



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE COUNCIL

Thursday, 30 April 1998

Legislative Council

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

SCARBOROUGH SENIOR HIGH SCHOOL

Petition

Hon E.R.J. Dermer presented the following petition bearing the signatures of 60 persons -

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

We, the undersigned residents of Western Australia oppose the likely closure of Scarborough Senior High School.

We protest that:

- . the Education Minister earmarked Scarborough Senior High School for closure last year, before the community consultation process even started, when he announced that the school should probably close.
- . the local area education planning process ignored community opinion by effectively eliminating the three options which recommended retaining Scarborough Senior High School.

Your petitioners therefore respectfully request that the Legislative Council will give this matter earnest consideration and your petitioners as in duty bound, will ever pray.

[See paper No 1566.]

PUBLIC SECTOR MANAGEMENT (REVIEW PROCEDURES) AMENDMENT REGULATIONS 7 AND 8 1997 - DISALLOWANCE

Order Discharged

HON LJILJANNA RAVLICH (East Metropolitan) [11.08 am]: I move -

That Order of the Day No 1 be discharged from the Notice Paper.

I understand that the Government has reached an agreement with Hon Helen Hodgson on this matter, and I am satisfied with the outcome.

HON MAX EVANS (North Metropolitan - Minister for Finance) [11.09 am]: The Government has taken advice, and supports the motion.

Question put and passed.

OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996 FOR PRIMARY INDUSTRY

Review

Resumed from 29 April on the following motion -

That the Occupational Safety and Health Regulations 1996 for primary industry be reviewed with the intention of developing and implementing a code of practice.

HON TOM HELM (Mining and Pastoral) [11.11 am]: The House will recall that at the beginning of the debate yesterday I was trying to emphasise the myths propagated that safety and profit are mutually exclusive. Hon Murray Criddle argued that we must be careful when placing an emphasis on safety that it does not interfere with the importance of profitability, whether it be a mine, a farm, the wharf, or any other workplace in this State.

Hon M.J. Criddle: I think I was referring to an over emphasis.

Hon TOM HELM: Yes, I take the member's point; an over emphasis. In other words, if one is too safe, one will never be profitable. I suppose there is an argument that says if one wants to be safe, one should stay in bed and never leave the house - yet that is not necessarily so; people die in bed. That point must be taken. Some people believe that being too safe is a dangerous thing if it affects the profitability of the enterprise. We must get away from that attitude.

I have been involved in this debate as Chairman of the Delegated Legislation Committee in a number of instances where some proposed regulations were seen to be onerous for the farming community. One item on which various farmers lobbied members of the committee was roll bars on tractors; they wanted people to be exempted from having to fit one if a tractor was over 10 years old or secondhand. There are various reasons why roll over bars should be put on tractors and none of the contrary arguments convinced me that we should give exemptions in that case. I suppose that life is like that; everybody believes that their situation is different and that they should not have to comply with regulations or laws that are laid down for the common good; in this case, to ensure that work is done safely.

I argued within the Caucus that codes of practice were not necessarily the right way to go - obviously, because the Labor Party is supporting this motion, I was rolled. My arguments were not convincing enough within the Caucus to say that codes of practice should not be the way to go. One of my major arguments about the use of codes of practice rather than regulations in the matter of safety is that codes of practice cannot be disallowed. Codes of practice can only be amended outside the parliamentary process. I believe that while we have a Health and Safety Act, that Act should do what it says and look after the interests of everyone in our State and there should not be exemptions unless it is seen that the Act is flawed and is not doing the job was intended to do. I would still pursue an argument in any forum that codes of practice are not appropriate, but I accept the fact that people have a view that they do have a use. There is a use for codes of practice, but codes are of benefit only where there is ownership of that code. In other words, as the Hon Murray Criddle said in his contribution, the code of practice should be run for a little while so that we can sort out the gremlins and so that the people involved can amend the code as industry develops and as the work ethic develops. One of my major arguments against a code of practice is that it will be inadequate for our purposes at this stage. As I understand, the code of practice will be put together with the assistance of the Commissioner for WorkSafe Western Australia, Mr Bartholomaeus. We are all aware of the role that Bartholomaeus has played in terms of health and safety in this State. He says to the farming community that he would like to assist and help them put together a code of practice that participants in the industry would be happy with. I remind the House that Bartholomaeus was the one who said that the trade union movement does not have much of a role to play in health and safety in the workplace. However, he relies upon the trade union movement for assistance in various health and safety matters. I refer to the inquiry into the deaths in the goldmining industry in the eastern goldfields and his requirement that a representative of the Trades and Labor Council be on that inquiry to give it some authority and credibility. It worries me that he seems to run with double standards. If the farming community was represented by people of the ilk of Hon Murray Criddle and a number of other people in this place who have a good reputation for looking after the farming community, I would be happier for there to be a code of practice. I understand that no committee has been set up to oversee the implementation of a code of practice, and basically the person with the statutory authority to see a code of practice put in place is Commissioner Bartholomaeus, whose reputation is very soiled in our State and is not someone in whom this House can put any faith at all. While we have regulations, this Chamber can have a major say in how those regulations are put together. A code of practice will be left to some faceless people at this stage; the only person we know with a face is Bartholomaeus, and his motivations have attracted some mistrust in this State.

Yesterday I asked whether Hon Murray Criddle would table some papers and they have just come into my hands. I was interested in his comments about the prosecution philosophy rather than the education philosophy. He explained to the House there were a number of articles, pamphlets and leaflets available which outlined methods to educate farmers and people who work in the agricultural industry in how they should proceed in their jobs and care for the safety of their employees and naturally themselves. I too have problems with the idea that a prosecution philosophy is necessarily the right way to go. I am reminded often of the fact that some of the lessons we learn are paid for very dearly. Even though one might wish to move away from a prosecution policy, there appears to be very little emphasis on education that might go hand in hand with a prosecution policy. Sometimes a prosecution can be an important lesson for those being prosecuted.

It is also a learning tool. Once people see that prosecutions are occurring, and people are being punished for transgressing the regulations, they will look more carefully at the way in which they carry out their business. A prosecution policy should not exclude an educative role. What bothers me is that WorkSafe does not have enough inspectors either to educate or to prosecute. Hon Murray Criddle said yesterday that he had heard of an inspector going on site and advising the operator that something needed fixing and then leaving the operator to fix it. My experience in the mining industry is that the role of the mining inspector is to suggest a way to fix the machinery that he would find acceptable. If they cannot do that they should not be inspectors. In the mining industry inspectors use their prosecutorial role as the last card in the pack. Their major role is educative to ensure that everybody understands their roles and responsibilities under the Act. If they do not provide guidance they will be policemen and that worries me a great deal.

I will make a number of points on the similarities between the mining and farming industries. In the mining industry

an inspector of mines is a workman's inspector; that is, he or she is elected by the work force. There would not be much difference between that person's role and that of the committee appointed by the farming industry to oversee a code of practice.

Hon M.J. Criddle: Would you be satisfied for the farming industry to operate under the same arrangement as the mining industry?

Hon TOM HELM: I have argued consistently that all people, whether they own the machinery they operate, are employees or shareholders, should be subject to the same rules and regulations. The mining department is not covered by WorkSafe, and that is a joke. If we are dinkum about going down this track we could get rid of regulations and set up a code of practice that applied to everyone. It is hypocritical to say that people who work in the farming industry are less vulnerable, more expendable or should be treated in a different way from people who work in a fabrication shop or a mine. In all of those industries 99.9 per cent of people whether they be bosses or workers are anxious that people work in a safe environment. A minority of people in both the blue and white collar sectors do not care. However, for the most part bosses want their workers alive and well and with all their digits and arms and legs. They pay for a full human being. They do not want the trauma that results from an accident. It is in everyone's interests, the company and the employee, to ensure that work flows. If it is flowing everyone is doing his job, efficiently, effectively, safely and cheaply.

The safety record in the iron ore industry has improved, and until 12 months ago I would have said that was the situation in the gold mining industry. Iron ore mines have attained four and five star safety ratings, and organisations have been set up to bring about world's best practice in safety. That is because it is recognised that a safe workplace is a profitable workplace. The farming industry should go down the same track. For instance, why not implement training standards for the farming industry, so people who go to farms can be trained, say, as farm hands grade 1?

Hon M.J. Criddle: Six thousand five hundred farmers have gone through a farm care course in handling chemicals, so that is in place.

Hon TOM HELM: In the iron ore industry a worker who is trained in a job as a boilermaker may undertake additional training for welding etc, which will include safety requirements. The farming industry could follow along those lines. Everyone says that safety is an important aspect of profitability and it is an investment that everyone can afford to make. We should not try to hide from the evidence that is before us.

Some of the terminology used in the prosecutions policy put forward by WorkSafe Western Australia reflects its adversarial stance; for example, prima facie case, reasonable prospects of conviction and public interest. I am opposed to approaching this subject along the lines of goodies and baddies. I have never worked on a farm so I would not be so presumptuous as to say that farm workers are like iron ore workers. In my six years' experience in the iron ore industry I found, almost without exception, one or two people who could not pull a skin off a rice pudding and did not intend to do any work no matter what happened. I suspect in the farming industry that a person like that would find it harder to hide in a small work force than in a work force numbering hundreds. I suspect there would be a good chance of finding that people who work on farms want to do a decent day's work for a decent day's pay, and I hope the award reflects that. If one thinks one's employee is worth the wages he is paid it is in the interests of a farm producer to ensure that person has a safe environment in which to work.

As Hon Murray Criddle said, the farming industry is obviously going down the same track as the iron ore industry by employing people with qualifications to handle certain products, such as chemicals. However, they should expand that to include power take off vehicles such as tractors, headers and the vast range of machinery the names of which I do not understand let alone their functions. The advertisements for farm machinery on GWN display a fantastic range of machinery which can be used in the paddocks. I admire the people who build them and repair them.

It seems to me that every sector of industry is moving away from the eighteenth and nineteenth century practices we found comfortable and cheap. We are now organising work in a far more modern way. In the light of the specialist skills required for working much of the new machinery, lessons need to be learned on how to do it not only efficiently and effectively but also safely. It is difficult for anyone to deny the vital importance of safety to our social fabric. It may be a cliché but we cannot escape the fact that everybody wants to be able to go to work and return home in one piece, let alone alive. People are entitled to work for an enterprise, be paid wages and return home safely. I have given notice of an amendment I will move at the end of my contribution.

A code of practice will have less importance than regulations. I say that because we all take the view that we live on an island and what we do has little impact on the person next door. However, in industry before I came here, and even since being a member of Parliament, it has been brought to my attention that many employers and industry owners in this State complain bitterly that, as a result of the initial cost of establishing a safe and healthy workplace, enterprises are reluctant to spend money on it because they do not see the immediate benefits. Although it is healthy

to inform people about these issues and point out that investment in the health and safety environment is long term, when returns are down and industry is facing a tough time it is difficult to convince people to make that investment. We could appeal to people's better nature. However, once the dollars in the wallet become scarce, man's better nature diminishes. He is less receptive when he is on the bones of his backside.

We need a legal remedy to create a level playing field. If people do not believe that a long term investment in a healthy and safe workplace is desirable, the law must compensate for people's diminishing better nature so that everyone is working in an equally safe and healthy environment. It is no good having a bad reputation in one place and a good reputation in another. A standard must be set which is legally enforceable. A code of practice will not do that.

People might say the duty of care provisions will prevail. However, I am cynical about the duty of care issue because it comes into play only after the event. Surely we are about preventing accidents and making sure workplaces are safe.

On the face of it, this prosecution policy of which I have been made aware this morning, is a frightening document in one sense and should be modified if it is likely to be adopted.

Hon B.K. Donaldson: It was created in your time.

Hon TOM HELM: The document worries me. It must be old fashioned policy. It probably came in before Neil Bartholomaeus who was appointed towards the end of the Labor Government's time. The thrust of this document is to punish people for breaches of safety standards. As Hon Murray Criddle said, no recommendations are made about counselling or advisory positions the inspectors might want to adopt. It surprises me that WorkSafe attempted to prosecute Mr Thorpe over the accident on his farm and, after trying to prosecute a supermarket in Karratha over a boy who was killed by an ockie strap, dropped the matter. Those attempts by WorkSafe send out the wrong messages to the community about that organisation.

Contrary to the interpretation of the Act by Bartholomaeus, WorkSafe was not established to support Kierath's philosophy of whipping the unions into line and punishing them if they did not do the right thing. It certainly was not established to prosecute farmers or property owners for unsafe work practices. Surely it should have an educative role so that people understand what is expected of them and why. I see nothing in this document that gives anyone in this State an understanding of the preventive nature of a safe and healthy workplace. That must be WorkSafe's major role. It must also play a role in counselling people and circulating documents on the safe use of farm machinery referred to by Hon Murray Criddle during his contribution yesterday.

Undoubtedly, since the coalition took office less emphasis has been placed on the importance of safety committees and elected safety representatives in industry as a whole. Certainly less funding has been made available through the Minister's department and WorkSafe to increase people's awareness of safety throughout industry.

The booklet entitled "Farm Safe" was very effective in educating people who work on farms. At this stage farmers should be very much aware of the machinery and the chemicals with which they work. They should be confident in not only their ability, but also that of their employees to handle those machines and chemicals safely. I suspect that is not the case. Perhaps the farm safe program was quite a good lead-in to emphasise importance of safety.

A booklet entitled "Safety on the Farm" states that every employer is required by law to make available a copy of the Occupational Safety and Health Act and the Occupational Safety and Health Regulations to any employee who asks to see them. It also states that people who live on or visit farms are also covered by these laws, whether they work there or not. That is all very well. Having a copy of the laws gives people an idea of their duty of care. Farmers will know as well as anybody that the application of commonsense is far more relevant to the owners and the workers on farms than any laws that might be available to them. I am sure the first thing people who work on farms will ask for, even before they ask how much they will be paid, will be a copy of the Act so they can have a quick browse through it during smoko, or when the tractor is being refuelled, or while getting in the harvest or ploughing the fields! That might seem a cynical thing to say, but generally people do not ask whether the relevant Act of Parliament is available or where it is located so they can read it. They must know what the job they are being asked to do is all about and how to do it. It is most important to be able to do it safely.

Hon M.J. Criddle: That is why something like the blue document would be good in the code of practice.

Hon TOM HELM: It is a good glossy document, and presents well. It is easy to read and has plenty of pictures illustrating how to lift heavy objects correctly and how to use the safety gear that should be available.

Hon Greg Smith: How not to get between two fighting bulls!

Hon TOM HELM: If workers do, they should be wearing protective clothing. People should be encouraged to ask

where the safety gear is, rather than for an Act of Parliament. If they work with chemicals, they should know where the protective face masks and gloves are. Many of these things fall down in their practical application. Rather than keeping the legislation in a glass case, workers should be shown where the safety equipment is and the sort of equipment they should use to do the job at hand.

I have with me the guidelines for the development of a code of practice put out by WorkSafe Western Australia which was sent to Hon Murray Criddle by Neil Bartholomaeus and dated 1 April 1998. We should be a little worried about a document that this bloke has put his name to. His name is pretty much mud in this State.

Hon Greg Smith: Did he run as a Labor candidate on a couple of occasions?

Hon N.F. Moore: The same bloke.

Hon TOM HELM: That was in another life. I am pleased we have had the chance to see his true colours before he gets the chance to run again. He explains the code of practice. It is a contradiction in terms that we think a code of practice is the most appropriate way to go, then we concern ourselves with its legal status. I wonder how people would view our saying that regulations place too much of an imposition on people and have too much authority in their prosecution elements when they are breached. Page 4 of the guidelines states -

In the planning stage, industry groups should consider ways to produce, distribute and promote their codes of practice. It is important that copies of every code of practice are available within a reasonable time and the distribution is not restricted to certain parts of an industry, such as membership of an organisation. Once it is approved, the industry code of practice may be sold to recover the publication and distribution costs.

Mr Bartholomaeus says in this document that industry groups should consider ways to use, produce, distribute and promote their codes of practice, and that is quite sensible. This is the same guy who said that unions have no role to play in safety throughout the whole of industry that is unionised in this State. Commonsense says that that is the most practical way of doing it. The industry groups, whether they be for the employer or employee, should be the ones that consider how to produce, distribute and promote their codes of practice.

In this document Mr Bartholomaeus is saying that industry groups should play a role not only in producing the codes, but also in suggesting any changes, and whether to strengthen, weaken or change the emphasis of the codes. It should be a living document, not a piece of legislation that is cast in stone that is difficult to change, and only then by amendments going through this Parliament. Mr Bartholomaeus has demonstrated to this State that if people say things or do things of which he disapproves, he will find ways for WorkSafe to emphasise his position. We must look at what he is saying in this document with a somewhat jaundiced view because he has demonstrated that what he says and does are two separate things, and that concerns me.

Perhaps the inspectors with WorkSafe can give some advice in this field. The code of practice can have relevance only if the industry group has control and ownership of it. It must be relevant to that group, and remain so. Once it is set up, it must be taken out of the hands of WorkSafe. If we are not talking about a prosecutorial approach, if we are talking about being non-adversarial and educational, the code of practice must remain within the industry group.

Mr Bartholomaeus has demonstrated his ability to build himself an ivory tower in this State, which has little relevance to the safety and health of people who must work within industry here. We know fewer work inspectors are going onto work sites, and throughout the whole industry generally. There is more paper work. There is a paper war out there. We still do not know whether there will be any prosecution in relation to the incident at the hot briquetted iron plant. My union, the metal workers' union, wants a prosecution because it wants to see that workplace remain safe.

That is what must be done; one must talk about it. Another contradiction is on page 5 of the draft of the industry codes of practice, which states -

Industry codes of practice should be as user friendly as possible. Plain language is essential. Legal and technical jargon should be avoided or very clearly explained.

It goes on to say -

When drafting information for an industry code of practice, industry groups are encouraged to follow the hazard identification, risk assessment and risk reduction approach that is set out in the Regulations.

If that is the track one is going down to build a code of practice on the regulations, then it seems that the code of practice should be a regulation so that we, as a Parliament, can ensure that the WorkSafe Commissioner understands that we want an educational role, rather than a punishment role, for the commission. The final words from Bartholomaeus' document states that -

Industry groups can continue to provide occupational safety and health information as they have in the past. It is not compulsory for this information to be checked by the Commission or approved by the Minister. However, the option of seeking formal approval of information in a code of practice is now available. Approval under section 57 of the Act would demonstrate to industry and the community that the legal and technical content of the code of practice has been independently reviewed and endorsed by the Commission. Industry groups are encouraged to pursue this option as part of an information strategy aimed at reducing work-related injury and disease.

That is very reassuring, is it not? I will repeat that: Approval under section 57 of the Act would demonstrate to industry and community that the legal and technical content of the code of practice has been independently reviewed and endorsed by the commission. This is a commission that refused to listen to the trade union movement and said that it had no role to play in the health and safety of people in various industries in our State.

Hon Barry House: Do you not like Mr Bartholomaeus?

Hon TOM HELM: I will not say what he is, Mr President. I thought it, but I did not say it because it is unparliamentary. This commission, of which the Minister is in charge, and the commissioner have a strange way of dealing with matters concerning workplace safety and health, and safe environment in our State. The Minister is saying, "Go to the commission, and the commissioner, under section 57, will be able to demonstrate to the States that you have a code of practice that is acceptable to the community. You, the industry have put it together now and as long as you do as you are told and do not upset me, then I am sure that under section 57 of the Act, I will be able to approve this code of practice and everyone can rest easy in their beds at night because there is no problem."

The commission said that unions do not know when to play. By the same token, the Minister for Mines in this place was one of the first to call for an inquiry into the spate of tragedies that have occurred in the goldmining industry. This Minister, is to be congratulated for asking the Trades and Labor Council to have a representative on the committee of inquiry so it could produce a document that would have some standing. On the one hand there is a Minister who recognised the role that the unions play, and on the other hand there is a Minister in charge of a commissioner who decided those unions do not have a role to play. Members cannot tell me that unions are not part of, or in some cases are, an industry group as distinct from part of an industry.

Once again the Labor Party passes on its congratulations to Hon Murray Criddle for moving this motion and for showing that he, among others, is concerned with health and safety aspects on the farm.

Amendment to Motion

Hon TOM HELM: I move -

That all words after "That" in the first line of the motion be deleted and the following words be inserted -

the primary industry sector be encouraged to develop an industry code of practice for approval by the Minister for Labour Relations under section 57 of the Occupational Safety and Health Act 1984 to enhance and support compliance with the duty of care provisions of that Act and the Occupational Safety and Health Regulations 1996."

HON LJILJANNA RAVLICH (East Metropolitan) [11.58 am] I support the amendment because it strengthens the substantive motion. A motion that the Occupational Safety and Health Regulations 1996 for the primary industry be reviewed with the intention of developing and implementing a code of practice, does not in itself say very much at all. I understand that there are no specific regulations for the primary industry sector; there are just the Occupational Safety and Health Regulations 1996 which apply to all industry sectors. There is a problem of a technical nature relating to the substantive motion. There is absolutely no restriction on the primary industry in terms of reviewing the Occupational Safety and Health Regulations 1996 with the intent of developing and implementing a code of practice. That does not necessarily have to proceed through this place in order for it to happen. I find the substantive motion a little weak; no disrespect to Hon Murray Criddle.

