTRICT

Health Solutions

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

- (1) Has Health Solutions officially taken over the operation of the Mandurah District Hospital?
- (2) If yes, have all the current staff now signed the certified workplace agreements which they were promised would come into effect on 1 September 1997?
- (3) If no to (2), why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Staff have not signed workplace agreements because satisfactory negotiations were made with the three unions.
- (3) Certified agreements based on the private sector award were made with the three unions.

ROADS - MAINTENANCE CONTRACTS

Buckeridge Group of Companies - Costs

903. Hon BOB THOMAS to the Minister for Transport:

The Minister has advised that up until 19 September 1997, \$5.277m had been paid to Main Roads Western Australia for road maintenance contracts. What was the total sum claimed by BGC in respect of those contracts up to 30 September 1997?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. A sum of \$5.63m has been claimed by the contractor up to 30 September 1997 and \$5.27m paid to the contractor to 30 September 1997. The difference represents normal checking procedures being undertaken by the contract superintendent, GHD Pty Ltd.

COLLEGES OF TAFE - HEDLAND AND PUNDULMURRA

Amalgamation

904. Hon BOB THOMAS to the Leader of the House representing the Minister for Employment and Training:

I have a question on notice given by Hon Tom Helm. I refer to the proposed amalgamation of Pundulmurra College and Hedland College and ask -

- (1) What is to be the proposed make-up of the board of directors for the new amalgamated college?
- (2) Specifically how many representatives on this board would be from Pundulmurra College?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Section 39 of the Vocational Education and Training Act details the composition of college governing councils. The governing council of a college is to consist of -
 - (a) a chairperson and a deputy chairperson and not fewer than six or more than 10 other members appointed by the Minister; and
 - (b) the managing director for the time being of the college.Members are appointed for their experience and expertise in education and training, industry or community affairs for their ability to contribute to the strategic direction of the college
 - (2) There will be effective Aboriginal representation on the college council.
-