Hon M.J. Criddle: It actually applies to primary industries. We are developing a code of practice for a primary industries which is entirely in order with the Act.

Hon LJILJANNA RAVLICH: There is nothing that would prohibit the member from reviewing the Occupational Safety and Health Regulations 1996 with the view to working towards the development and implementation of the code of practice for the primary industry sector. My concern is that the industry might think, for example that, if a code of practice were developed, in some way it could absolve itself from adhering to the regulations as they stand. That is the reason for my concern that a code of practice could be used as a substitute for regulations.

Hon M.J. Criddle: That would be my preference.

Hon LJILJANNA RAVLICH: Unfortunately, we on this side of the House could not cop that. The amendment moved by Hon Tom Helm will ensure the intent of the substantive motion will be achieved. I have no problem with the first part of the amendment which reads -

... the primary industry sector be encouraged to develop an industry code of practice for approval by the Hon Minister for Labour Relations under Section 57 of the Occupational Safety and Health Act 1984 -

However, I am concerned about the remainder of the amendments which reads -

to enhance and support compliance with the duty of care provisions of that Act and the Occupational Safety and Health Regulations 1996.

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS - CONSIDERATION

Committee

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

Select Committee on Native Title Rights in Western Australia - Proposed Visit to Canada

Hon N.F. MOORE: I move -

That the report be noted.

I had intended to speak to what I suspect would be a substantive motion. I assure the Leader of the Opposition - the chairman of the select committee - that I will have something to say about the substantive motion when he moves it.

Hon TOM STEPHENS: The report before the Chamber is very much a preliminary one on the operations of the Select Committee on Native Title Rights in Western Australia. The work of the select committee has been extraordinarily interesting for those who have participated in it. It has been a more interesting challenge for us than was ever anticipated - certainly by me when I moved the motion to establish the select committee. The committee has taken evidence in many places and from many sources. For instance, today at our public hearing it was rivetting for me to hear from an operative in the goldfields, who works with a land council, addressing native title issues in this State and the need for them to be resolved.

The committee has undertaken some work that has taken us into the Kimberley. We have resolved to travel to the goldfields to pursue some issues raised by a number of people in the area and problems relating to the operation of the Native Title Act. We have taken evidence from civic leadership of the community and Aboriginal leaders. We propose to travel to Kalgoorlie, and stay for two days -

Hon Mark Nevill: Only two days! I hope the committee can spend at least five days there.

Hon TOM STEPHENS: We would love to do that, but it might not be possible. We will certainly take the advice of Hon Mark Nevill in constructing an itinerary to ensure that everything that needs to be done will be done. I am sure the Clerks are listening to this view on the need for such a visit.

This Chamber is faced with the need to reorganise its sitting dates in response to the flow of legislation through this Parliament. As a result, members have before them a fleshing out of a proposal which should come as no surprise to any of us. When I moved for the establishment of this select committee I indicated that I proposed to seek the approval of the House for the select committee to travel to Canada with a view to considering many issues, particularly the regional agreements of British Columbia and the North West Territories. That ambition of the committee is contained in the report before the Chamber. The proposed itinerary relates to dates in May, and will involve expenditure this financial year for travel as soon as the House rises - assuming that the request is acceded to.

Once the report is noted I will move the substantive motion - unless there is an objection to the contrary or an indication of a problem - and I am not one who will pursue this issue if at the last minute someone attacks the proposal; however, I have been told that I have the support of my colleagues and of the Government for this proposal. If the situation were to change I would not proceed with the next motion if someone comes from the blue from either behind or in front of me -

Hon Bob Thomas: I support the proposal.

Hon TOM STEPHENS: I am making my position clear -

The CHAIRMAN: Order! The Leader of the Opposition can, if he wishes, move an amendment to the motion to encompass that matter so that the motion would read "that the report be noted, and that the House recommends that the funds be made available for the purposes of the report".

Hon TOM STEPHENS: I am encouraged by the two recent interjections. On the basis of those two interjections I indicate that that would be the motion I would like to succeed.

Hon N.F. Moore: It is a wishy-washy approach; you should be enthusiastic about this.

Hon TOM STEPHENS: I am absolutely. I will not move the amendment and I will sit down. If the Leader of the House wants to tell me not to do this, please do.

Hon N.F. Moore: You are taking a very wishy-washy approach; you should be far more aggressively supporting it.

Hon TOM STEPHENS: I made my position clear from day one, and that is that I have been as transparent as one can possibly be in reference to the handling of this issue. The Leader of the House knows better than most the situation that can develop in respect of travel, as the House is handling that issue. I know the risks that I face in reference to this before the gallery and the community of Western Australia.

Hon N.F. Moore: You are being far too sensitive.

Hon TOM STEPHENS: I am sensitive; we should all be sensitive to these issues. Nonetheless, I unashamedly put forward my proposal and hope that it will not now be the subject of criticism from any direction in this Chamber.

I say this: The program for British Columbia and the North West Territories was very deliberately constructed in consultation with the mining industry in particular and with government departments that have an interest in mining and land administration. The committee went out of its way to try to ensure that we get a comprehensive view of what is happening in those two areas. I am apprehensive that what I thought was developing in British Columbia, which would absolutely prove my point about the validity and the need to head in the direction of regional agreements, may not be the case. I may find that I will be educated there in a way that I never anticipated; that is, that there has been a shift in British Columbia in respect of these issues.

Hon Derrick Tomlinson: In which case you should go!

Hon TOM STEPHENS: Hon Derrick Tomlinson will find that my original intention -

Hon Mark Nevill: What about Manitoba?

Hon TOM STEPHENS: We do not propose to go there. That which I thought would prove a particular political point is getting more complex by the moment in those areas, nonetheless, it will be illustrative for us.

I finish by saying that we are left with the native title issue to be resolved beyond the next federal election. As a Legislature we must tackle the issue of responding to whatever emerges through the Federal Parliament's handling of the native title issues, whether that be by virtue of a joint sitting at the end of the next federal election or some other process. If the federal Howard Government is re-elected and it puts the native title legislation to a joint sitting, we will be faced with a legislative challenge. If that does not happen and the Beazley Government is elected, then the Beazley Opposition has committed itself soon after the formation of the new Government to its first agenda item of locking up the principal parties almost in a conclave in Canberra to resolve the issues and produce a resolution to the questions of native title.

Hon N.F. Moore: I wish they would tell us!

Hon TOM STEPHENS: Whatever way it is resolved there will be a challenge for the State Legislature to tackle the issues. I want to be in advance of the game, as I have explained to the Chamber, and ensure that in double quick time we have a multi party consensus emerge that will produce certainty for Western Australia. As a State there are few issues that are more important than resolving this one. I take the advice of the Leader of the House and aggressively put forward my proposal.

Hon N.F. Moore: Either you think it is a good idea or not; it is no good making decisions based on the politics.

Hon TOM STEPHENS: I do think it is a good recommendation and the committee does also. I will therefore proceed aggressively down that path. I believe that the Committee should support it. It is something that may be an education in that the approach that I wanted to see strengthened in law may not be the way to resolve this issue, as I first thought it would be based on the preliminary indication of what was happening in British Columbia and the North West Territories.

Hon Mark Nevill: It might be the way to go in some cases but not in others.

Hon TOM STEPHENS: That may well be the case. I am saying that when I set out on the work of this committee I was absolutely convinced that we would find in the North West Territories all the evidence to support my preconceived viewpoint. Now I find that my preconception may be challenged by what I am about to see. That is important as we tackle these issues. We may find a re-education of this parliamentarian on this specific issue. I know that the other members of the committee were more open minded than I was about the value of regional agreements, and I was pursuing a viewpoint and felt that this trip would advance it. I now find that some questions are emerging and my point of view may not be the solution by itself. Even though they have thrown a spanner in the works of my preconceived position, they are further justification for this trip; we will bring back a wealth of knowledge that will contribute to the Parliament's consideration of these issues. It is a new process for this Parliament - a very open and accountable process.

Amendment to Motion

Hon TOM STEPHENS: I therefore take the advice of the Leader of the House and move -

That the motion be amended by adding the words "and that the House recommends that funds be made available for the purposes of the report".

Hon N.F. MOORE: I vigorously support the proposal that this committee should travel. Whether it should travel to Canada or somewhere else is for it to decide. I have been of the view that members of Parliament should be exposed to as many circumstances and points of view as possible, and travelling is one way of ensuring that one's mind is focused on the issues at hand. One of the good things about parliamentary committees travelling is that one spends one or two weeks very much focused on the issues being contemplated. It gives us a good opportunity to hear a whole range of points of view and not to be distracted by other issues that surround us at the time. It gives us a good chance to reach some conclusions that we may not otherwise have the time to reach. I do acknowledge that there are others who would say that anybody who travels is simply going on a junket, but I do not agree with that at all. In fact, I sought to defend that I did go on one trip, even as far as the High Court; so I do have a very strong view and I am happy to support the motion that this committee should travel.

I raise a couple of issues about what the committee seeks to do, first in respect of the proposal contained in the report which refers to Friday, 22 May through to the end of the following week. That is set down at the present time as a recess week. I need to advise the Chamber, and this is probably a good time to do it, of the way the legislative program is headed. Due to delays in the Assembly because of the abortion debate, this Chamber is rapidly running out of legislation.

It may be appropriate for this Chamber not to sit next week. I will make a decision between now and the end of the afternoon about that. If that is the case I will recommend to the Chamber that we sit on the sitting week commencing Tuesday 26 May, which was set down as a recess week. By then, with the Assembly sitting next week, we would have some legislation coming through from the Assembly and we could make some meaningful progress in that week. That is the same week Hon Tom Stephens has recommended his committee travel, and so I suggest that he contemplate some other time rather than the time set down in the report.

In view of the proposed itinerary and the list of meetings and number of places the committee wishes to visit - British Columbia, the North West Territories and a few other destinations that were mentioned during debate - one week would seem to be inadequate. I suggest that if the Chamber is sitting the week that the committee contemplates travelling, it postpone its trip and travel when it has more time to do its job. I suggest also that the committee call into Kalgoorlie on the way, because things are going on in Western Australia on this very day that are causing many people in our community significant difficulty as a result of native title legislation.

I was encouraged to hear that some future Beazley Government will put everyone in a padded, smoke filled room and bang their heads together to get a result. The federal Labor Party has had plenty of opportunity to bash heads together - if that is what is required to reach a conclusion. Mr Beazley and his colleagues come to Western Australia, make all the right noises to the mining industry and the pastoralists - they talk to the farmers as if they were one of them - and then rush back and do exactly what their colleagues in Sydney and Melbourne want them to do and they achieve nothing in a legislative sense. It is encouraging to hear the Western Australian Leader of the Opposition in this place telling us that a future Beazley Government - there will not be one, but in the event there is - will bang heads together to get a result. I am not sure whose heads it will bang together - the left of the Labor Party, the Aboriginal lobby, the mining industry, or the Pastoralist and Graziers Association. I would love to know whose heads he has in mind to bang together. I hope it is his deputy leader, who has made some outrageous comments on this debate and gives every indication that he knows nothing about this issue but wants to pontificate around the world about it. I make this point because it was raised by the Leader of the Opposition. However, I want to illustrate that it is a serious problem.

The committee need only look at what is happening in the goldfields to know how serious is the problem. I am encouraged to read in the newspaper - not that I always believe what the newspapers report - that Hon Mark Nevill was critical of Brian Wyatt who, coincidentally, was an opponent of mine for Lower North Province in 1983. Hon Mark Nevill has criticised him about the role he might be playing in a recent native title claim on the goldfields.

Hon Tom Stephens: I thought the election result was a tragedy for Western Australia.

Hon N.F. MOORE: If that man were in this place doing the same sort of things, it would be a tragedy. This issue needs to be resolved quickly. I am not absolutely sure that solutions will be found by travelling to Canada. That view is based more on my ignorance than anything else. This committee needs to move quickly. It needs to move around Western Australia to take into account what is happening in Western Australia and to make recommendations quickly about what needs to happen. If we do not sort out the native title mess, the mining industry will come to a halt. While exploration was at record levels last year, it was all brown fields. Very little green fields exploration is taking place and the applications for titles are being glued up in the Department of Minerals and Energy and there are some crazy things in the current law.

Hon Mark Nevill: Gold royalties?

Hon N.F. MOORE: The price of gold went up \$US5 an ounce last night, which is more than the gold royalty. We can have another go at that if Mr Nevill wants to argue. There is a situation in the mining industry whereby the processes are being gummed up and the capacity of the system to grant title is being severely restricted. It needs to be fixed. I would have thought this committee could spend a fair bit of its time in Western Australia looking at that issue.

Hon Barry House: We are.

Hon N.F. MOORE: I look forward to hearing more when the committee reports ultimately. It is a serious matter and I sincerely hope this committee can make some worthwhile contributions to its resolution.

My final comment about this report is similar to a comment I made about a previous committee's request to travel. I indicated on that occasion that the itinerary was flimsy. I also acknowledged that in view of the time available to put it together it was not possible to provide the Chamber with a detailed itinerary and I acknowledge the same thing about this. The itinerary lists the people to whom the committee wishes to talk. Before the committee travels, I would like to see for my own benefit a detailed itinerary of whom it will meet, where it will meet them and how long it will take to see everybody and so on. In all sincerity I encourage the committee to spend longer in Canada than it has indicated, because if it wants to see all of the people it has listed it will take a lot longer than the time it has set down. For the benefit of the Government and my own benefit particularly I would like to see a detailed itinerary before the committee goes so I can be satisfied that the preparatory work for an overseas trip has been done. On that basis I vigorously support the committee's decision to travel. However, in all sincerity I suggest the committee travel far and wide in Western Australia and if it can find the time to go to Kalgoorlie in the next couple of days it should do that too.

Hon BARRY HOUSE: The committee has a trip to the goldfields planned that will now take place later in May because of the changes to sitting times that have been mooted. The Leader of the House's suggestion concerning a detailed itinerary is a good one. Perhaps such a requirement could be put in place for all committees, although it is difficult to set out exact times and appointments at the time of seeking approval. However, it should become standard practice for a detailed itinerary to be lodged with the President, the Leader of the House and the Leader of the Opposition prior to a committee travelling. That is fair and reasonable.

It is necessary that funds be approved in this financial year for travel in the next financial year as some advance expenditure on purchase of airline tickets and hotel accommodation is needed. It is relevant that the committee, even this morning, was talking about postponing until July the dates of the proposed visit to coincide with the major break and to take into account the contingencies that will be required if this Chamber sits beyond its scheduled adjournment late in June. As the Leader of the House suggested, we could then anticipate taking the time to examine the issues properly. At the moment, the anticipated visit will be about 12 to 14 days.

Hon MARK NEVILL: I support the committee's proposal to travel. I hope that in its reports it will address the problems in this area. There has been a tendency to concentrate far too much on the philosophical issues rather than the practical problems generated by these pieces of legislation. Generally speaking select committees examining Aboriginal issues in this House have failed miserably over the years. I can recall a number of select committees that do not have a memorable track record in this area. Like the Leader of the House I believe the answers to this problem can be found here, although travelling broadens people's views about how difficulties can be resolved and shows them what not to do. The committee's itinerary is extremely ambitious.

Hon Barry House: We were persuaded to extend it!

Hon MARK NEVILL: I thought it would be away for a week, which would be insufficient time for it to make a trip to the western part of Canada worthwhile. At least 12 days or a fortnight is necessary. Time often overtakes these committees. Term of reference (a) has been overtaken by time. It is important that the committee focus on these issues and propose some mechanisms for resolving the real problems. If that means it must work quickly over the next few months so that we can see real benefit from it and if it does a good and thorough job it should produce results unlike many other committees that have examined Aboriginal issues.

Hon TOM STEPHENS: I thank the Leader of the Government, the Deputy Chairman of the Native Title Committee, Hon Barry House, and my colleague Hon Mark Nevill. Perhaps I am a bit tired and the flu is about to grab me; therefore I am overly sensitive to anything likely to come in front of me.

As chairman of the committee I will ensure the Leader of the Government has available to him the detailed itinerary once the committee has committed to that program so that he and his Government and departmental or industry groups can have an input into it. I understand Hon Mark Nevill's observations. I am sure the other members of the committee will take them on board. The members of the committee face the challenge of responding to those indications from the House. I am sure the Clerks have heard the view of the House on these issues, particularly the Native Title Committee. We are left to tackle the people who have control over the purse strings of the House.

This morning we resolved to try to travel to Kalgoorlie. Our task is to find the financial resources to accomplish that. I hope the Clerks can help facilitate that.

Hon Bob Thomas: Use your Goldcard.

Hon TOM STEPHENS: My travel is not an issue, but other members are faced with costs. Hon Helen Hodgson, who is working closely with the committee, by and large will be paying for the trip from her own resources or her imprest account. I thank members of the committee for their support of this request. I look forward to delivering in response to the expectation of the committee to both the Leader of the Government and my colleague Hon Mark Nevill.

Amendment put and passed.

Motion, as amended, put and passed.

Standing Orders Committee - Proposed Amendment to Standing Order 134 Providing for a Right of Reply

[The President took the Chair.]

Hon J.A. COWDELL: I move -

That the report be noted.

The PRESIDENT: If there are no speakers I will be happy to run through some of the considerations of the committee on member's behalf in proposing this matter. Members will be aware that article 9 of the Bill of Rights of 1689 provides members with absolute privilege in respect of proceedings in this House. Because in general terms members cannot be challenged outside the House on matters they raise during the proceedings of the Parliament and because the proceedings of the Parliament are unable to be impeached by a court, it could be said that members of Parliament are clothed by a privilege which is not afforded to other members of the community.

That being the case, members often use that privilege in a particular manner. Regrettably on some very limited occasions some members have either abused or misused the privilege afforded to us under article 9 of the Bill of Rights and at times have caused distress or injury to members of the public. Clearly, because of the reference of this matter to the Standing Orders Committee, some members of the public have approached members of this House and indicated they would like the opportunity of a right of reply where in the first instance they felt that parliamentary privilege had been abused or misused and were keen to ensure a rebuttal or that some rejoinder could be published to try to restore any damage or injury that might have occurred to their character or business or whatever. That was the basis on which this matter was referred to the committee in the first instance.

The committee has considered the right of reply that exists in a number of other Parliaments in Australia; in particular, the Senate, the House of Representatives and the Legislative Assembly in Western Australia. Each of those Houses has the opportunity for a right of reply under particular circumstances. The committee considered those various circumstances, but believed the mere publication of a rebuttal or rejoinder may, in itself, not be sufficient to make good the damage that had occurred to a member of the public.

As a result of that, the committee has come up with the proposition that is before members; that is, an amendment

to current Standing Order No 134 in the terms of the report. I will explain some of the features of this proposal. Although it is not complicated, the Standing Orders Committee spent some time discussing the various pros and cons of either adopting a similar standing order to that used by other Houses of Parliament in Australia, or using the procedures we have; that is, the petitions that are sent to the Constitutional Affairs Committee, and having that committee consider petitions put forward to it where there is an alleged abuse or misuse of privilege.

The committee recognised that at the moment we have a committee that deals with petitions that are presented to this House. That is, to my knowledge, unique in the way it handles things, when compared with other Houses of Parliament in Australia, but I stand to be corrected. My inquiries of other Houses indicate that they do not deal with petitions in the way we do, and that is of some credit to this House and to the committee that is charged with the responsibility.

Given that in this House we have a situation that affords members of the public an existing right to petition the House, the committee believed it could expand on the current procedures and make good the earlier reference to the committee. The proposition before us basically requires a petitioner to present a petition outlining how he has been aggrieved or his reputation has been affected. As is the normal case, the procedure would then be for that petition to be referred to the Constitutional Affairs Committee and for the committee to consider the substance of the petition.

If the committee found that the issue complained of raised a matter of privilege through this standing order, the committee would be reconstituted, such that the Leader of the House and the Leader of the Opposition become members of it. The reconstituted committee would be able to consider the question of privilege which would then be before it. Before the committee gets to that stage, it must consider Standing Order No 133(c)(vii) which clearly provides that any people who allege that comments made in this House have caused them damage must exhaust other processes that are available to them before the Constitutional Affairs Committee may consider the petition and the alleged grievance.

Once the committee has considered the matters contained in the petition, it would be open to it to make a recommendation to this House as to how the person should be treated, or the action the House should take to mitigate the harm to the aggrieved person. Where a breach of privilege or contempt is found, the committee will also be required to recommend what penalty might be imposed by the House, if the committee believes a penalty should be opposed.

That gives members a very brief rundown, firstly, of the way the committee approached the matter. Secondly, it indicates that the committee believed a right of reply was a very serious matter. It should not just be a matter of proposing a standing order, which was no more than window dressing, but rather, where a person made a complaint by way of petition that he had been injured or adversely affected by the comments of a member, and where it could be shown that that member had misused or abused the privilege, the House should take whatever action it believed was appropriate.

The question of the use and abuse of privilege has recently been before the courts in Australia. Last year members will recall that in a case in New South Wales a member of the Legislative Council raised certain issues which touched upon matters of public importance. Someone challenged the comments of that member of Parliament. In that case, *Arena v. Nader* (1997) ALJR 1604 at 1605, Chief Justice Brennan of the High Court of Australia, as part of his determination, said that a House of Parliament in which allegations are made has a legitimate interest in knowing and perhaps a duty to ascertain whether there is substance in allegations made by a member on a matter of public interest.

That has elevated the situation a number of notches inasmuch as it now says to members of Parliament and Houses of Parliament that they have a duty to consider what is said in these places. Where matters of public interest are raised in the manner to which Chief Justice Brennan was referring, there may be an obligation on the House to investigate them. That is the general background to what we were considering, and I invite any questions or comments from members.

Hon J.A. COWDELL: I am pleased to move that this report be noted. I understand the Leader of the House was interested in an explanation so that members on the Government side of the Chamber, in particular, might be informed of the case for this change. Similarly, we are appreciative of this explanation. It will give Australian Labor Party members a chance to consider the detail and dimensions of any substantive motion that may flow in due course. One would not normally expect to debate today the sixth report in order for consideration on today's Notice Paper. That is why on behalf of our members I am appreciative that we have this explanation and may consider any substantive motion that might flow in due course.

Hon N.F. MOORE: Members will be aware of the background of this proposal by the Standing Orders Committee. The order was made on Wednesday, 26 November 1997 at a time when the Australian Labor Party sought to score some political points by demanding that people have the right of reply to matters raised in the Chamber. Opposition

members were adamant at that time that we had to accept a rapidly drafted proposition. Fortunately the Chamber decided to refer the matter to the Standing Orders Committee. The Standing Orders Committee report provides a far more considered position than the Chamber had previously contemplated. As Hon John Cowdell has indicated, government members have not considered this collectively. Therefore I will be seeking to delay a decision on the amendment to Standing Order No 134 which is proposed in the report. I suggest that we defer making a decision about that until next week. May I suggest to all members that having heard your explanation, Mr President, we now go back and consider whether this standing order should be amended and give the Chamber a fairly early opportunity to make a decision about whether it agrees with the Standing Orders Committee report?

Mr President, your explanation was based on your view that it is basically a very simple and straightforward proposition. I am pleased that is how you describe it, because when I read the new standing order I thought it was very convoluted and not easy to understand. I had to spend some time thinking about it. Regrettably, sometimes our standing orders are a bit convoluted and take more time to think about than should be necessary. When members read the proposed amendments to Standing Order No 134, they will find that some of them are indeed a little complicated. Although I have mentioned this to the Clerk on the odd occasion, I am sure he will take on board the views I am expressing and see if the standing orders cannot be made a little less complicated.

The PRESIDENT: Are there any particular matters within the proposed standing order on which you want some further explanation?

Hon N.F. MOORE: No; indeed your explanation, Mr President, was excellent. One of the reasons for bringing this on today was to have that explanation given to the Chamber so that all members knew exactly what was being proposed and so that we would be in a far better position to make a decision about whether we agree with the Standing Orders Committee. Your explanation, Mr President, has therefore made life a lot easier for my tiny brain. For that I am grateful.

The PRESIDENT: No harm is done and the Chamber is not bound by agreeing to note the report. If members agree to the motion which is before the Chair now, it will enable them to consider the matter further and come back in due course and, I would hope, move a substantive motion to accept the recommendation.

Hon N.F. MOORE: My only concern is that if we note this, it drops off the Notice Paper, as do all reports of committees once they have been noted. I was looking at a mechanism to ensure that it remains on the Notice Paper. Maybe we could adjourn this now, and then leave open whether to agree to the amended amendments to the standing order.

The PRESIDENT: That is certainly open to the Chamber.

Debate adjourned, on motion by Hon Tom Helm.

Standing Committee on Constitutional Affairs and Statutes Revision - Report on a Petition regarding the Application for Registration as a Painter under the Painters' Registration Act 1961 of James Allison

[The Chairman took the Chair.]

Hon TOM HELM: I move -

That the report be noted.

This petition was seeking relief for James Allison, who is a painter in this State. He was seeking registration under the Painters' Registration Act. His original grief was brought about because the Painters Registration Board refused to register him under the Act. James Allison asked the Ombudsman to intercede on his behalf because he felt he had been badly treated by the board. He was unable to conclude the matter through the office of the Ombudsman and so came to the Chamber with a petition for relief. It was referred to the Standing Committee on Constitutional Affairs and Statutes Revision. I became involved in this after the petition was presented to the committee.

We have an example in this report of a citizen of our State whose ability to conduct his business has slipped through the cracks. He has worked with his father in a painting business in this State for some 10 years. He was obliged by the Act to carry out certain examinations through the Painters Registration Board and to fulfil certain obligations that the board was obliged to place on him under the Act. One of the committee's recommendations was what the committee viewed to be a practical application of the board's responsibilities in allowing Mr Allison to take part in an oral examination of his ability to be a painter. My information is that Mr Allison has declined to take up that offer, even though the board is prepared to accept the committee's recommendations.

One can feel some sympathy for Mr Allison because he has already been the victim of changes in the goal posts, as it were. As far as the Chamber is concerned, this matter started in 1996 and has been going on ever since. Although

I have spoken to Mr Allison, I have spoken mostly to his wife, Marjorie, who is a very articulate advocate for Mr Allison.

His situation seems quite absurd if one looks at the evidence before the committee. He has been in the trade for 10 years and been involved in various aspects of it and seems, on the face of it, to fulfil every requirement needed to demonstrate the ability to become registered, yet the board was of the view that he did not fulfil the requirements. It was prepared to amend some of its demands on the recommendation of the committee. However, that was seen by the board and by Mr Allison not to be an adequate answer to the difficulties in which he finds himself.

Progress reported.

[Continued on p 2235.]

ESTIMATES OF REVENUE AND EXPENDITURE

Tabling of Budget Papers

Hon Max Evans (Minister for Finance) tabled the budget papers.

[See paper Nos 1563 to 1565.]

Consideration of Tabled Papers

HON MAX EVANS (North Metropolitan - Minister for Finance) [2.02 pm]: I move -

That pursuant to Standing Order No 49(c), the Council take note of tabled paper No 1563 (Consolidated Fund Estimates 1998-99 and related papers), laid upon the Table of the House on 30 April 1998.

This motion enables the Legislative Council to examine and debate the budget papers associated with the Appropriation Bills which are now before the Legislative Assembly.

The Treasurer's Budget Speech accompanying the budget papers provides the economic and financial framework of the 1998-99 Budget. I do not propose to cover that ground in detail again.

This Budget will break the shackles of excessive debt that has tied governments down since the 1980s.

The State's debt five years ago was almost \$20 000 per family, today it is less than \$11 000. The annual interest burden per family has almost halved from \$2 251 to \$1 137.

Following this Budget, the State's net debt will be slashed to \$4.8b compared to \$8.3b when this Government took office five years ago. Interest payments on this debt have now fallen by more than \$400m this year across government and our debt levels have fallen from 20.1 per cent of State output to 8.2 per cent.

This Government has not squandered the proceeds from the sale of the gas pipeline to win short term votes but, instead, has looked to the long term interests of the State and used the majority of the proceeds to reduce debt.

Indeed, \$1.8b of the \$2.4b proceeds will go to reducing net debt. The sale proceeds have also allowed for -

- New capital works \$244m
- Superannuation liability \$140m
- Stamp duty \$104m
- AlintaGas provisions and cost of sale \$103m
- Expansion of the pipeline corridor \$40m

As a special dividend from the pipeline sale, the new capital works include \$100m for a schools computer program which will give our students among the highest ratio of computers to students in the world and \$100m for a new convention and exhibition centre - a new century, a new international meeting place.

An additional \$10m will be made available in 1998-99 to the community sporting and recreation facilities fund. This is in addition to the \$8m already provided this year as part of our three year election commitment to this program.

The Government now has the ability to deliver further dividends to the people of Western Australia.

Even at a time of relatively low revenue growth, this Budget will deliver in 1998-99 alone -

- an increase of \$90.5m in health funding;
- an increase of \$70.7m in education funding; and
- an increase of \$31.9m in funding for law and order.

Equally important, there will be a major boost to capital works projects including -

\$1.3b over the next 10 years to upgrade our public transport system and roads network; starting the \$203m conversion of Jervoise Bay into a new marine support precinct;

Throughout this Budget, there is a strong emphasis on information technology initiatives.

\$131m will be committed for new information technology for the Police Service. This includes new communications systems which will lead to faster police response times.

\$24m has been provided to identify and correct deficiencies in the State's communications technology, including \$10m for a "pipeline" which will extend technology capability in our regional areas.

For the first time, this Budget starts fully funding our annual superannuation liability.

A total of \$632m will be provided over the forward estimates period for this purpose.

The West State Super Scheme will be concurrently funded from 1 July 1998.

To maintain the impetus of this important reform, we will introduce amendments to the Government Employees Superannuation Act to provide for a standing appropriation to the Government Employees Superannuation Board each year.

In another major initiative, Western Australia will be the first State in Australia to present our accounts according to the Australian Accounting Standards, making the Government's books completely transparent. This applies to the budget year and the three forward estimate years.

OUTLAYS

This Budget will be remembered for a number of features. However, the \$100m commitment to computers in schools and \$100m towards a convention and exhibition centre are most likely to be seen in the future as major contributions to our economic and social progress.

The computers program will give every young Western Australian a passport into the world's fastest growing technology.

A convention and exhibition village will help to attract large professional and business conferences.

This precinct will be a city landmark and a major attraction with exhibition/convention buildings, leading edge technology, and the centre could incorporate hotels, retail, theatres and apartments.

The Government's \$100m contribution, to be provided from the pipeline proceeds, plus land, will create the impetus and incentive to involve the private sector in this major development.

As already announced, work will begin on a number of road projects, including the extension of the Perth to Mandurah Freeway and the widening of the Narrows Bridge. This is a major element in the \$1.3b community transport program.

The rapid growth of the offshore oil and gas sector, and the new downstream processing resource projects, is creating new opportunities for our construction and maintenance industries. This potential has not been lost on the Federal Government, which has joined us in the \$203m development of a modern marine support facility at Jervoise Bay.

I would now like to outline some of the budget benefits in individual portfolios.

Health

A record allocation of \$1.64b goes into health this year - an increase of \$90.5m.

In the next two years the health system will be boosted with an additional \$252m. However, the State cannot address this huge problem on its own.

The Commonwealth-State health financing arrangements are inequitable. The States have not been compensated for the large drop in numbers of people privately insured which has placed an extra burden on our public hospitals.

We call on the Commonwealth to do the right thing by increasing its health funding offer to the States.

We have the latest medical technology in our teaching hospitals and the spread of services across the State is being expanded and improved all the time. Just one example is the initial allocation in this Budget of \$1.3m as part of a \$10m program to update or install new organ imaging equipment.

In this Budget, the State will be increasing its contribution towards staffing costs and patient care by more than \$75m.

With regard to the federal health offer now on the table, the Government cannot accept a five year agreement that actually sees funding declining in the middle of that agreement. It is an agreement which will leave Western Australia in a parlous position and we will continue to push Canberra for the missing millions.

Education

One of this Government's great success stories is education. This year's expenditure is \$1.23b - an increase of \$70.7m.

Our \$100m computer initiative will provide, in our public schools, one computer for every five secondary students and one for every 10 primary students. This is amongst the best ratios in the world.

Six new schools will be built at a cost of \$21.2m. Many others will be renovated and improved. These improvements include a \$23.9m three year campaign to provide shaded assembly areas and to install automatic reticulation.

From 1999, average class sizes for years 1 to 3 will be reduced and this Budget includes an increase of \$1.4m to teach a second language to students in years 3 to 10.

The new curriculum framework for all students from kindergarten to year 12 will be phased into all schools, starting in the first term in 1999.

By the end of this year all young children will have access to preprimary education under the Early Childhood Education program and non-government schools are receiving support for the Good Start kindergarten and computer programs.

Provision has been made for additional administrative staff in schools, an increase in duties other than teaching time for primary teachers and for the 6 per cent pay increase for teachers.

Law and Order

Police and Justice expenditure will increase by \$31.9m. The Government has delivered on its commitment to put an extra 800 officers back on active duty. Now, 98 detectives will be despatched to suburban duty to target known criminals at the local level.

Over the next four years, \$37m will be spent to develop the Delta communications and information technology project which will supersede outdated computing systems and processes.

The Police Service is also the lead agency in the development of the \$14m emergency services call taking and dispatch system to handle emergency calls and speed up response time.

A state of the art operations centre to be built at the old Midland Workshops will be the hub of police communications and, in time, may also serve the other emergency agencies.

Three local councils have successfully initiated ratepayer-subsidised security patrols throughout their suburbs. The Government intends to adapt and widen the safe and secure community campaign. \$1m has been allocated to get the scheme off the ground.

A new police academy will cost \$35m and \$8m has been allocated in this Budget to begin construction of the new training centre.

Justice

The placement of more police officers on active duty has led to more arrests. This, together with the implementation of tougher sentencing, is leading to a shortage of prison accommodation. The Government has already announced plans for a new medium security prison to hold up to 750 inmates and a further 100 beds will be made available at Riverbank, Karnet and Wooroloo.

New justice centres will be built at Fremantle, Rockingham, Busselton and South Hedland at a total cost of \$30.4m.

\$7.1m is available to complete the fit-out and operation of four more court rooms for the District Court and an additional judge will be appointed. Plans will be progressed for the transfer of police lock-ups, prisoner transportation and court security services to the private sector.

An additional \$3m will be provided for legal aid services.

Fire and Emergency Services

\$2.4m has been allocated to assist local authorities to convert and upgrade communications for the Bush Fires Board.

Further funding will assist the training of volunteers and re-equipment programs and provide for the continued use of fire fighting aircraft.

Community Social Services

This Budget underscores the Government's commitment to people with disabilities with funding of \$6.9m for the count us in strategy, to bring to \$227.1m the total amount to be spent over a seven year period.

Family and Children's Services will receive increased funding to continue key domestic violence programs including safety accommodation, women's refuges, outreach support services, family counselling and child care. A \$600 000 domestic violence education campaign will be launched in August.

The Government created the Drug Abuse Strategy Office to reinforce its fight against drug abuse, particularly among young people. An allocation of \$19.7m has been made for a range of activities including more local drug action groups and school drug education, including courses for parents. In another move every child who plays football will wear the drug free identification and will be made aware constantly of the dangers of drugs.

The Government's five year plan for the aged, titled "Time on our Hands", will be released soon and \$250 000 has been allocated in this Budget to implement its initiatives.

The United Nations Year of the Older Person begins in October and the Government has set aside \$700 000 for activities in Western Australia.

More than \$10m will boost the training scheme for cadets in high schools and programs which encourage leadership and entrepreneurs among our youth.

The Government will progress the Homeswest new living program which is rejuvenating old public housing in suburbs such as Kwinana, Lockridge, Balga, Koondoola and Girrawheen.

Regional and Rural Initiatives

Few Budgets in Western Australia's history have benefited the rural and remote regions as much as this 1998-99 Budget.

Traditional assistance to the agricultural areas, which provide so much of our wealth, will, of course, be maintained.

\$4m will be available to develop youth facilities in the regions.

In education and training, Esperance will receive \$1m for a multi-purpose campus and the \$9.5m upgrade of TAFE's science and engineering building in Bunbury will be completed this year.

At Broome, \$2.9m will be spent to relocate the TAFE centre and the Moora TAFE will be upgraded. Broome and York High Schools will receive new additions.

\$6.5m has been allocated for the Batavia Museum at Geraldton. Geraldton will also get \$6.8m for a marina foreshore development, with almost half of that total being spent in 1998-99. The \$6.2m upgrade of the Point Samson boat harbour will continue and \$600 000 has been allocated for a floating jetty at Broome.

New anti-pollution air monitoring stations have been or will be set up in Bunbury, Busselton, Dampier and Karratha.

Many other programs which will have a beneficial impact in the regions are spelt out in the accompanying papers.

Resource Projects

The resource sector is the main reason that Western Australia is known as the engine room of the national economy and why we produce more than one-quarter of all national exports.

\$25m has been made available to facilitate the building of a new port and roads at Oakajee which will be the nerve centre for projects such as the Mount Gibson Iron and the An Feng-Kingstream projects. These projects will create jobs and business opportunities throughout the Mid West.

More than 40 companies have expressed an interest in building a petrochemical plant in the Pilbara.

Our energy needs will get a further shot in the arm when the \$796m coal-fired power station at Collie, commissioned by this Government, becomes operational in 1999.

On the technology and scientific side, \$6.9m has been allocated in 1998-99 for the Department of Minerals and Energy's accelerated geological mapping and also planning for drillcore storage facilities.

More than \$12m will be spent this year as part of the relocation of the CSIRO's \$33m National Centre for Petroleum and Mineral Resources Research from the eastern States to Technology Park in Bentley.

Roads and Transport

Every cent of the money raised through increased vehicle registrations will go into the Transform WA package which will give us a world class road network.

In public transport, this Budget will provide \$109.1m for a new bus acquisition program, including 100 new low-floor, low emission high-tech buses to be added to the metropolitan fleet.

Environment

During the next four years, the Department of Conservation and Land Management will carry out capital expenditure programs of \$78m for the long term management of the forest ecosystem, provision of sustainable wood production, salinity control, improved tourist facilities, nature conservation and land management.

The forward estimates include \$32m for the establishment and maintenance of a maritime pine estate as part of a program of salinity control in agricultural regions and coastal plains. In this year alone, CALM estimates five million trees will be planted.

With the promise of further funds from the Commonwealth and input from the private sector we expect to spend \$100m on salinity control up to 2000.

The \$2.7m North West Shelf marine study will determine whether marine-based industries off the Pilbara coast can co-exist with long term environmental protection plans.

Funding for Bold Park and Kings Park is in the order of \$5m each. This includes provision for safety measures and improvements to the Mt Eliza escarpment.

The \$800m 10 year infill sewerage program is now over one-third of the way through, and an average of \$72m a year has been spent on this program. In just under four years 35 000 homes have been provided with a sewerage connection.

In the coming year, \$85m will be spent on 60 infill projects and wastewater treatment in the suburbs and country.

Aboriginal Affairs

Sixteen more regional offices will be established by the Aboriginal Affairs Department in towns ranging from Derby to Esperance. They will identify and expedite support for Aboriginal people and give them a voice in the decision-making process.

In a major step forward in training and employment, up to 240 Aborigines will be offered apprenticeships in a new project.

The State and Commonwealth Governments have entered into a joint funding agreement to provide \$1m of federal funds to assist 120 Aborigines to obtain jobs in the WA Public Service.

The Department of Commerce and Trade is implementing the Aboriginal economic development strategy which is assisting Aborigines to start up in business. This initiative is the first of its kind in Australia.

Construction will begin on the \$1m Aboriginal heritage and cultural centre in Carnarvon and the bringing them home program will give Aboriginal people greater access to support services.

The essential services demonstration project which will receive \$9m over the next four years will provide remote communities with essential services up to the same standard as those provided in mainstream towns.

Commerce and Trade, Science and Technology

The Office of Information and Communications will continue a \$14m program and plan and implement a new \$10m communications pipeline to provide all Western Australians with affordable access to world class communications. The initiative includes a partnership with the Commonwealth for 60 telecentres.

A marine industries technology park will be a feature of the new Jervoise Bay development, and in the nearby Coogee area \$2.5m will be spent on restoring industrial land and providing an industrial estate for the animal and seafood processing industries.

The Government will provide an additional \$600 000 in 1998-99 and \$1.1m in each of the out-years for further development of the solar energy industry through the Perth International Centre for the Application of Solar Energy.

Primary Industries

Mineral resources and agriculture generate the bulk of the State's wealth and in the recent harvest our wheatbelt produced more than half of the Australian crop.

This Budget maintains the annual \$6m investment in crop improvement and a further \$3m has been allocated to develop a Crop Improvement Centre.

Some \$7m, of a total of \$13.5m, will be spent in 1998-99 to relocate existing metropolitan aqueous wool scouring operations off the precious Jandakot water mound to a special wool processing precinct in East Rockingham.

The Government allocated \$8m over four years in support of the Aquaculture Development Fund and there are excellent prospects for this industry in the Kimberley, the Gascoyne, Albany and Pemberton.

In this Budget, we have made \$1.4m available for a replacement vessel to join the surveillance activities necessary to ensure that the fish stocks remain sustainable for future Western Australians.

Revenues

Despite the growing demand on State finances, the Government has sought to keep increases in charges and taxes to a minimum.

It has, however, been necessary, in order to deliver these improved services in a responsible way, to increase stamp duties on insurance policies, property sales and a range of nominal stamp duty charges. The treatment of chattels conveyed with real property will also change. With the State's very narrow tax base, there are few options for increases in revenues and the following tax changes amount to less than 1 per cent of the Budget's revenue.

Property Conveyances

Stamp duty rates on property conveyances will be increased by an average of around 12.5 per cent. These increases are subject to special concessions for homebuyers.

The \$500 stamp duty rebate for first homebuyers will be extended from \$85 000 to \$135 000. In addition, the concessional stamp duty rate of 1.5 per cent will be extended for first homebuyers and other buyers of homes and small businesses up to a value of \$100 000 and then graduating up to the full rate at \$135 000.

As an example of the benefit of these measures, a first homebuyer purchasing a new house valued at \$100 000 would previously have paid \$1 900 stamp duty on the purchase. With the changes announced in this Budget, they will pay only \$1 000, a saving of \$900 or nearly half of the duty that would currently be paid.

In another measure, the current general stamp duty exemption for chattels conveyed with real property will, in future, be restricted to certain defined items, such as trading stock and chattels used in farming. This measure is intended to close an increasing source of stamp duty avoidance in property transactions.

In all, the changes to stamp duties on property conveyances are estimated to raise net additional revenue of \$37m in 1998-99, or \$44m in a full year.

Insurance Policies

Stamp duty rates on general insurance premiums will increase from 5 per cent to 8 per cent.

This will mean that, for home and contents insurance where the sum insured is, say, \$120 000, and the total cost of the policy is \$560, there may be an increase of about \$16.

At the same time the concessional stamp duty rate of 3 per cent applicable to workers' compensation insurance premiums will be increased to 5 per cent.

These measures are estimated to raise additional revenue of \$34m in 1998-99, or \$37m in a full year. These stamp duties will be more in line with rates applying generally across Australia.

OTHER DUTIES

Increases are also proposed on a range of nominal stamp duty charges. These charges have not been increased for almost two decades and, therefore, have declined substantially in real terms. The general nominal fee, for example, will be increased from the current \$5 to \$20.

This measure is estimated to raise additional revenue of \$2m per year.

All these measures will apply from 1 July 1998. In the case of insurance policies, the increases will apply to

premiums paid after today's announcement where the period of insurance commences, or would normally have commenced, after 1 July 1998.

Land Tax

The Government is aware of the unfavourable impact that land valuation increases have on the ability of small businesses, in particular, to meet their land tax bills.

Accordingly, the Government will reduce land tax rates. This is the fifth such reduction since the coalition came to office.

The benefit to taxpayers is estimated to be \$13.5m in 1998-99.

Payroll Tax

There are no adjustments in this Budget to payroll tax arrangements.

The revenue measures taken in this Budget are necessary if we are to provide services in a responsible manner. We would much prefer not to have to increase taxes. However, it is important that we remain a low taxing State and, even after these increases, I am advised that Western Australia will remain the second lowest taxing State in Australia.

Financial Reforms

This Budget sets new standards in accountability and disclosure of expected movements in public sector finances.

For the first time, the budget papers include four year forecasts prepared on an accrual accounting basis for whole of government and for each budget agency.

For the first time, the State's balance sheet and other financial statements will be forecast, providing information about costs being incurred now, but which will have to be paid for in the future. It is also the first time that the budget statements contain information on performance targets for output quantity, quality, timeliness and cost.

Financial Responsibility Legislation

Financial accountability is also enhanced with the introduction, in conjunction with the Appropriation Bills, of the Government's financial responsibility legislation. The framework will demonstrate to the community, the commitment by this Government to maintain a responsible fiscal policy. Additionally, there will be greater certainty about the intentions of government for private sector decision makers and investors. This is crucial to our ongoing economic development.

In the 1997-98 Budget we set ourselves a number of targets in relation to spending, revenue, balancing the Budget and debt.

I am pleased to announce that the 1998-99 Budget and the three year forward year estimates are within those targets.

This legislation, and the financial reforms already in place, put Western Australia at the forefront of financial accountability in Australia.

CONCLUSION

Western Australia is well on its way to becoming one of the strongest economies in our region.

This is a Budget which sets the framework to take Western Australia into the next millennium with low debt and state of the art infrastructure.

This Budget is working on many fronts to deliver to the community benefits to which we are committed.

Debate adjourned, on motion by Hon Bob Thomas.

INDUSTRY AND TECHNOLOGY DEVELOPMENT BILL

Third Reading

Bill read a third time, on motion by Hon N.F. Moore (Leader of the House), and returned to the Assembly with an amendment.

PUBLIC SECTOR MANAGEMENT (REVIEW PROCEDURES) REGULATIONS

Motion

HON HELEN HODGSON (North Metropolitan) [2.26 pm]: I move -

That the Public Sector Management (Review Procedures) Regulations be amended as follows -

Regulation 8 amended

7. (1) Regulation 8 (1) of the principal regulation is amended -
 - (a) by inserting after the words "breach of a" the words "compliance requirement of a"; and
 - (b) by deleting "may apply to" and substituting the following -

, or to have been materially affected by, a breach of a compliance requirement of a public sector standard, may lodge a claim with
- (2) Regulation 8 (2), (3) and (4) of the principal regulations are repealed and the following subregulations are substituted -
 - (2) A claim lodged under subregulation (1) shall be in writing, setting out the grounds on which the claimant considers that the compliance requirement of the public sector standard has been breached and any other information that the claimant considers relevant to the review.
 - (3) Subject to subregulation (4) and regulation 9, a claim under this regulation shall be lodged within 15 days after the decision was made or action was taken, as the case may be, that the claimant considers to be, or to have been materially affected by, a breach of a compliance requirement of a public sector standard.
 - (4) An employing authority may accept a claim lodged after the expiry of the 15 days referred to in subregulation (3) if the authority considers that, in all the circumstances, it is just and reasonable to do so.

Regulation 9 amended

8. (1) Regulation 9 (1) of the principal regulations is amended -
 - (a) by deleting "An application" and substituting the words "A claim";
 - (b) in paragraph (b), by inserting after "organization breached" the words "a compliance requirement of";
 - (c) by deleting "shall be made" and substituting the words "shall be lodged"; and
 - (d) by deleting paragraph (cc) and substituting the following paragraph -

(cc) that these regulations provide for a claim to be lodged for a review on the ground referred to in paragraph (b).

and that the concurrence of the Legislative Assembly be sought.

I move this motion because it seems to be a way of dealing with the matters raised here yesterday under another item of business, without proceeding to the extent of a disallowance motion. I examined the issues raised in the regulations that were reviewed and found there was good and bad in the regulations. As Hon Simon O'Brien said yesterday, it was a case of possibly throwing out the baby with the bath water. I did not want to do that. When I examined the regulations I felt that a couple of changes to the language would ensure it caused less confusion. For example, the word "claim" is now being used rather than "appeal" because of the confusion among applicants in respect of appeals. That is what they used to be called under the old public service system. A simple language change such as that can make the whole procedure more readily accessible to the public servants affected by the regulations.

Another good change was to ensure people do not have to be directly affected by the breach of public sector standards as long as they are materially affected by it. I acknowledge there was some doubt about whether the way in which the regulation was worded had that effect. Therefore, I felt it was possible to redraft that regulation to make it a "belt and braces" approach to ensure there is no possible misunderstanding that one retained the right where a breach of the public sector standard occurred. It is a move well worth proceeding with and it is in the interests of public servants; therefore, I wanted that change to be kept as well.

I have significant problems with two other changes. One seeks to remove certain rights for an appeal if a matter is more than seven days old. Under the regulations covering these matters, essentially there are two types of standards -

those that deal with recruitment, selection and appointment; and those that deal with the other matters relevant to the public service. The standards that deal with selection, recruitment and appointment already have a seven day time limit. Yesterday they were referred to in debate in this place by Hon Simon O'Brien and Hon Jim Scott in terms of whether people have adequate time within which to lodge appeals. In those circumstances, seven days is not long enough, but it is a flaw in the regulations that were gazetted and accepted in this place in 1995, not that which is before us today.

Prior to the gazettal of the regulations that became effective on 1 January this year, a differential time existed. The selection, recruitment and appointment standards have seven days within which to appeal; the others have 15 days. This regulation is intended to reduce the limit of 15 days, and to make it a uniform seven days. I have a philosophical problem with that - they should all be 15 days. I do not agree with six months, as was thrown around this Chamber by a couple of members yesterday. That is far too long, but seven days is too short in all situations.

Unfortunately that matter is not before us. It was tabled and gazetted and all the appropriate procedures were followed some years ago. I went back to *Hansard* to see whether the matter was raised and a disallowance motion pursued at that time, but I could not find any reference to such a motion. Obviously at that stage it was considered that it would not cause a major problem to public servants. I am sorry to hear, according to my sources, it has caused some degree of difficulty.

Hon N.D. Griffiths: We thought we would give the Government the benefit of the doubt. We were wrong.

Hon Simon O'Brien: You have been wrong before.

Hon N.D. Griffiths: Not often.

Hon HELEN HODGSON: The Commissioner for Public Sector Standards says that all of these matters are to be pursued with natural justice as one of the major guiding forces. This is the reason I am very concerned about attempts to reduce the time within which an appropriate appeal can be lodged. Natural justice is all about making sure people have access, and in some situations seven days is not appropriate.

The time limit of seven days comes up again in the next regulation. The gazetted regulation said that in the case of recruitment, selection and appointment, there is no possibility of an extension of time beyond seven days. I recall extensions of time from my previous life as a tax professional. A case went before the Administrative Appeals Tribunal which revolved around a person who lived in a remote area and who was isolated by floods for several weeks. I am sure all members will say that it would be a gross miscarriage of justice if a public servant was in a remote area, isolated by floods for several weeks and was unable to lodge an appeal. If we remove the flexibility of being able to grant an extension of time, we are working against the basic principle of natural justice. Given that it cannot be 15 days in all cases, which I would have preferred, the very least I can do is to attempt to ensure the time limit is not cut off without any possibility of an extension of time in all situations.

Those are my two major concerns with the regulation as it was gazetted. I have already referred to whether the drafting of the first regulation might cause some misunderstanding of whether people were having their rights limited. Today I have also attempted to deal with that clause. I do not like the schema of these regulations at all. There are a number of significant weaknesses, not just on the issue of times that are allowed, which we are addressing now, but also in respect of other matters; for example, there is no genuine independent arbitration. People can make claims to the Commissioner for Public Sector Standards. However, the body that makes the decisions is in no way compelled to act on the claims. It makes no more than a recommendation, advising that there has been a problem and that the standards have not been applied properly in a particular situation.

I am also concerned in the change of language being used. We are going from observing the standard as a whole to observing a compliance requirement of the standard. Whenever I see a change of words, such as "compliance requirement", it suggests the potential to limit the regulation by saying that we now have two types of requirements - compliance standards where people have rights, and non-compliance standards where they have no rights.

I have examined the standards as they are currently constructed. In my discussions with the Commissioner for Public Sector Standards, he has assured me that that is not the way it operates. The whole part of the standard which contains the operative conditions is called a compliance requirement. I assure members that in future I will watch very carefully the way in which these standards are drafted to ensure this change in the nomenclature has not been used to create a change in policy. All requirements should have the same standing. To create two different types of standards, with different rights attached to them, would be contrary to the intention of this legislation.

This regulation in the amended form picks up the good aspects of the proposals by the Commissioner for Public Sector Standards in the regulations gazetted last year. I recognise these issues were raised in working groups as discussed with the commissioner. By removing several areas that embraced the concerns of people on this side of

the House, we have protected the rights of public servants, which is the whole intention of the legislation. At the same time we have ensured that matters that needed clarification have been dealt with and the legislation is still workable.

HON LJILJANNA RAVLICH (East Metropolitan) [2.38 pm]: I support the motion. I fully concur with the comments of Hon Helen Hodgson. This is a matter of natural justice and public sector employees getting a fair go. Under the original substantive motion they would not have received that. In the past, to appeal they had only to have been aggrieved by a decision made. However, the changes which the Government proposed would have made it much more difficult for them. A public servant would have had to be personally affected by a breach of the compliance requirements. That would be much more difficult to prove. In the amendment Hon Helen Hodgson has picked up that issue. I am very satisfied with the work she has done there.

Another major concern to us is the time within which public sector employees had to appeal, being reduced from 15 days to seven days.

Hon Helen Hodgson outlined a case in which somebody in an isolated situation would have difficulty obtaining the required information in order to meet the specific requirements. I do not know the appeal lodgment requirements. They could be anything from a simple form which needs to be signed and might be attended to quickly, to the requirements for lodging an appeal which are really quite extensive, involving written reports, witnesses, the signature of a JP and a whole range of other things. Reducing the period from 15 to seven days would be disadvantageous to public sector employees. I am very satisfied because, having moved the original motion to disallow, we have reached a very good outcome on this matter. I would not have wanted to see the whole matter lost. In this case we have come up with a win-win situation for state public servants. I fully support the amendments before us.

Hon MAX EVANS: As I mentioned when Hon Ljiljanna Ravlich moved the disallowance motion, the Government supports the amendments of Hon Helen Hodgson. This has resulted from people working together. The Commissioner for Public Sector Standards goes along with the amendments. I thank Hon Simon O'Brien for bringing some reality to some of the things that Hon Helen Hodgson mentioned and to the debate last night. Hon Jim Scott was talking about 21 days when he meant three weeks. In this legislation 15 days represents three weeks. In the commercial world from which Hon Helen Hodgson and I come seven days is one week, but in this legislation seven days is one week plus two days. The terminology in such legislation can be a bit dangerous. At least we know what is three days of grace. Hon Simon O'Brien alerted me yesterday to the fact that a day does not include Saturday, Sunday, a public service holiday or a public holiday. That is why seven days goes over into the next week.

Hon Tom Helm: Is it like a month of Sundays?

Hon MAX EVANS: Yes. Hon Helen Hodgson is arranging to have her amendment introduced in the other place, which is required under standing orders. The introduction will be supported there and in due course we will have it all fixed up.

Question put and passed.

SELECT COMMITTEE ON NATIVE TITLE RIGHTS IN WESTERN AUSTRALIA

Extension of Time

Hon Tom Stephens (Leader of the Opposition) presented a report of the Select Committee on Native Title Rights in Western Australia seeking an extension of time in which to report from Wednesday, 22 July 1998 to Friday, 31 July 1998, and on his motion it was resolved -

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

[See paper No 1567.]

COMMITTEE REPORTS - CONSIDERATION

Committee

Resumed from an earlier stage of the sitting. Deputy Chairman (Hon N.D. Griffiths) in the Chair.

Standing Committee on Constitutional Affairs and Statutes Revision - Report on a Petition regarding the Application for Registration as a Painter under the Painters' Registration Act 1961 of James Allison

Hon TOM HELM: I will remind the Chamber of the events that led to the application by James Allison to the Painters Registration Board to try to obtain a licence to practise as a painter in our State under the provisions of the Painters' Registration Act. I was advising the Chamber that it appeared that Mr Allison was a person who fell between the cracks of the process for this State's intention to ensure that all practising house painters in the State

below the twenty-sixth parallel were registered. There is no need for a house painter to be registered above the twenty-sixth parallel. In making application he appeared to comply with every requirement that was expected of him by the Act, but he fell foul of the terms of reference of the Painters Registration Board. To this date, he has not been given a registration certificate. He has taken his fight wherever he can take it, including to the Ombudsman. As a last resort he applied for relief by way of petition through this Chamber in 1996. The Chamber referred the matter to the Constitutional Affairs and Statutes Revision Committee of which I have been a member for six months.

I have outlined the background to the events of this report being published, including the terms of reference and the work in which the committee was engaged. The report comments on the fact that Mr Allison was advised by the committee to sit an oral exam set by the Painters Registration Board, which would seem to be not necessarily in its terms of reference but would be a way of having justice served. This and other Parliaments did not envisage that situation would arise.

The Painters Registration Board agreed to take those unusual steps but Mr Allison declined to take that additional examination. He felt that he complied in every other way and that he had been practising as a painter for in excess of 10 years. He was in partnership with his father, who was a successful house painter and decorator in this State. He fulfilled all of the requirements except for the examination to which he may or may not be subject because he served his apprenticeship in the United Kingdom and has been in Australia for quite a number of years. In taking up the inquiry the committee explored all of the avenues that Mr Allison explored. It found that there was no criticism to be aimed at anybody as far as the Act and the behaviour of the Painters Registration Board were concerned. The Ombudsman came to the same conclusion. Nevertheless, Mr Allison was seen to be a competent painter as far as the committee could determine with its limited expertise, because it is not composed of painters. The Painters Registration Board did not propose that he was incompetent and did not suggest that he could not be a painter in our State. However, the Painters Registration Board had some requirements and discretionary powers which precluded it from giving the registration that Mr Allison in our view deserved.

The committee recommended that Mr Allison be advised to take an oral examination. Mr Allison chose not to that, and that decision is for him to make. The committee noted that the board did not require Mr Allison to sit the assessment papers with regard to his application for registration in 1997; and the committee did not take that proposition any further. However, the committee then said that it was satisfied that Mr Allison had not been adversely affected or prejudiced by the abovementioned irregularities in the application form; accordingly, the committee did not propose to take that matter any further. The application form that he was given was on the face of it inappropriate, and one that had not been modernised; therefore some of the questions that were asked were not relevant to Mr Allison's case. That has left him unable to practise his profession in the lower part of this State.

The problem faced by Mr Allison has been exacerbated by the fact that his father has taken ill recently, and because the business is registered in the joint names of the father and the son, the company is experiencing some difficulties in trading as Mr Allison junior cannot practise his trade. In the committee's deliberations yesterday, it took on board some of the concerns that have been raised by Mr Allison. Marjorie Allison, who I am advised is Jim Allison's mother, has certainly advocated the case on Mr Allison's behalf, and she has been as tenacious as a terrier in following up every response that the committee has given to her and all of the information that has been dredged up by the Ombudsman in this matter. She deserves to be congratulated for the work she has put in, because many ordinary citizens of this State find that to bring a petition of relief before this Parliament is no small and easy matter, and it takes some tenacity to pursue that course of action. Mr Allison must also be congratulated.

The committee deliberated on these matters yesterday, in view of the fact that Mr Allison thought it was neither fair nor proper that he undertake an oral examination, and that it would not bring about a conclusion to his problem. So far, Mr Allison has complied with every request and has followed every bit of advice that has been given to him, but he has progressed no further and feels quite slighted by the bureaucracy that he has come up against. He has come to this Parliament with this petition of relief because I guess it is safe to say that we are the last card in his pack.

In our discussions yesterday, we commented that Mr Allison had fallen through some of the cracks in the procedures that had been determined by this Parliament and that perhaps the Chamber should examine the Painters' Registration Act, because we believe it could be perceived as being unfair, particularly from Mr Allison's point of view, and remove the uncertainty in that Act that appears to have been demonstrated in the recent past. It also appears that while the Painters Registration Board has some discretion, that discretion may not be as wide as it should be.

Although the committee has not concluded its deliberations, I am sure it will do so soon and bring some recommendations to the Chamber. This Chamber should be aware of the situation that some people face, and members should not be reluctant to bring forward petitions of relief from those people. That is a fair path for people to take if they have been affected unfairly by Acts of Parliament, and people should feel confident that when they bring these matters before us, we will give them the deepest and most complete consideration.

Mr Allison is an example of one of the little people of this State. He is a battler and a small business person who is facing the pressure that many small businesses face in this State and nation. Not only does he have to face up to the ordinary pitfalls that confront small business people, but also he has to confront the procedures and requirements that are laid down in the Painters' Registration Act for painters in this State who work below the 26th parallel.

That is a matter of concern to me, and I have the greatest respect for Mr Allison and his mother, and for other people who may be suffering from the unintended consequences of an Act of Parliament that seeks to provide an assurance to consumers in this State that when they hire a painter to paint their house or business, that painter will be competent and have the skills to do that job. I assume that prior to the enactment of the Painters' Registration Act in 1961, there were some shonky operators around the State and it was considered that there was a need for legislation to ensure that painters were competent to be registered.

The board demands that applicants demonstrate certain competencies when they sit for an assessment paper. They must be competent in painting technology, and in recording, costing and estimating so that the price they quote for a job is the actual price that it will cost the consumer. They must be aware of modern paint composition and of the modern paints that are on the market. They must be aware of the techniques that should be applied, of the scraping, preparing and priming, and of the estimated time it will take to do a particular job.

Those are reasonable expectations from the painting industry. However, I am not sure whether in this day and age - this will be a matter for debate, and the committee may make some recommendations - there is a need for a Painters Registration Board. I know that the Labor Party Caucus has debated whether there should be a Hairdressers Registration Board, because people are not 100 per cent sure that the board is doing what it should do.

The DEPUTY CHAIRMAN (Hon N.D. Griffiths): Hon Tom Helm was cutting close with his last comment, but I look forward to his concluding his remarks.

Hon TOM HELM: I hope members will take note of this report and that those who know the Allisons will give them whatever assistance they require.

Hon RAY HALLIGAN: As a member of the committee to which Hon Tom Helm referred, I will provide my opinion on some aspects of the information placed before that committee and some of the reasons for my conclusions regarding Mr Allison's situation. There is no doubt that Mr Allison has persevered in trying to obtain registration. It goes back to 1992 when he tried to obtain registration through the Painters Registration Board. As Hon Tom Helm has already pointed out, Mr Allison has gone through a number of agencies and a number of politicians. He has also gone to the Premier. It means his situation has been reviewed on numerous occasions. On each and every occasion the result has been the same; that is, he must complete one assessment examination.

It has also been mentioned that Mr Allison appears to have been caught up in a whirlpool and has not known where he stood. He was given two different types of application forms in his endeavour to become registered, although the Ombudsman stated in his report that it mattered not which form was used, because the final conclusion remains the same; that is, Mr Allison must complete in total examinations in three areas. Those three areas are paint technology, costing and estimating. Over a period of time Mr Allison endeavoured to complete those three examinations but was successful in completing only two to the satisfaction of the Painters Registration Board. One may very well ask why there is a need, not just for the Painters Registration Board, but also for someone to undertake those examinations. In discussion, a number of people who were playing the devil's advocate suggested that if anyone could hold a paint brush, dip it in a tin, and throw the paint against a wall, why would they need to be registered. Of course, two completely different sets of circumstances are involved. One is about the individual who has gone into self-employment and obviously wants to make a living from it, and the other relates to the customer

Hon Tom Helm alluded to the fact that if someone can paint in a competent manner, they should be allowed to do so and to operate as a small business person, possibly without concern for the customer.

Hon Bob Thomas: He was recognising his prior learning and skills.

Hon RAY HALLIGAN: I accept that, but it is but one component. A person may be very competent in painting, and know the different paints and how to mix them to ensure a particular type of paint adheres to a particular surface. However, that, in itself, does not necessarily mean he will be successful as a self-employed person.

Hon Bob Thomas: He was not advocating that. He was talking about demonstration of skills.

Hon RAY HALLIGAN: I did not suggest he was advocating that. Hon Tom Helm alluded to a leaning in that direction and he suggested that because a person is competent with a paint brush he should be registered.

My concern is a little different; that is, it is not only that the individual be successful as a self-employed person, but also that his customers be looked after. We have all heard of situations in which a person who is technically

competent in his field may have underestimated on a particular job, and may find himself in the best position to ensure that the job completed is not up to standard, even though it may appear to be so to the customer. In that scenario the small business person does not lose money, and he continues to the next customer. However, the first customer does not get what he paid for. I am not suggesting that painters do it purposely, but if they are not competent in the technology of the industry in which they are working, and do not understand fully the way to cost and estimate a job, they have enormous difficulties.

It is true to say that every member of the committee felt sympathy for Mr Allison, more so because his father is now ill. However, the committee tried to provide a course of action to help Mr Allison to obtain what he wanted in the easiest possible manner. That solution was to take an oral examination in the one area in which he appeared to be having difficulties. There is no doubt that much consideration was given to Mr Allison's situation, to determine whether there was any possibility of finding ways and means of registering him, without trying to overrule the board or tell it that it was doing the wrong thing. The committee could see nothing wrong in what the board is doing. The board was able to decide, and at this point will continue to decide who it registers. Certainly the committee was not in a position to make changes to that situation.

However, the committee determined to look at the intent of the legislation when drafted, how it is now being applied and how the situation in which Mr Allison finds himself could arise. Undoubtedly, the committee has brought down the only recommendation it could determine; namely, to leave it to the Painters Registration Board to determine how to handle Mr Allison's situation.

Question put and passed.

Joint Standing Committee on Delegated Legislation - Rottnest Island Amendment Regulations 1997

Hon N.F. MOORE: I move -

That the report be noted.

As members are aware, this report of the Delegated Legislation Committee is on regulations made by the Rottnest Island Authority. I am very pleased that the committee reached the conclusion it has. I understood that the committee sought to move disallowance of the regulation, but withdrew that motion in order to allow the authority and me to consider the matters raised by the committee. Paragraph 4.6 of the report reads -

Based on the information to hand at 20 November 1997 the Committee resolved to withdraw the disallowance motion. As a result of further inquiries the Committee has resolved to take no further action other than to table this report.

The issues involved with the regulations are very complex. The regulations sought to deal with some difficult issues confronted by the Rottnest Island Authority, the most important of which was moorings. The value of a mooring at Rottnest can be measured in seven figures as they are greatly sought after by members of the boating public.

For members' interest, 449 people are on the waiting list for a mooring at Geordie Bay, yet only three or four become available each year. The Rottnest Island Authority has been concerned for some time that the process by which people acquire a mooring has been unusual - some say devious, others say contrived, others say downright dishonest, yet in many cases, people say proper. The authority was seriously concerned about the way the mooring policy was being implemented. It felt it was time to make some hard decisions and some serious changes to the policy.

Moorings at Rottnest are something of great value. However, the people who "own" them pay a small price for them. From memory, it is about \$20 per metre of boat length. Therefore, if one is fortunate enough to have a 20 metre launch - it is 60 feet in the old language - the cost is 20 times \$20, or \$400, a year for a Geordie Bay mooring sought by at least 400 people. It would seem that many people with a 60 foot boat would consume fuel to that value on trips to Rottnest in a year. The amount paid for a Rottnest mooring was continually compared to the value of what was being rented. Therefore, changes will be made to the amount charged for Rottnest moorings.

The authority, in addition to seeking more money for moorings, felt it was necessary to install a process to allocate moorings which was fairer and gave people a chance to acquire one in the future. In preparing the regulation, the authority came up against some entrenched views, and some difficult issues needed resolution.

One such issue was who should be liable for any problem which might arise with moorings. The authority was concerned that any person who was injured or whose vessel was damaged while attached to a mooring at Rottnest would sue the authority. Part of the process of the new allocation of leases to those lucky enough to acquire a mooring will require them to take out certain insurance for circumstances of injury or damage. It was determined by the authority that if anything happened under the old rules, people would automatically sue the authority. That was difficult for the authority to accept.

Members are probably aware that Rottnest moorings are allocated to individuals, who are required to maintain them although they remain the property of the authority. If the authority had to maintain and ensure the mooring were in good order, it would provide an enormous burden. The bottom line with the authority is that it owns the moorings, and they are allocated on the basis of rent paid. It was determined that the owners of the moorings should take out insurance to cover any property damage or injury which might arise. I understand that the Mooring Licensees Association has organised adequate insurance coverage for its members and others who wish to avail themselves of it. I am pleased that the committee has accepted that proposition as a reasonable solution to a very difficult problem for the Rottnest Island Authority. The members of the authority regularly mentioned a concern about the Statutory Corporations (Liability of Directors) Act, which places significant responsibility upon them in such matters. The solution is a good one in the circumstances. I am pleased that the committee resolved to take no further action on the matter.

Another issue was the disposal of sullage. The authority is seeking to provide the opportunity for people to dispose of sullage on the island bearing in mind the difficulty involved in disposal with the enormous number of vessels at the island at times such as Christmas and long weekends. To have a facility for sullage to be pumped onto the island is difficult. As Hon Jim Scott mentioned on one occasion, sullage released into Thomson Bay's marine environment is not acceptable. Therefore, the authority was caught between a rock and a hard place trying to assist boat owners dispose of sullage while not putting the waste into the ocean. Again, this issue was considered by the committee and it decided to take no further action on the matter. It took evidence from the authority and determined it was doing its best to resolve the situation. It is not an easy problem to resolve, but it must be resolved. The authority is doing all it can to ensure that that happens.

The regulations cover a number of other issues, but I will not go into them now.

I am pleased that the Joint Standing Committee on Delegated Legislation was able to look at these regulations in some detail, to respond to the information provided to it by me and the authority, and to acknowledge that what the authority is seeking to do is proper, honourable and desirable, and that it is working in an environment that is tough at times.

As members know, Rottnest is a unique part of Western Australia. It is an A class reserve and a holiday destination. It has an Act of Parliament which provides that its main purpose is to provide cheap holidays for Western Australian families. However, it has been allowed to run down over many years. When this Government came into office, the island was in very poor shape.

Several members interjected.

Hon N.F. MOORE: I will respond to those unruly interjections.

Hon N.D. Griffiths interjected.

Hon N.F. MOORE: I will not be bipartisan about Rottnest. People talk about "Rottnest Inc". Between 1983 and 1993, Rottnest -

The DEPUTY CHAIRMAN (Hon Murray Montgomery): Order! The member will have his opportunity to speak.

Hon N.D. Griffiths: I look forward to that.

Hon N.F. MOORE: I look forward to the member's trying to defend some of the decisions taken about Rottnest. I have not started on him. I simply said that there are people who think that between 1983 and 1993 some things happened at Rottnest that should not have happened, and I am advised that that is true.

Hon Mark Nevill: Such as?

Hon N.F. MOORE: Such as the way the facilities were used by government Ministers and their advisers; the way some people blasted holes in the reef to moor their boats; the way some people had preferred treatment in respect of access to cottages and a whole range of other facilities; and the way the whole place was allowed to run down. Generally speaking, the funds spent at Rottnest were used to put new paint on top of old paint. The whole place was wearing out to the point where this Government has had to spend many millions of dollars in the past five years to bring it up to a reasonable standard.

Point of Order

Hon N.D. GRIFFITHS: I sought to raise this point of order by way of interjection. We are dealing with the report of the Joint Standing Committee on Delegated Legislation, not the very partisan perspective of the Minister in respect of his strange view of events between 1983 and 1993 on Rottnest Island. There is nothing in the report dealing with the matters about which the Minister is conning the people of Western Australia.

The DEPUTY CHAIRMAN: There is no point of order. However, I ask the Leader of the House to address his comments to the report.

Debate Resumed

Hon N.F. MOORE: One issue was the whole question of moorings - who would get them and who would not. These regulations were introduced to sort out that serious mess. I am not blaming the previous Government solely for that moorings policy, but it needed fixing, and that is happening. I will not go any further into what happened at that time, other than to say that I look forward to someone writing a book about it, because it would be fascinating reading. I know nothing about Rottnest other than what I have learned since being the Minister for Tourism over the past couple of years.

I recommend that members visit the island. They will find that the work done by the authority in recent times is superb. The work on landscaping, improvements to the accommodation, pathways and access to the various facilities has been tremendous. It is now a place where people can go for a holiday and expect to enjoy a high standard of service, accommodation and facilities, which are demanded these days at holiday destinations. Rottnest is no longer a slum.

Several members interjected.

Hon N.F. MOORE: The level of cleanliness and maintenance of the cottages was appalling. People would no longer go there. Despite the fact that it was reasonably cheap, the quality of the holiday was unacceptable.

Hon E.J. Charlton: It had only saltwater.

Hon N.F. MOORE: Freshwater is now available. People thought of Rottnest as a place to go after taking off their suit and tie and putting on their black stubbies and thongs to slob around for a couple of weeks and then return to work.

Hon N.D. Griffiths: Who put in the water pipeline?

Hon N.F. MOORE: Which water pipeline?

Hon Mark Nevill: Is there not a pipeline from the mainland?

Hon N.F. MOORE: It is desalinated water and rainwater; there is no pipeline from the mainland to Rottnest. It might not be a bad idea, but the aficionados say that should not be done. They want the island to remain as natural as possible. We are trying to maintain the natural environment while providing a superb holiday environment.

Several members interjected.

Hon N.F. MOORE: A lot of work has been done on improving the amenity for visitors and rehabilitating the island from the point of view of the environment.

I have not been there for a while because I am not a Rottnest person, but I know it is an excellent holiday destination. It is not expensive by comparison to other holiday destinations in Western Australia; in fact, it is extraordinarily cheap. One can rent a beachfront villa for \$500 a week in the middle of summer.

Hon Ljiljana Ravlich interjected.

Hon N.F. MOORE: The wharfies own them; that is what I am worried about.

Rottnest is a unique part of Western Australia. It is one of the State's gems and we must ensure that we handle it very carefully. The renovations, upgrading and improvements have in no way detracted from its uniqueness. However, they were undertaken recognising that in this day and age people want a quality holiday destination and product and they will not pay for anything less.

Hon Mark Nevill: I had a couple of holidays there in the 1980s. In 1983 you could hire a rusty bicycle for about two weeks' salary. That issue was resolved.

Hon N.F. MOORE: That is a whole new ball game.

Hon Mark Nevill: I hope the Minister for Transport did not muck that up in the first couple of years.

Hon N.F. MOORE: This Government inherited a government owned and operated bicycle hire business with about 500 or 600 bikes with no gears. Rottnest is uphill and down dale and riding those bikes was a chore in itself. That operation has been completely upgraded so that people can now hire 14 gear bikes, bikes with prams on the back and so on. They are all new.

Hon Mark Nevill interjected.

Hon N.F. MOORE: It is very competitive. At the same time, the operator of one ferry has a deal with a bicycle hire firm on the mainland, so there is competition. If Hon Mark Nevill has not been to Rottnest Island since 1988, I recommend that he go across any time now. We are trying to encourage people to go to the island during winter because that is the quiet season, and it is also a great time to visit the island. We should promote Rottnest Island as a winter holiday destination. We should provide better facilities for conferences, and the like, so that groups can use it for that purpose. The member would be very pleasantly surprised with the superb job done by the authority to upgrade and uplift the image of Rottnest Island.

The regulations are very tough. The authority is prepared to make tough decisions, because they must be made. That does not always make us popular. Some of the mooring regulations did not make us very popular in the suburbs of Dalkeith and Nedlands where many of the mooring owners reside. However, the authority has done the right and responsible thing. I thank the Joint Standing Committee on Delegated Legislation for its scrutiny of the regulations, its good advice and its decision not to disallow the regulations. I simply note the regulations and the tabling of the report.

Hon N.D. GRIFFITHS: I thank the Leader of the House for speaking to the report, while I was otherwise engaged. I thank him for most of his comments. However, I note from your ruling, Mr Deputy Chairman (Hon Murray Montgomery), that it is all right to bag previous Administrations when dealing with a report by the Joint Standing Committee on Delegated Legislation.

Hon N.F. Moore: I could not help myself.

Hon N.D. GRIFFITHS: I know, the Leader of the House is like that.

The DEPUTY CHAIRMAN: Order! I remind the member that I asked the Leader of the House to confine his remarks to the report.

Hon N.D. GRIFFITHS: I will also, Mr Deputy Chairman, after I have told the truth about what has happened to Rottnest Island in recent Western Australian history. Unlike some members opposite who speak from pure ignorance, I have had some experience of Rottnest Island, but not as much as I would like to have. It is a very special place for Western Australians -

Hon E.J. Charlton: We would like you to spend more time there!

Hon N.D. GRIFFITHS: I would love to spend more time there, and I would like the Minister for Transport to spend even more time there.

When the interjections cease - and I have not heard any good ones yet - I will address the central matter of the report. The Joint Standing Committee on Delegated Legislation looked at the regulations, found a number of matters of concern, went through them carefully, addressed them, engaged in consultation and took evidence. The procedures are set out in the report. The committee spent considerable time and, thanks to the support staff, went to quite a degree of intellectual depth in analysing the issues. Although the issues apply to Rottnest, and deal with how the Government and the community interact, whenever change occurs there are winners and losers. Particularly with the moorings issue, individuals saw themselves as losers. A government body was seeking to deal with matters on behalf of the wider community. The wider community, of course, does not feel the benefit, and those who see themselves - and in many respects are accurate in the way they see themselves - receiving a detriment, feel the pain. As we know from our dealings with the media, often good news is not news; and bad news often is news.

I do not need to deal with the essence of the report in great depth because it was tabled some time ago, and all members have had the opportunity to read it. The fact that I am speaking to it, and the Leader of the House has done so before me, brings to the attention of members the contents of the report. Therefore, I do not need to deal with the issues other than to refer to them in a general sense. Before doing that, it is appropriate to point out that the history of Western Australia is very interesting.

Postwar, we had a Government of so-called conservative colour from 1947 to 1953. We had the Hawke Labor Government from 1953 to 1959; the Brand-Nalder Government from 1959 to 1971; the Tonkin Government from 1971 to 1974, followed by the Court Government from 1974 to 1983. Reference has been made to the state of Rottnest Island in 1983. I went to Rottnest Island as a student on a few occasions in the 1960s and 1970s -

Several members interjected.

Hon N.D. GRIFFITHS: We will not say anything about that. The member's guess is probably accurate.

In those days, compared to other tourist destinations, Rottnest Island was a dump. It was a great place to enjoy

oneself particularly if one were a student. However, it was a dump and as a family place it was going down hill progressively in the 1960s and 1970s. That was a period of so-called conservative government. Since 1983 Rottnest Island has improved. For the benefit of the Leader of the House, he has built on the improvements, and I congratulate him for that, but to build a house one needs a firm foundation. When Brian Burke became Minister for Tourism, there was no firm foundation; he inherited a mess. He did a very good job in laying the foundation for Rottnest Island to become a better place than it is now; and it is certainly much better than it was when Sir Charles Court was Premier. In those days it was not a family place.

I have a couple of regrets about Rottnest Island, in a general sense: It is a parallel.

The DEPUTY CHAIRMAN: The member should return to the motion. I will be watching and listening!

Hon N.D. GRIFFITHS: I always value your support, Mr Deputy Chairman, because it is so fulsome and forthcoming. I trust that you will take my remarks as being good natured.

Progressively between 1983 and 1993 Rottnest Island became a better and happier family place. Improvements have occurred since 1993 because of the strong foundation which was laid.

Hon N.F. Moore: Brian Burke wanted to build a multi-storey hotel.

Hon N.D. GRIFFITHS: Hon Brian Burke had many great proposals for the welfare of this State. Mr Deputy Chairman, you will forgive me if I digress for a moment. Brian Burke resisted with all of his might the multi-storey hotel proposed to be built in the electorate of the current member for Innaloo - the soon to be short-lived member for Innaloo, the current Presiding Officer in the other place. Mind you, Mr Deputy Chairman, the member for Innaloo was all in favour of that building.

Hon N.F. Moore: Who built the hotel?

Hon N.D. GRIFFITHS: It was a major contributor to the Liberal Party for many years.

I return to the report of the Joint Standing Committee on Delegated Legislation on the Rottnest Island Amendment Regulations 1997. I wish to make a few brief observations: First, the committee in its examination engaged in an appropriate process of correspondence. We discussed that, raised our concerns and detailed them. Those matters are set out in item 2.1 of the report; and item 2.3 makes general observations.

For the most part, the committee's report is complimentary about what has occurred, because we are aware of the great foundation laid by Brian Burke, Peter Dowding and Carmen Lawrence. The regulations seek to deal with a number of matters and they do so, for the most part, reasonably effectively. It is not a perfect world. One of the most contentious issues is that raised by the Leader of the House when he made those disparaging comments about the good Labor voters of Dalkeith, Nedlands and Mosman Park; namely, the issue of the mooring licences being held only by those who are in a position to acquire and use them, and that highlights a situation where one boat is used to license more than one mooring. It was a controversial issue. Members of the committee may recall receiving the occasional phone call or letter and other lobbying on that issue.

It is very contentious and quite properly so when people are affected by decisions of government. They are entitled to use appropriate means to bring forward their concerns to their elected representatives. I thought what they raised in many matters which were of concern needed to be addressed. It is my view and the view of the other members of the committee that it was a reason we had to consider this issue because we are talking about people's property rights. People invest money in boats; it is family life, and matters of that kind are all very important. The committee seeks to find solutions in its dealings with government. I do not use "government" in a political sense; I am not talking about Hon Norman Moore, who is the Minister of the Government in this sense; we are dealing with the bureaucracy, with people who serve Labor or Liberal as the case may be. We sought to put forward and find solutions. We were not being confrontational. Our approach is the appropriate one for the Joint Standing Committee on Delegated Legislation.

One of the most difficult issues was the disposal of the sullage. I am not convinced - no pun is intended - that there is a solution ready to hand on sullage, and the report reflects that. I do not think anybody can reasonably dispute the proposition that there is no ready solution to the problem of sullage at Rottnest unless one wishes to go down a fairly radical path with respect to boat usage and with expense put upon those who use boats. Perhaps that is something others may consider down the track.

The issue of insurance and liability was of considerable concern to the committee. That is addressed relatively fully in the report and I invite members to consider that when they deal with issues of a like nature.

I regret that when we debated these issues in a very bipartisan way, we then had the Minister introducing politics into the Legislative Council. Imagine a politician talking about politics! It is awful; it is really disgraceful!

Hon E.J. Charlton: We had one back in the 1970s!

Hon N.D. GRIFFITHS: I remember the 1970s very well but I think the Minister remembers them because he was elected in 1977.

I will conclude my remarks in a couple of moments because the Minister wants me to delve briefly into some of the history of Western Australia while making some comments on this report.

Hon N.F. Moore: We can have afternoon tea early!

Hon N.D. GRIFFITHS: If I may conclude my remarks and if the Minister agrees with me, perhaps we can conclude our consideration, depending on what other members may want to say.

Question put and passed.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Report

Resolutions reported and the report adopted.

HON KIM CHANCE - LEAVE OF ABSENCE

On motion by Hon Bob Thomas, resolved -

That Hon Kim Chance be granted leave of absence from the House for the period of six sitting days for the purpose of personal business.

SITTINGS OF THE HOUSE - EXTENDED AFTER 5.00 PM

Thursday, 30 April

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

That the House continue to sit beyond 5.00 pm.

The Government does that to proceed with Order of the Day No 11, the Environmental Protection Amendment Bill, which may be concluded this evening. It is not my intention to go beyond 6.00 pm.

Question put and passed.

ENVIRONMENTAL PROTECTION AMENDMENT BILL

Committee

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

Clauses 1 to 17 put and passed.

Clause 18: Schedule 1 repealed and a Schedule substituted -

Hon MAX EVANS: I move -

Page 37, line 15, column 4 - To delete "\$50 000" and substitute "\$100 000".

Page 40, line 4, column 3 - To delete the word "individual" and substitute the words "body corporate".

Page 41, line 22, column 22 - To delete "92(2)" and substitute "92(4)".

Amendments put and passed.

Clause, as amended, put and passed.

Clause 19 put and passed.

Clause 20: Part VIIA inserted-

Hon J.A. COWDELL: I move -

Page 44, line 16 - To insert after the words "Act 1997" the following words -

relating solely to waste generated in metropolitan areas and waste deposited in metropolitan landfills

I foreshadowed during the second reading debate that I would move this amendment. The Government has given some assurances to country shires and municipalities that in the immediate future it does not intend to impose a country levy. However, this provides no guarantee for the longer term. The Opposition believes it would be unfair to require small country towns to pay the levy when people have few alternative recycling options, and obviously in some areas it would be excessively expensive to transport recycled goods and would not be in the environmental interest. A number of country shires have written to me, other members of the Opposition and other members of this Chamber to express concern about the need to give effect to the Government's assurances about this levy. This does not pertain, of course, to municipalities such as Murray or Mandurah that may use tip sites in the metropolitan area, even though it involves country waste. I move this amendment in order to honour that pledge to those country shires and municipalities by ensuring that they are given appropriate protection, in a statutory form, from having this levy applied to them.

Hon TOM STEPHENS: It is important that the amendment be carried. I hope it will provide the opportunity for members opposite such as my colleague Hon Greg Smith to cross the floor and vote with the Opposition in support of the interests of the local authorities that he and I have the privilege and responsibility of representing. I hope also that the Greens and the Democrats will see the advantage, to use the motto that was first articulated by the founder of the Democrats, of keeping the bastards honest.

Hon Norm Kelly: You first need to work out who are the bastards.

Hon TOM STEPHENS: On this occasion, by definition they are in government and that is where the cap fits. I hope the Greens and the Democrats will take the opportunity of ensuring that this Government abides by its pre-election commitment to provide protection from this levy for country shires and municipalities. I commend the amendment and look forward to the fulsome support of Hon Greg Smith and, hopefully, some of his colleagues - perhaps even the Leader of the Government in this place, who shares the responsibility for representing the people of our electorate.

Hon NORM KELLY: I appreciate the opportunity of speaking on this amendment and thank the Labor members for raising some of the inequities in this legislation.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson) I was trying to bring the member's attention to the fact that he represents the Shire of Serpentine-Jarrahdale.

Hon NORM KELLY: I was about to refer to that. This legislation treats the metropolitan region as a whole and does not take into account the problems experienced in certain parts of that region. The Shire of Serpentine-Jarrahdale has a population density of just 11 people per hectare. This can be compared with Mandurah, which has a population density of 231 people per hectare; Bunbury, with 470 people per hectare; and Albany, with 442 people per hectare.

It can be seen, particularly in the major regional centres, that there is an opportunity to extend this levy to populations that can be provided with adequate recycling services. Special consideration should be given to smaller and more remote country towns and areas, but the Democrats urge the Government to extend the levy to major regional centres in order to develop a psyche of proper recycling incentives and initiatives throughout the State, rather than the levy being limited to the metropolitan area. I also said in the second reading debate that the Government gives consideration to those metropolitan shires which effectively are rural shires within the metropolitan region.

Hon MAX EVANS: The Government does not agree with this amendment. It believes that this should be done by regulation, which provides more control and flexibility. The Legislative Council is pretty good at disallowing regulations if it does not like them.

The relevant portion of this clause is the definition of the term "levy"; namely, a land fill levy "imposed under the Environmental Protection (Landfill) Levy Act 1997". Hon John Cowdell proposes to add the words "relating solely to waste generated in metropolitan areas and waste deposited in metropolitan landfills". All members received the letter from country shires which have their own interests and problems. Hon Norm Kelly makes a valid comment on the whole matter. Members should not forget that the money raised in the metropolitan area can be spent in country areas on waste management and so on. It is unclear whether Hon John Cowdell, by referring to metropolitan areas in the plural, is seeking to allow that the levy may at some time apply to "metropolitan" areas other than Perth. If so, I am advised that the proposed words would not achieve this. Section 2(2) of the Town Planning and Development Act 1928 constrains references to the metropolitan region, however expressed, to the Perth metropolitan region. It is consistent with the Government's present intention that the levy apply to the wastes referred to by the member, and regulations have already been drafted to this effect. Draft regulation 22(1) states -

Subject to any exemption granted under this regulation, these regulations apply to -

- (a) all waste received at licensed landfills in the metropolitan region; and
- (b) all waste collected within the metropolitan region and received at licensed landfills outside the metropolitan region.

Both this regulation and any amendment to it would be subject to parliamentary scrutiny and possible disallowance. It is preferable for Parliament to retain control and flexibility in this way rather than by imposing an unnecessary statutory constraint, which may prevent timely and effective action in response to some future situation.

Hon CHRISTINE SHARP: Greens (WA) has considered the amendment and believes that as a matter of principle it is important that all regions of the State be included in the Bill. The Greens accept that the regulations contain sufficient protection for small country shires at present, but it encourages the Government to expand recycling procedures as soon as possible to urban areas outside the metropolitan region. For that reason, the Greens will not support the amendment.

Amendment put and a division held, with the Deputy Chairman (Hon Derrick Tomlinson) casting his vote with the noes.

Ayes (8)

Hon J.A. Cowdell
Hon Cheryl Davenport
Hon N.D. Griffiths

Hon John Halden
Hon Mark Nevill

Hon Tom Stephens
Hon Ken Travers

Hon Bob Thomas (*Teller*)

Noes (17)

Hon E.J. Charlton
Hon Max Evans
Hon Peter Foss
Hon Ray Halligan
Hon Helen Hodgson

Hon Barry House
Hon Norm Kelly
Hon N.F. Moore
Hon Simon O'Brien
Hon B.M. Scott

Hon J.A. Scott
Hon Greg Smith
Hon C. Sharp
Hon W.N. Stretch
Hon Derrick Tomlinson

Hon Giz Watson
Hon B.K. Donaldson
(*Teller*)

Amendment thus negatived.

Clause put and passed.

Clause 21 put and passed.

Clause 22: Part VIIIB inserted -

Hon MAX EVANS: I move -

Page 51, lines 10 to 30 and page 52, lines 1 to 10 - To delete the lines and substitute the following -

(1) Subject to subsection (4) Waste Management (WA) may carry on waste management operations at or in relation to the following sites:

- (a) the intractable waste disposable facility operated at Mt Walton East, Shire of Coolgardie by or on behalf of the State immediately before the coming into operation of section 22 of the *Environmental Protection Act 1997*;
- (b) the Metropolitan Septage Treatment Plant, Waterworks Road, Forrestdale operated by or on behalf of the State immediately before the coming into operation of section 22 of the *Environmental Protection Act 1997*;
- (c) the Industrial Liquid Waste Treatment Plant, Waterworks Road, Forrestdale operated by or on behalf of the State immediately before the coming into operation of section 22 of the *Environmental Protection Act 1997*;

Page 52, line 18 - To delete "Except as provided in subsection (1) (d),".

Page 52, line 23 - To insert after "of this Act" the following -

, other than this Part,

Page 52, line 28 - To delete "the Chief Executive Officer" and substitute the following -

Waste Management (WA)

Page 53, line 6 - To delete "the conditions and procedures" and substitute the following -
a condition or procedure

Page 53, line 14 - to delete the line and substitute the following -

Monitoring of waste management operations

Page 53, lines 15 to 29 and page 54, lines 1 and 2 - to delete the lines.

Page 54, lines 6 to 8 - To delete "subject to any conditions or procedures which are set out in the relevant statement served under section 45 (5) for the purpose" and substitute the following -

subject to -

(a) any conditions or procedures which are set out in the relevant statement served under section 45 (5); and

(b) any direction of the Minister under section 110N,

for the purpose

Page 54, line 9 - To delete "or procedures" and substitute the following -
, procedures or directions

Page 54, line 11 - To delete "or procedure" and substitute the following -
, procedure or direction

Page 54, line 16 - To delete "or procedure" and substitute the following -
, procedure or direction

Page 54, line 18 - To insert after "section 48 (4)" the following -

as if that section applied to the carrying on of a waste management operation in accordance with section 110M (4)

Page 54, line 19 - To insert after "by the Minister" the following -
to Waste Management (WA)

Page 54, lines 24 to 30 and page 55, lines 1 to 29 - To delete the lines.

Page 58, line 9 - To delete "to be".

Page 58, line 12 - To delete "to be".

Page 58, line 24 - To delete "approval or".

Page 59, lines 4 to 6 - To delete the lines and substitute the following -

(a) any direction give to Waste Management (WA) by the Minister under this Part during the financial year to which the report relates; and

This amendment is the result of the discussion by the Standing Committee on Ecologically Sustainable Development on this section of the legislation, following which it made certain recommendations. They have been drafted into these amendments. I thank all parties, both the Government and the committee, for the work they have done and for their cooperation. I think it will work out.

Hon NORM KELLY: Members have only just received some of these final amendments. The Democrats appreciate the Government's support, because its original intention was to ensure proper management of the existing sites. The Standing Committee on Ecologically Sustainable Development has suggested amendments that maintain that effect without extending it to other sites, which we believe would possibly have more serious consequences. I pose a question on the first part of the amendment relating to subclause (1) and the three sites; the first two lines read -

Subject to subsection (4), Waste Management (WA) may carry on waste management operations at or in relation to the following sites:

I understand the amendment was drafted this afternoon. My question relates to the phrase "in relation to the

following sites". In the scenario of a site being filled to capacity, would Waste Management WA then have the scope to set up a temporary site in another place to deal with the normal operation? The ESD committee has suggested the amendment in the report to ensure that the sites are limited to the three outlined. I am worried that some scope may exist in the wording of the amendment to broaden the possible sites. I seek confirmation that it will not be the case.

Hon MAX EVANS: I am advised that the amendment relates to transport to those sites. There is no intention to start any new sites without any reference to the department or the House.

Hon CHRISTINE SHARP: Recently I looked at the final draft of the amendments from the Minister, and I am pleased to endorse these amendments that have been the subject of discussions today. As Chair of the Standing Committee on Ecologically Sustainable Development, I confirm that the intent of the committee's report is reflected in these amendments. The central principle of the ESD Committee's report was that we were reluctant to see the environmental management operation conducted by the Department of Environmental Protection, which is normally a regulatory agency.

Although we accepted the Government's difficult position regarding the three sites, and the need for an expedient solution, we are most reluctant to see, once the agency is established, some sort of incremental process by which other operations could gradually be added; therefore, we could find an environmental management agency operating under an unsatisfactory arrangement. I am pleased that the Government has accepted this argument. The proposed amendments to our recommendations are not of substance and endorse the proposals in the report. I thank the Government for its support.

Hon J.A. COWDELL: I support that the words proposed to be deleted, be deleted, and I foreshadow that I will support that the words proposed to be substituted, be substituted. Members will be aware that the Australian Labor Party expressed concern during the second reading debate about the proposed constitution of Waste Management Western Australia in the person of the chief executive officer of the Department of Environmental Protection. I commend the Standing Committee on Ecologically Sustainable Development for its work in this regard.

I note that it explored a range of alternative options to the Government's model: It proposed installing the Water and Rivers Commission as the operator, but it said "No thanks". It proposed installing the Health Department, but it said "No thanks" as it found a conflict of interest. It considered creating a board to advise the CEO and came to the conclusion it would only amount to a marginal diminution of the CEO's role. I am also aware of the difficulties in constituting a separate authority not only because of the expense to the State, but also because such an amendment could not be moved in this Chamber as it would require an appropriation and a message would need to be sent to the Assembly, where it would be unlikely to enjoy approbation.

Hon Max Evans: It would not be in the Budget.

Hon J.A. COWDELL: Many things do not appear in the Budget. Money has appeared for some things, but not others.

Therefore, the ALP is supportive of the solution proposed by the Standing Committee on Ecologically Sustainable Development that has been modified and made effective by the amendment standing in the Minister's name. This is substantially the recommendation of the committee. Members would be aware that the concept of the three mines policy is not entirely foreign to us. Therefore, we embrace the concept of the three sites policy.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 23 put and passed.

Clause 24: Section 106 amended -

Hon MAX EVANS: I propose that the clause be deleted.

Clause put and negatived.

Clause 25: Section 107 amended -

Hon MAX EVANS: I move -

Page 61, line 6 - To delete the line.

Page 61, lines 11 to 20 - To delete the lines.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 26 to 38 put and passed.

Schedule 1 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and returned to the Assembly with amendments.

ADJOURNMENT OF THE HOUSE

Special Adjournment

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.12 pm]: I move -

That the House at its rising adjourn until Tuesday, 19 May.

I will explain why this rather unusual set of circumstances has arisen.

Hon N.D. Griffiths: No legislation.

Hon N.F. MOORE: The House resumed this week after a two week recess and the intention was to sit this week and next week. However, the Notice Paper contains very little business of a substantial nature that needs to be dealt with in a hurry.

Hon N.D. Griffiths: We have efficiently passed legislation.

Hon N.F. MOORE: We have done a good job, and I thank the Opposition and all parties for their support of and cooperation with the legislative program. As members will be aware the Legislative Assembly has spent considerable time in recent weeks debating the abortion legislation to the point where virtually no legislation has come from that House at all. Ironically I went to the Assembly a moment ago to see if any Bills were likely to come here as a result of today's activity and I happened to arrive when the Minister for Fair Trading was seeking leave of the House to go to the third reading of a Bill, so it could pass out of that House to this place. Regrettably one of the opposition members refused to give leave, so that Bill will sit in the other place for a time.

Hon N.D. Griffiths: Who was that?

Hon N.F. MOORE: I would not like to say who it was.

The PRESIDENT: Order! It is not our business to reflect on anything that goes on in the other place.

Hon N.F. MOORE: I am not reflecting adversely on that House's decision. However, because of the situation with the abortion legislation a number of Bills of a significant nature have been held up in the Legislative Assembly. It will take some time for that logjam to be released.

I had planned, had the abortion legislation been passed by the Legislative Assembly this week, that we would deal with that in this House next week. That would have fitted in neatly with the legislative program because with no government business of any consequence on the Notice Paper we would have had the opportunity to deal with the abortion Bill next week while the other place was dealing with other legislation, and the two Houses could have got back into some sequence. That legislation has again been bogged down. Virtually no progress has been made for a variety of reasons about which I will not comment. It means that if we were to return next week we would be debating a number of issues which are of significance but could be dealt with during the rest of the session when appropriate.

If members agree to this special adjournment we would not sit next week, the week commencing Tuesday 5 May to Thursday 7 May, but we would sit during the week which was programmed to be a recess, the week from 26 May to 28 May. That would mean the House would not sit next week or the week after, which is a planned recess. The reason I am not seeking to sit on that week is that members will have already made plans for that week and on such short notice it would be unfair to expect them to change them. However, it is appropriate that in the week 26 to 28 May members make the necessary changes to their program. I indicated to the Leader of the Opposition this morning that he should not contemplate the planned journey by his select committee that week and should consider travelling

after 25 June when the House is due to rise for the long recess. I propose that rather than sit next week, we sit during a planned recess week at the end of May.

I have been advised that some members intend to oppose this motion. On the basis of what I have been told and in the event of the House not supporting this motion and we return next week, we will not be debating the Budget. That is because it is normal practice for this House to give members at least one week to consider legislation - the Budget Bill is just that - and then we have the estimates process. The Budget Bill has not reached here - we have tabled papers. It would not be normal for this House to contemplate the Budget next week and it would not be my intention to consider that matter next week in the event that the House sits.

I can also assure members, unless otherwise directed by the House - my comments are on the basis that I have any say in the matter - that it would not be my intention to debate the Budget Bill or bring on the euthanasia legislation, which has been suggested by some people as a good idea. The House needs to resolve at least one of the serious social issues before it embarks on a consideration of the next issue. I suspect that many members of this House and the other House would consider the prospect of a long debate on euthanasia as the last thing they would seriously want to contemplate. I am sure the Democrats share that view. We will debate that Bill. That debate was intended to be held early in this session on the basis that the other issues were dealt with expeditiously. They have not been. I will talk to the Democrats in due course about when that Bill will come on but there is no great enthusiasm among their colleagues or mine to deal with it in the short term. They can be assured it will be dealt with in due course - perhaps in the next session to give people a chance to recover from the abortion debate.

I have been a member of this place for some time and I do not ever recall a government leader, either from this side of politics or the other, having had a motion for a special adjournment defeated. It may have happened but I do not recall it. That would be the ultimate in taking the business of the House out of the hands of the Government.

Hon N.D. Griffiths: It should not occur.

Hon N.F. MOORE: The Government should have the expectation, whether or not it has the numbers, to be able to manage the times and dates on which the House sits. This is a serious issue. If that convention is broken tonight, I can assure members that a number of others will be reassessed. These days we work cooperatively in this place and I seek the cooperation of members to make the House run efficiently.

I acknowledge that the last couple of days have been messy, sometimes because of my actions and sometimes not. I apologise for those delays that are my fault and acknowledge those that are not.

It would be in the best interests of the orderly management of the House that we do not sit next week. I do not get any pleasure from that. I hoped that we could deal with the abortion debate next week and get it off the Notice Paper. However, in view of the situation in the other House, it would be appropriate for this House not to sit next week but to sit in what was previously scheduled as a recess week; that is, 26 to 28 May. That would then see us with two weeks of sitting followed by the week of Estimates Committees - which means that the House is not sitting in a formal sense - followed by the final three weeks of the session. That would see us all ready for a break at the end of June. That is a fair and reasonable program and I would be very disappointed if the House were not to support the motion.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [5.23 pm]: I hope to persuade the Leader of the House to pursue an alternative course of action. I appreciate that there has been a growing level of cooperation on the part of the Leader of the Government in reference to efforts to accommodate the Labor Party and the other non-government parties. He has tried, as far as he is able, to keep us posted about what legislation the Government wishes to debate. I also appreciate the fact that this week the Labor Opposition must accept responsibility - me in particular as leader - for the fact that this House was not able to handle the Lotteries Commission Amendment Bill when that Bill was introduced on 8 April. We did not have a recommendation before our party room at its last caucus meeting and as a result we were not in a position to debate the Bill. I regret that and apologise.

Hon N.D. Griffiths: But we have passed many Bills.

Hon TOM STEPHENS: We have indeed. That is the only outstanding government Bill available for consideration at this time without breaching the normal conventions of this place. However, next week is a different matter, and we would be able and ready within those conventions to start handling some of the other items that now appear on the Notice Paper.

Hon Ken Travers: Which ones?

Hon TOM STEPHENS: In fact, two of those Bills are not ready. That plank in my argument falls away because two of the Bills that otherwise would have been available next week are going to committees. I am left to argue that the -

Hon Derrick Tomlinson: You have a plankless argument.

Hon TOM STEPHENS: I will pursue it nonetheless. I am still left with the Lotteries Commission Amendment Bill, which could be dealt with next week.

Hon N.F. Moore: That is a 37-second Bill.

Hon TOM STEPHENS: The Labor Party has not taken a position on that.

Hon N.F. Moore: I am sure you could manufacture a couple of days of debate.

Hon TOM STEPHENS: That would probably mean we could deal with the Acts Amendment (Gaming) Bill on Wednesday if we got a decision.

The budget legislation was introduced today. The Labor Party requests that the Government consider having this House sit so that its Budget can be subjected to scrutiny; that is, during the question times that would be available on each day. In addition, members could move urgency motions, but there is a risk that that might be ruled out of order. There is also the adjournment debate.

Labor members are pursuing this because we want to subject the Budget to scrutiny through all the processes available. If I have not convinced the Leader of the House, I ask the non-government members whether they are persuaded. Next week Opposition members should have the opportunity to address the Budget through the processes available; that is, at least during question time and by using whatever other opportunities emerge during the week - either by urgency debate if it is not ruled out of order or the adjournment debate if that is not otherwise in breach of the standing orders.

I regret that the Leader of the House can give his response only by interjection during the comments of others. I do not think he can reply.

Hon N.F. Moore: I cannot.

Hon TOM STEPHENS: He might indicate whether I have yet persuaded him.

Hon N.F. Moore: I will withdraw the motion and we can sit here for the rest of the year. We can always sit during next week. The member was planning to go to Canada. We will provide a week in lieu of this week.

Hon TOM STEPHENS: The Leader has already indicated that we have been provided with that extra week in late May.

Hon B.M. Scott: It is June.

Hon TOM STEPHENS: No, it is 26 to 28 May, which was not a scheduled sitting week.

Hon Simon O'Brien interjected.

Hon TOM STEPHENS: The Labor Opposition is not trading that issue. We are asking the Government to consider sitting next week for the compelling reasons that I have put before the House. If I have failed in my duty to put those reasons as convincingly as they should be put, I hope other members can put them more compellingly. I recognise that it is unprecedented for the House to take control from the Government. We have gone to the brink over important issues on previous occasions. It may well be that unless we find compelling arguments in this debate to breach the conventions of this place the Labor Opposition might vote for this motion. That may well be the case. I would be very interested to see whether at this point I have persuaded the Australian Democrats and the Greens on this issue. That should be one of the guiding features for whether we take the next step. I look forward to hearing any additional compelling argument my colleagues from the Labor Party want to put before the House. If I have persuaded the Democrats and the Greens to vote against this adjournment, the Labor Party will join them in taking this unprecedented step. I look forward to hearing how I have fared in this debate and whether I need additional support from my colleagues to persuade the other non-government members.

HON HELEN HODGSON (North Metropolitan) [5.30 pm]: It is unfortunate that the Minister has no right of reply in this debate because I would like to have a couple of matters clarified; therefore, at appropriate points I am willing to accept interjections.

Hon N.F. Moore: I hope the President is.

Hon HELEN HODGSON: I appreciate that much of government legislation has been dealt with and that through reasons beyond our control other legislation has not been introduced into this place. However, I am concerned that we have a fairly lengthy list of items to be dealt with under orders of the day. This morning we had 38 items, but three have dropped off the Notice Paper. That leaves 35 items. Some may be redundant for one reason or another - events may have overtaken them. However, some items of important business are among the orders of the day that

we should be addressing. For example, there is the President's ruling on the Appropriation (Consolidated Fund) Bill (No 1) 1997. I cannot see on the Notice Paper when that was first listed for consideration, but it was about this time last year, at the time of the Budget debate. It raises important constitutional issues about the processes of this place with which we should deal. There is a matter of outstanding correspondence from last October concerning a letter the Chairman of the Anti-Corruption Commission wrote to us. We have not had an opportunity to decide whether it is appropriate to act in the way we have been asked.

A number of committee reports were tabled in this place before we adopted the excellent sessional order now in place that guarantees them a time slot. A report on the Golden Egg Farms by the Standing Committee on Government Agencies is waiting to be dealt with. The fact that the Government Agencies Committee changed its name before I joined this place shows how old it is. The thirty-sixth report of the Standing Committee on Government Agencies is still to be dealt with. Those motions were adjourned last year in May and June respectively. Motions are on the Notice Paper dating back to 12 March - a year and a month ago.

The Democrats have not asked the Government to deal with the voluntary euthanasia Bill because we are aware of some of our colleagues' sentiments on that issue. I do not know who raised it; it has not come from the Democrats. In that sense we are not suggesting that is a reason for coming back next week. However, there is much outstanding business on the Notice Paper. What steps will the Minister take to ensure these real items will be dealt with before prorogation?

Hon N.F. Moore: I have every intention of dealing with them. I am going through them to see which ones should be dealt with. You have not asked me to deal with any of them. Not one person has asked me to deal with them. Am I supposed to read people's minds?

Hon HELEN HODGSON: We are new to this place, after only a year. We expected that as time became available we would deal with these matters. We did not think we would be asked to take a special adjournment because -

Hon N.F. Moore: I am not taking away time; I am reapportioning it.

Hon HELEN HODGSON: We know how much time the abortion Bill has taken in the Assembly and we know the impact that has had on the Government's legislative program. When it comes back here it is possible we will need the bulk of that reapportioned time to deal with that Bill alone. I am not convinced that allowing that extra week will allow these other matters to be dealt with. As a result of the proposed rescheduling the House will sit for a lengthy stretch of consecutive weeks. We are prepared to accept that because we appreciate that the last week in May is the only extra time to slot in an extra sitting week. Nevertheless, sitting for six weeks straight, including an estimates week, to deal with the bulk of the Government's legislative program will place extreme pressure on our resources and presumably those of our colleagues, the Greens. That will cause further pressures at the end of the session. At the same time I am well aware of the conventions of this place. We have generally decided that we will try not to overturn the conventions where appropriate. I hoped we would be given some guarantees that some of those matters would be dealt with. We can see that if we take this step it will breach conventions which we would not normally like to see broken.

Hon Simon O'Brien: Get off the grass.

The PRESIDENT: Order!

Hon HELEN HODGSON: I am excluding the redundant or not so relevant issues. I have just cited half a dozen genuine matters which require debate. On that basis I will hear what other members have to say before deciding what I do on this matter.

HON PETER FOSS (East Metropolitan - Attorney General) [5.36 pm]: Members should first appreciate that although it is hard to think of it at this time of the year because prorogation usually takes place after the December sitting, we must keep in mind that we are approaching the end of the session and there is limited capacity to have work carried out between now and then. Very important legislation such as the Budget and the abortion legislation will require the time of this Parliament. Other legislation will come from the other House. Members know when that happens that considerable pressure is placed on this House to sit subsequently to deal with it.

We have two alternatives for handling that form of legislation: We either try to make sure we have more time available later or we sit later. The Leader of the House wisely suggested that if we sit next week, rather than dealing with issues under pressure for us to complete them before prorogation, we will be dealing with other matters that will be marking time. Members should either reject the leader's concept of sitting that extra week or use that concept as a way of enabling us to sit and deal with significant legislation. If we sit next week it is most unlikely we will sit the extra week the Leader of the House proposed as a substitution. If we do not do that it will be even more difficult to fit in that legislation. The demand will be placed on us to sit well after the period scheduled as the end of our year.

We must ask ourselves this: Whose responsibility is it to ensure we get through as much legislation as we can? Quite sensibly the House has always given that job to the Leader of the House. He is not called the Leader of the House for any insignificant reason and he is not just the Leader of the House, he is also the Leader of the Government in this House. In the other place the Leader of the House is separate from the Leader of the Government. The Leader of the House has a difficult and responsible job. I do not always agree with everything he says about how we should manage the business; however, I respect the fact that unless we have only one person with the responsibility for doing that, we will end up with a dog's breakfast and will be unlikely to get through very much at all.

Many of our conventions do not exist merely because they are conventions and, therefore, we will stick with them. Conventions exist for very good reasons. The House needs a person who is the leader and who will say how things will best be done. Recently I made a speech in which I congratulated the Leader of the House for his leadership in the abortion debate. Although he was voting consistently against the measures in the Bill, at least he tried to find some way in which the House could get to a stage of being able to vote for provisions so that the Bill could be dealt with. That is his role, and that is what he did.

In this case, the Leader of the House has taken the view that the best way for the House to deal with not only the workload we have now, but also that which we know we will have in the future, so that all members can manage it and we do not proceed too far before the other place has sent legislation to us, is not to sit next week, but rather to sit for another week at the end of May. I do not think it is for individual members to say, "We could fit this in or we could do something else." The fact is that one member in this House has the role of trying to make the legislative program work.

By changing this we will not merely be upsetting convention, but we will be doing so for the worst possible reason. I cannot think of a worse reason for changing convention than a member thinking that he or she can deal with legislation and other matters in a different way. If we are to break with a convention of this nature, surely we must have some solid reason based on fundamental principle. We should not do so merely because we disagree with it, but we must be able to say that, as a matter of principle, we feel we are entitled to overrule it.

The effect will be that we will change the way in which this House has operated. For years and years this House had not just majorities, but overwhelming majorities, in the Opposition. At times Labor Governments functioned in this House when the Opposition not only had a constitutional majority, but also something like double the number of members, and it allowed the Government to manage the business of the House. It is recognised that someone must do that. We cannot all go second-guessing the Leader of the House as to how the business should be done. Whether or not we agree with him, someone must decide how we will go about running the business of the House and when matters will be dealt with. It is not just a matter of taking the business out of the hands of the Government, but rather out of the hands of the Leader of the House who has the job to try to make this place function appropriately.

Hon Norman Moore has done a very good job trying to accommodate the requirements of all members. His view is that, if we sit next week, we will be marking time, and after that, an enormous amount of legislation will come to the House. Invariably members will suddenly think that prorogation is due and will want to get various matters completed. When the pressure comes on, we will have business before us. We will then be faced with deciding whether to sit at the end of May in any event, having already sat this week, or whether to sit beyond the scheduled time to try to clear up the work.

I am almost tempted to bring forward the motion that was moved many years ago saying that we will not deal with legislation that is received after a particular day. It starts to become silly to deal with legislation at the end of the session. We will be sitting here trying to deal with it, knowing full well that the other place is not sitting and will not be able to take any amendments that we may pass. If members really want legislation passed at that stage, they will have to pass it without amendment, because they will know those in the other place will not be sitting. It is not that we do not want to deal with that legislation; rather there is not much point in dealing with it if we cannot do much with it.

I make a plea for commonsense. Firstly, the convention has been established over many centuries for very good reasons. No member has put up to me a point of principle which justifies overruling that convention. All I have heard is members saying, "I would do it in another way; I would prefer to do something else." If that is the basis for upsetting a convention which is soundly grounded in commonsense, it will lead to a form of anarchy. It is silly for us to try to proceed in this way. We have seen this happen. The abortion debate was made very difficult because everything was all over the place and members were running their own lines. Although it was a difficult debate, it was very satisfying in many ways. It was difficult because it was not done under the normal, obvious form of leadership. However, as I said, Hon Norman Moore, as Leader of the House, properly tried to bring it to a conclusion. We have done very well in this House, given the way the debate proceeded. The fact that the Bill was passed was due to the leadership shown by the Leader of the House.

Let us not throw away this convention. If members want to do that, let them do it based on principle. They should tell me what the principle is, what they see that is so fundamental to the decision Hon Norman Moore is suggesting that we should totally upset it and decide on something else altogether. I have not heard one argument, other than members saying, "If I were the Leader of the House, I would do it differently for this purpose." That is the only argument I have heard so far. I have not heard an argument that says, "We believe there is a fundamental point of principle that the Leader of the House is ignoring; he is wrong; he is abusing his position" or anything of that nature that I would have thought justified changing the convention and taking the business out of the hands of the Government. Rather than members continuing to oppose this motion and its going to a vote, I would prefer that it just be passed on the voices.

HON JOHN HALDEN (South Metropolitan) [5.46 pm]: I rise to talk about the principle which supports the reason that this motion for a special adjournment should be opposed. People have talked about the convention that the Leader of the House should be able to set the timetable for the sitting of this House. In virtually all cases I agree with that. However, this is a different situation. We have a unique opportunity. It starts from the principle that this House is not here just to deal with the Government's business; it is here to deal with the business of the House, business that has sat on the Notice Paper, as has been so eloquently pointed out by Hon Helen Hodgson, for over a year in some cases. Other matters must be dealt with. Next week we have an opportunity to deal with the remaining government legislation, non-government legislation, motions and matters to do with the administration of this House. Those matters should be dealt with next week when the opportunity presents itself. This House is not here for the exclusive purpose of maintaining itself so that the Executive can push through legislation. It is also here for the benefit of 33 other members, not just the Leader of the House.

Next week we can deal with that. I do not have any great feelings of anger towards the Leader of the House for moving this motion. In fact, I have some understanding of his position. He must also have some understanding of the positions of others. The majority of members in this place has seen some heartfelt issues into which they have put a lot of work languish on the Notice Paper for considerable periods. That should not happen. We have an opportunity to correct that now.

We have a significant piece of government legislation that should be scrutinised. That should not happen in the last week of May, but as soon as we are able to access the budgetary documents. We can then decide what questions we want to ask and on which issues we want to attack the Government or even to congratulate it, if that is the case.

Hon E.J. Charlton: A new experience.

Hon JOHN HALDEN: We will be denied that opportunity. After presenting its major piece of legislation for the year, the Government has a responsibility to sit here next week.

Hon N.F. Moore: I think you have nearly persuaded me. You will also persuade me that we should sit for a long time during June, July and August so we can scrutinise you.

Hon JOHN HALDEN: I hope so. If the requirements were there to sit, we would all want to sit. The requirement is there to sit next week. I am pleased that the Leader of the House has almost come to accepting my position on this matter.

Hon N.F. Moore: I have never come to accepting your position on anything, including this.

Hon JOHN HALDEN: The situation can be summed up in this way: The Leader of the House has an opportunity to move a special adjournment, and he has done that. The House must consider the motion. That is why we vote on the matter. There is nothing outrageous about that, but we have the right to express our view. My view, and that of my colleagues and the Leader of the Opposition, who put the position eloquently, is that there is non-government business on the Notice Paper that can be dealt with, there is government business, including the Budget papers - a significant piece of legislation in any year. It should be considered appropriately. These are the principles for sitting in Parliament.

Hon Simon O'Brien: You will go to Canada!

Hon JOHN HALDEN: I am not interested in going to Canada. I am interested in sitting in Parliament. The Leader of the House said that we could sit longer; and I am always happy to sit here. If in future we have a considerable workload we will deal with it in the same way as we are dealing with this matter. The House is entitled to express a view, and if that view overrides the wishes of the Leader of the House there is nothing untoward about that. It would show no lack of confidence in the Leader of the House but more confidence that the House wants to express its view about what it wants to do and when.

HON J.A. SCOTT (South Metropolitan) [5.52 pm]: I can understand the point of view expressed by the Leader of the House but I have a number of problems with it. Hon Peter Foss said that we should override such an important

convention only on a matter of principle. I thought one matter of principle would be that we have a legislative program, and any changes that must be made to it should not be made at the last moment.

Hon N.F. Moore: I did not know what the Assembly would do this week, until the last minute.

Hon J.A. SCOTT: I understand that.

Hon N.F. Moore: If you like, I will withdraw the motion.

Hon J.A. SCOTT: We heard rumours today before we found out -

Hon N.F. Moore: I raised the matter this morning in debate when I suggested that the Leader of the Opposition might like to change his travel plans.

Hon J.A. SCOTT: The Leader of the House can understand that members have made commitments -

Hon N.F. Moore: I will withdraw the motion, and you will not have a problem.

Hon J.A. SCOTT: Members have important things to do, including addressing matters in this House.

Hon Derrick Tomlinson: What about June?

Hon J.A. SCOTT: I will come to that. These proposed changes to the program are a reaction to the failure of the leadership in the other place.

Hon N.F. Moore: That is an unfair statement. You know why there is a problem there, and it has nothing to do with the leadership in the other place.

The PRESIDENT: Order! Under the standing orders, no member in this place has a right to criticise the management of the other place.

Hon J.A. SCOTT: I withdraw the comment, Mr President.

The PRESIDENT: I am saying that is what our standing orders say, and it is a pity that some members of the Legislative Assembly do not read their standing orders - but that is another question. It is up to me to enforce the standing orders in this place.

Hon J.A. SCOTT: Without any hint of criticism, it is a fact that legislation has not been forthcoming from the other House, including important legislation that the Government wants to set in place, and our Notice Paper contains mainly non-government business, and a little government business. The Leader of the House said that we would be able to get this done before Parliament was prorogued. However, a lot of non-government business at prorogation is not dealt with. The Leader of the House knows that is true. Furthermore, often non-government business becomes obsolete, because by the time we deal with those items they are no longer relevant, and the time has passed when they could have had any effect. Therefore, there must be some understanding that sometimes on this side we feel frustrated when very little non-government business is dealt with, and no real thought is given to putting it through.

Hon N.F. Moore: When was the last time that you asked me to deal with a matter on the Notice Paper?

Hon J.A. SCOTT: I asked the Leader of the House a long time ago to deal with the Jangardup statement he made which will have an important effect.

Hon N.F. Moore: We will do that on Tuesday! Are you ready for next week?

Hon J.A. SCOTT: I was about to say that I would like to hear all the arguments before I decide which way to vote. I wish to offer a compromise. I prefer to have a break for one week rather than two weeks. If we have a longer break, next week the Legislative Assembly will finish with the abortion Bill, and it will come to this House. It is likely then that we will reach some sort of deadlock in this place because we will have been away for two weeks, and the legislation passed by the Assembly next week will be waiting for us and there could be a build-up behind the abortion Bill in this House. That will be a problem because in the real world the doctors and nurses say that they will not continue to carry out abortions. If we do not deal with that Bill as soon as it passes the other place we will not be perceived in a very kind light by a great part of the community.

Hon N.F. Moore: I have not had a chance to ask whether members wish to sit during the recess week. I have made an assumption that most members will have made arrangements for that time that will be severely affected by the House sitting. That is the difficulty of the members' compromise.

Hon J.A. SCOTT: Perhaps that is the case, but we have already changed our arrangements now.

Hon N.F. Moore: It is a month down the track and people will have time to make plans.

Hon J.A. SCOTT: Another problem will be created. In that case, we will sit for five weeks without a break. That is a solid chunk of time.

Point of Order

Hon TOM STEPHENS: Mr President, what will be the process at six o'clock if we are still debating this matter?

The PRESIDENT: The standing orders provide that at six o'clock I leave the Chair and return at 7.30 pm. Standing orders have been suspended to allow the House to sit beyond 5.00 pm. We now fall into the routine that applies on Tuesday and Wednesday. We will come back at 7.30 pm if we have not completed this matter.

Debate Resumed

Hon J.A. SCOTT: I would like to know what the Leader of the House thinks about having a week's break.

The PRESIDENT: The Leader of the House can seek leave to comment. It is up to the House.

[Resolved, that the House continue to sit beyond 6.00 pm.]

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [6.00 pm] - by leave: I endeavoured to indicate to Hon Jim Scott by way of interjection that I did not raise with members the idea of sitting on the week starting Tuesday, 12 May. I did not canvass that with members because I made the decision that as it is only a week or so away most members would have made arrangements which would be difficult to cancel. It did cross my mind as a way of handling this matter. There are some virtues in what Hon Jim Scott has said but it is difficult to satisfy everybody's needs. The next available recess was from 26 to 28 May, and that is why I put forward that week.

I am tempted to seek leave to withdraw this motion because it seems that the opposition to what I am trying to do is based on some political advantage and giving the Government a kick in the head for not being here to debate the Budget. I am happy to debate the Budget until the cows come home. It is a very good Budget. However, if members wish to sit around here for a week doing things that some people think are important and others do not, so that they can ask questions during question time, that is fine. However, in my experience the Budget is not normally debated in that way. As I indicated in my earlier comments, the Budget will not be debated until one week after it has been in this place. That is the normal process of the House. What we would get next week would be question time, perhaps substantive motions and perhaps urgency motions on the Budget, but the whole Budget would not be subject to debate. I am happy for us to debate the Budget until the cows come home at what is considered the normal time. If members think that the only way in which they can get their points of view on the Budget across is by being here, then they have forgotten all the other avenues available to them.

I did not make this proposition because I wanted a week off. Ministers do not get weeks off. It would simply mean that they would do different work from that which they do in the House. There is no benefit for me in not being here. I am a bit disappointed that what has come out of the debate is a clear desire by some people, not all, to use this proposal I am putting forward as a way of hitting the Government over the head and arguing that it is not prepared to debate its Budget or be subjected to scrutiny. I can understand the arguments of Hon Helen Hodgson and Hon Jim Scott about wanting to deal with some items on the Notice Paper. However, as I said by way of interjection, not one member has come to me and asked to deal with any item on the Notice Paper, apart from a member who approached me about the euthanasia Bill.

Hon Norm Kelly: It was not last week.

Hon N.F. MOORE: The member came to see me and I agreed with it. Nobody has approached me to ask about dealing with the filling of the casual vacancy in the Senate.

Hon Bob Thomas: That is not a very good argument.

Hon N.F. MOORE: It is one of the items on the Notice Paper. It might not be important to the member but some other members may be dying to argue about casual vacancies in the Senate. If members wanted to do that, I would expect them to approach me and say that they want to deal with it and could I put it further up the Notice Paper. Except perhaps on one occasion when members of this House have asked me to deal with issues, I have done so, as members know.

Hon Ken Travers: We have a question in the Chamber about a royal commission into the police.

Hon N.F. MOORE: Parliament does not set up a royal commission, dopey!

The PRESIDENT: Order! Let us respond to the matters that were raised earlier.

Hon N.F. MOORE: Forgive me, Mr President, I was distracted a little. I do not know what the House intends to do.

I am in a bit of a quandary. I do not want to be here when the House makes a decision to take the business of the House out of the hands of the Government. It would be the first time during my time in this House.

Hon N.D. Griffiths: Has it ever happened before?

Hon N.F. MOORE: Not to my knowledge. Similarly, if I think that the Labor Party will try to score political points, as Hon John Halden indicated he intends to -

Hon John Halden: I did not at all.

Hon N.F. MOORE: His speech was all around it. However, looking around the House, I will proceed with the motion and hope that members will treat it, if it is passed, in the spirit in which it is offered; that is, to try to manage the House better.

If members wish to deal with issues on the Notice Paper could they please come and see me some time and say that they want to deal with them and we will find a time to deal with them. At the beginning of this session we sat down collectively and looked at a number of issues. The Democrats said that they wanted to deal with the euthanasia Bill. Because of the circumstances, that cannot be dealt with at the moment. I can think of no other items that people particularly want to deal with. I thank members for their contributions and hope that we do not need to take a vote on it.

Question put and passed.

Ordinary Adjournment

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [6.06 pm]: I move -

That the House do now adjourn.

Northbridge Tunnel - Adjournment Debate

HON KEN TRAVERS (North Metropolitan) [6.07 pm]: As we will not be coming back for a couple of weeks, I want to place on record some concerns I have following questions I have asked in this place. I notified the Minister for Transport that I would be raising this issue tonight but I understand that he has been called away on urgent parliamentary business. My concerns are about contamination on the site of the Northbridge tunnel. Members will be aware that I have asked a series of questions over a period of time to find out what is happening there and also to obtain copies of management plans of how that contamination is being handled. On 9 April the Minister offered me the opportunity to get a briefing on those plans from Main Roads. I did that last week during the break.

It concerns me greatly that advice that has been given to this place is incorrect. I hope that the Minister for Transport will investigate where the failure has occurred. I asked a question on 17 March which is recorded on page 644 of *Hansard*. It concerned contamination and whether the management plans required low contamination material to be fenced off and hydromulched and whether medium level contamination material was stored on a limestone pad with a 300mm bund and should not overflow the bund. The response to those questions was -

- (a) Yes, the contractor will hydromulch stockpiles where appropriate.
- (b) Yes.

The Minister went on to say -

It is also important for the honourable member to be informed that, contrary to the concerns he expressed last week and at the weekend in media discussions and reports, tests were carried out on soil in the Hamilton interchange, and no soil has tested positive. The soil currently in that area is consistent with acceptable soil used in the whole Graham Farmer Freeway operation. That location is being used to deposit good soil and not contaminated soil.

He later went on to give a correction to a question I had previously asked about the Northbridge tunnel and indicated that no soil had gone to Flynn Drive. He again ended that answer by saying -

None of this material was contaminated.

I am concerned because when I sought the briefing from the department officers, they took me on a tour of the site. They pointed out soil that was contaminated on that site. I have been watching that soil for a number of months. It was there when I asked the question and was told that no contaminated soil existed on the site. They told me that not only was the soil contaminated, but also they were waiting for the final results to come back, and that while they thought the results would probably show that it was class 2 contamination, it was being regarded as a higher rating until they had received those final results from the laboratories.

Another concern is that the soil was contained in an area that was supposed to be fenced off. However, when I visited that area with representatives of the media, the fence had been knocked down, allowing members of the public to gain access to it. It should be noted also that, since I have raised those questions, the fence has been repaired.

I am concerned that the process of dealing with contamination in the Northbridge tunnel has not been fully followed and that the advice given to this Parliament has been incorrect. The fact that the fence has been put up again around that contaminated site suggests that some cover up has occurred. I hope the Minister for Transport will investigate this matter and get to the bottom of it. I am most concerned that that contamination exists and has been accessible to the public, and that when questions have been asked, this Parliament has been told that there is no contamination.

Homosexual Law Reform - Adjournment Debate

HON HELEN HODGSON (North Metropolitan) [6.12 pm]: Tomorrow, 1 May, is the historic first anniversary of the Tasmanian Government's repeal of Tasmania's anti-gay laws. Despite fierce opposition to this law reform from some sections of Tasmanian society, the sky has not fallen in as a result of the fact that gay men are no longer treated as criminals in that State. Western Australia is now the only State in the nation where it is a criminal offence for consenting adults, being men over the age of 18, to have sex in private. Western Australia has the highest age of consent in the world and the worst anti-gay laws in Australia. It is a cause for national embarrassment that Western Australia now has the reputation of being the most homophobic State in the country. As we mark the first anniversary of that Tasmanian law reform, we must not forget the fact that the battle for human rights legislation for gays and lesbians in Australia is not yet over. Western Australia is the last bastion of existing and criminal anti-gay laws against consenting adults, a situation that must be changed as soon as possible for the reputation of our State and for the protection of its gay and lesbian citizens.

Howard, Mr Len - Adjournment Debate

HON J.A. SCOTT (South Metropolitan) [6.14 pm]: I record my great admiration for Len Howard, who died recently. Len Howard was a conservationist for many years until he died at well over 80 years of age. He took up the cause of conserving the environment around the Creery wetlands and, in fact, in most of the Mandurah area, and did that with such huge vigour and dedication that he was still battling to preserve the Creery wetlands from development in the last week of his life and had the telephone moved to his bedside so that he could continue his work. He started that fight long before that sort of cause was fashionable in the community.

Len was a wonderful man, who always forgot his own pain and suffering to battle for what he thought was right, not just in respect of environmental matters but also social justice matters. He was the sort of person whom people even of my age can regard as a hero, if people of my age can have heroes. Without his input, the areas of the Creery wetlands that have been conserved would not have been conserved, this Government would not have built the boardwalk over the Lake Clifton stromatolites, and many of the environmental features that people hold precious today would have disappeared from that area. I would feel very sad if Len's great contribution to this State was not mentioned in this place.

Fitzroy River - Adjournment Debate

HON NORM KELLY (East Metropolitan) [6.15 pm]: I record the Australian Democrats' disgust at the fact that this Government has decided to go ahead with the signing of a memorandum of understanding with Western Agricultural Industries to develop a large scale irrigation area around the Fitzroy River in the Kimberley. It is quite premature for the Government to go ahead with that matter, considering that a hydrology study is about to be released on the ground water resources in the Kimberley, and also the fact that the Federal Government has acknowledged that no extensive studies have been conducted of the flora and fauna varieties in the region. It is reassuring that the Australian Conservation Foundation is taking up the fight in opposing this memorandum of understanding and that it will take this case to the National Competition Council in the belief that aspects of the memorandum of understanding contravene the national competition policy agreements.

Question put and passed.

House adjourned at 6.16 pm

QUESTIONS ON NOTICE

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

FOREST INDUSTRY STRUCTURAL ADJUSTMENT PACKAGE

1477. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

At the completion of the Deferred Forest Assessment process, the Commonwealth Government announced that it had allocated \$107m to a Forest Industry Structural Adjustment Package to allow for timber industry structural adjustment following the completion of Regional Forest Agreements in each State -

- (1) What amount of timber industry structural adjustment funding is available for Western Australia from this Commonwealth fund?
- (2) Does the State Government also have a similar fund to facilitate outcomes of the WA Regional Forest Agreement?
- (3) If not, is it considering such a fund?
- (4) If not, why not?
- (5) Is the Western Australian RFA steering committee considering the use of structural adjustment funds when assessing options for the conservation of forests and the impacts of those options?
- (6) Is the Western Australian RFA steering committee considering the use of these funds when assessing options for the transfer of timber production from old growth forests to plantation resources?
- (7) How much money has been spent so far by the State and Commonwealth Governments on the RFA?

Hon MAX EVANS replied:

- (1) Western Australia is unaware of any specific allocation to individual States under the Forest Industry Structural Adjustment Package.
- (2)-(3) No.
- (4) The Commonwealth Government has made financial provision for responding to changes arising out of the RFA process. Under the National Forest Policy Statement and the Scoping Agreement for the WA RFA, structural adjustment assistance was identified as a Commonwealth responsibility.
- (5) No. The necessity for and magnitude of finance required for structural adjustment will be considered in the development of the final RFA.
- (6) The term "transfer of timber production from old growth forests to plantation resources" is not a term which is used by the State and Commonwealth governments. The National Forest Policy Statement has goals for both an internationally competitive and ecologically sustainable timber industry based on native forests and the expansion of commercial plantations of softwoods and hardwoods.
- (7) The estimated cost of all projects approved by the Steering Committee is \$5 848 000. The level of expenditure on these projects as at April 1998 is estimated to be \$5 263 000.

APPRENTICES POLICY

1481. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) Is any policy in place to ensure apprentices are employed on all building projects tendered out by the State Government?
- (2) If not, why not?
- (3) If yes, is this policy policed?
- (4) What is the penalty for contractors who do not comply with this Government policy?

Hon N.F. MOORE replied:

- (1) The preferential tendering policy which applies to government funded building and construction projects let by Homeswest and Contract and Management Services requires contractors to employ a specified number of apprentices on a project. The policy is currently being reviewed by an inter-departmental working group.
- (2) Not applicable.
- (3) Yes.
- (4) The penalty can include the non-awarding of a contract and suspending the firm from tendering for further contracts.

CHIP LOG SUPPLY CONTRACT

1484. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

- (1) Can the Minister for the Environment confirm that the chip log supply contract, executed by the Department of Conservation and Land Management and Bunnings Forest Products Pty Ltd, on December 29, 1997, will be presented to Parliament in a *State Agreement Act*?
- (2) If so, can the Minister say when this legislation will be presented to Parliament?

Hon MAX EVANS replied:

- (1) No. The Contract executed by the Executive Director of the Department of Conservation and Land Management, WA Chip & Pulp Co Pty Ltd and Bunnings Forest Products Pty Ltd on 29 December 1997 is a stand alone contract negotiated in accordance with the provisions of section 88 of the CALM Act.
Administration of State Agreement Acts is the responsibility of the Minister for Resources Development.
- (2) Not applicable.

GOVERNMENT VEHICLES LEASED OR OWNED

1487. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

For all agencies under the control of your Ministry, can the Minister for the Environment advise -

- (1) How many vehicles are leased or owned by those agencies?
- (2) Of these, how many are -
 - (a) passenger vehicles; and
 - (b) commercial vehicles?
- (3) Of the total number of vehicles, how many are -
 - (a) petrol or diesel powered;
 - (b) LPG powered; or
 - (c) powered by other means?

Hon MAX EVANS replied:

Perth Zoological Gardens

- (1) 16.
- (2) (a) 3.
(b) 13.
- (3) (a) 13.
(b) 2.
(c) 1 (electric).

Department of Environmental Protection

- (1) 52.
- (2) (a) 51 passenger vehicles.
(b) 1 commercial van.

- (3) (a) 39 petrol and 3 diesel powered.
- (b) 10 LPG powered.
- (c) Nil.

Kings Park and Botanic Garden

- (1) 20.
- (2) (a) 5.
- (b) 15.
- (3) (a) 14 - petrol.
- 6 - diesel.
- (b)-(c) Nil.

Department of Conservation and Land Management

- (1) 677 (excluding trucks, tractors and earthmoving equipment).
- (2) (a) 144.
- (b) 533.
- (3) (a) 677.
- (b)-(c) Nil.

Note: These numbers exclude heavy fleet; that is, trucks, tractors and earthmoving equipment.

OLD GROWTH FORESTS

1577. Hon CHRISTINE SHARP to the Minister for Finance representing the Minister for the Environment:

Further to my question without notice 105 of 1998 -

- (1) Will the Minister for the Environment provide the "elements of the ruleset for old growth" as used in the Comprehensive Regional Assessment process?
- (2) How many hectares of forest were assessed using old growth ruleset?
- (3) How many hectares of forest satisfied the old growth ruleset in relation to past logging disturbance?
- (4) How many hectares of forest satisfied all elements of the old growth ruleset other than dieback presence?
- (5) How many hectares of forest were found to be affected by dieback to the extent that they could not be defined as old growth?
- (6) Has the Commonwealth Government endorsed the discounting of these areas of forest due to dieback?

Hon MAX EVANS replied:

- (1) The rulesets used for the mapping of old growth forest for the Comprehensive Regional Assessment are described in full on pages 163-166 of Volume 1 of the CRA report. They are summarised on page 166.
- (2) 2 222 487 ha of forest and woodland ecosystems were assessed and 347 578 ha of old growth was identified. See Table 12.3 (page 125) and Table 13.2 (page 166) of the CRA report.
- (3) 387 900 ha.
- (4) 371 900 ha.
- (5) 24 300 ha.
- (6) The rulesets were developed jointly with the Commonwealth Government. The term "discounting" is not used in the ruleset. Question 5 appropriately expresses the procedure used in the assessment.

QUESTIONS WITHOUT NOTICE**BUS PURCHASES****1485. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Is the Minister aware that during the Budget speech today, the Treasurer announced that 100 new buses will be purchased?
- (2) Can Western Australians expect the State Government to purchase 100 or 133 new buses this financial year?

Hon E.J. CHARLTON replied:

- (1)-(2) As a consequence of the Government's decision, 133 buses have been ordered. They will come forward as soon as they can be delivered by Mercedes-Benz and the bodies can be constructed by Volgren, which will be setting up an operation in Western Australia, but whether that happens during the first year remains to be seen as negotiations are still taking place. If humanly possible, all buses will be delivered in the financial year.

DIESEL BUS GREENHOUSE GAS EMISSIONS**1486. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Can the Minister respond to my question yesterday in which I sought his confirmation that figures he quoted for greenhouse gas emissions for Euro 2 diesel buses were based on buses using European diesel fuel which has a lesser sulphur content than Australian fuel, and that Mercedes-Benz has not done any tests using Australian fuel?
- (2) When will the Government be signing the contract with Mercedes-Benz?

Hon E.J. CHARLTON replied:

- (1)-(2) Following yesterday's comment or question by the Leader of the Opposition - I gather on behalf of the Labor Party - in relation to the figures I quoted on emissions of both smog and greenhouse gases the day before, I have been further advised that the decision to use low sulphur diesel fuel in the new buses and the CAT fleet will result in higher per annum running costs of about \$1 000 for the CATs and \$1 500 for the Mercedes-Benz. That fuel is currently in use. I can confirm that the emission figures quoted are based on European light diesel, or city diesel. That fuel is equivalent to the low sulphur diesel available in Western Australia and will be used in the new buses.

Hon J.A. Scott: It is still not the same.

Hon E.J. CHARLTON: No, it is not the same; it comes out of a different tank. Of course it is not the same!

Following the question yesterday, the Labor Party went public with another statement saying that the figures I submitted were wrong. I totally reject the Labor Party, or anyone else who wants to associate himself with it, on the figure it is using as a comparison.

PRISON AT PYRTON SITE**1487. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) I refer to the Attorney's answer to my question on Tuesday regarding a prison at the old Pyrtton site, when he said -

We certainly have under consideration the location of a minimum security women's prison there but at the moment we are in the course of somewhat delicate negotiations with some of the local people. A final decision will not be made until those negotiations and discussions have been completed.

Does the Attorney stand by that answer?

- (2) A report in today's *The West Australian* states that, "The Ministry of Justice is yet to begin consulting with the communities surrounding the proposed site for women's prison despite Attorney General Peter Foss' claim to the contrary." Is that report correct instead?

Hon PETER FOSS replied:

- (1)-(2) What I said is correct. One of the problems we have had is that a claim was made by Mr Bropho that he

had not been consulted. It is true that we have not met with Mr Bropho as we had a scheduled meeting with him more than a week ago which he cancelled. To that degree, it has been difficult to consult with people like Mr Bropho. However, other meetings are scheduled. The negotiations are beginning, and some are with people who own the site -

Hon N.D. Griffiths: When did you begin the negotiations?

Hon PETER FOSS: I do not know as I am not involved with them.

Hon N.D. Griffiths: I see.

Hon PETER FOSS: Most of the negotiations to date have been with people who own the site as they are the ones from whom we must get the land.

The PRESIDENT: Order! I welcome to the President's Gallery my guest Councillor Graham Burkett from the Town of Cambridge. As members know, he is the former member for Scarborough in the Legislative Assembly.

[Applause.]

LPG POWERED VEHICLES

1488. Hon NORM KELLY to the Minister for Transport:

- (1) Has the Minister had discussions with the Minister for the Environment in regard to purchasing or leasing liquefied petroleum gas powered vehicles in transport agencies?
- (2) If so, what has been the result of those discussions?
- (3) Has the Minister initiated any programs himself to ensure that a higher percentage of LPG powered vehicles are used by transport agencies?

Hon E.J. CHARLTON replied:

- (1)-(3) The Government as a whole has been involved in the purchase of 300 vehicles of gas operation. Transport has been part of the process of putting that trial in place.

WASTE TRANSFER STATION INQUIRY

1489. Hon J.A. SCOTT to the Minister representing the Minister for Local Government:

- (1) Was the Minister for Local Government requested by the Mandurah City Council to order an inquiry pursuant to section 8.3(3) of the Local Government Act into matters raised by Mr Guerin of the Gordon Road Action Group regarding the waste transfer station?
- (2) If so, has the Minister initiated such an inquiry; if not, why not?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question, which I ask be placed on notice.

PATRICK STEVEDORES

1490. Hon BOB THOMAS to the Minister for Transport:

- (1) Can the Minister confirm that Fremantle harbourmaster Eric Atkinson met with representatives of the security firm employed by Patrick Stevedores approximately one month before Patrick dismissed its stevedoring work force?
- (2) When did the meeting take place?
- (3) What was the purpose of the meeting?
- (4) Were notes or minutes of the meeting kept?
- (5) Was the Minister advised of the meeting?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Captain Eric Atkinson, harbourmaster of Fremantle Port Authority, has never at any time to the best of his

knowledge met with representatives of the security firm employed by Patrick Stevedores prior to Patrick's dismissal of its work force.

(2)-(5) Not applicable.

MOORE RIVER COMPANY'S DEVELOPMENT PLAN

1491. Hon GIZ WATSON to the Attorney General representing the Minister for Planning:

In regard to the recent decision by the Gingin Shire to approve the Moore River Company's outline of development plan, I ask -

- (1) Is the Minister aware that the Shire of Gingin received 704 submissions, the majority of which oppose the Moore River Company Ltd's outline development plan?
- (2) Is the Minister aware that the council has made no formal response to the public submissions prior to the approval of the outline development plan?
- (3) Are the obligations under the Town Planning and Development Act that a council must consider public submissions prior to making a decision on the matter on which the submissions are sought?
- (4) If yes to (3), will the Minister direct the Gingin Shire Council to suspend its decision until it has considered and responded to these submissions?
- (5) If no to (3), what purpose is served in calling for public submissions on matters before the council?

Hon PETER FOSS replied:

I ask the member to put the question on notice.

WORKERS' COMPENSATION CLAIMS

1492. Hon HELEN HODGSON to the Attorney General:

I refer to the Attorney's response to question 1474 that I asked of the Minister for Labour Relations yesterday, and ask -

- (1) Is the Attorney General aware that the Minister for Labour Relations was unavailable to provide a response on 9 April, which was only two sitting days prior to yesterday?
- (2) Did the Minister for Labour Relations provide a response when the question was resubmitted yesterday?
- (3) If so, what was that response?

Hon PETER FOSS replied:

- (1)-(3) The member cannot ask me questions without notice when I am expected to respond in a representative capacity. The member apparently gave notice of the question on 9 April. She then found that the Minister for Labour Relations was not available and withdrew the question. Therefore, no work was done on it. When she then resubmitted it, the Minister's officers said that they had the question and would put it on notice. I received the Minister's response, which was to request that the question be put on notice. When the member eventually asked for it to be put to the Minister, it was discovered that the answer would require considerable research. The answer is: "Put it on notice."

SEWERAGE RATES IN COUNTRY TOWNS

1493. Hon KEN TRAVERS to the Minister representing the Minister for Water Resources:

- (1) Can the Minister confirm that residential sewerage rates in country towns rose by between 5 and 15 per cent in 1997-98?
- (2) Does the Government have a policy of increasing residential sewerage rates in country towns to cover the operating costs of each scheme?
- (3) Will country residential consumers face a similar impost this year?
- (4) If yes, what will be the range of increases for residential sewerage rates in country towns for 1998-99?
- (5) Why did the Minister not include these increases in his announcement last week?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) In 1997-98 residential sewerage rates in country towns increased by between 4 and 14 per cent, not 5 and 15 per cent.
- (2) The Government has a policy of introducing full cost recovery for country schemes.
- (3) There will be increasing country residential sewerage rates in 1998-99, but the level will depend on whether the scheme is approaching full cost recovery.
- (4) In 1998-99 residential sewerage rates in country towns will increase by between 3 and 13 per cent.
- (5) The Minister's announcement last week provided information relating to average increases.

BUSHFIRES POLICY**1494. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:**

Some notice of this question has been given. It relates to the current edition of *Landscape* of autumn 1998, in which the chief executive officer of the Department of Conservation and Land Management, Dr Syd Shea, refers to the "Orwellian forces" at work in the politics of bushfire policy.

- (1) Can the Minister advise whether these forces are at work in the community or the department?
- (2) What are these Orwellian forces?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) Dr Shea's editorial runs to seven paragraphs and is completely self-explanatory. The matter he has raised deserves serious consideration by all members and the community. Dr Shea's warning is simple: The State's prescribed burning policy is particularly important if Western Australia is not to face a tragic loss of life because neither CALM nor the volunteer bushfire brigades will be able to control the inevitable conflagrations. Dr Shea has indicated that he will be publishing a series of articles on bushfires and ecological effects of fire in forthcoming editions of *Landscape*. This will enable the community to become better informed about the severe consequences of any change to the State's prescribed burning policies.

SENIOR HIGH SCHOOLS' VALUATIONS**1495. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:**

Some notice of this question has been given.

- (1) Will the Minister confirm that the Education Department has obtained real estate valuations for the land and buildings of the City Beach, Hollywood and Swanbourne Senior High Schools?
- (2) If yes, will the Minister table each of these valuations?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I have been advised by the Education Department -

- (1) Yes, the Education Department obtained valuations for City Beach, Hollywood and Swanbourne Senior High Schools.
- (2) These valuations were from the Valuer General's Office and a private company, Chesterton International, as follows -

	Highest and Best Use	Continuing Use
City Beach Senior High School		
Valuer General's Office	\$7.8m	\$6.45m
Chesterton International	\$15.3m	\$16.5m
Hollywood Senior High School		
Valuer General's Office	\$9.915m	\$10.245m
Chesterton International	\$9.96m	\$11.86m

Swanbourne Senior High School

Valuer General's Office	\$16.25m	\$10.27m
Chesterton International	\$15.7m	\$17m

The sizeable difference between the valuations for City Beach Senior High School by Chesterton International and the Valuer General's Office are the result of complications the Valuer General's Office envisages with the possible clearing of remnant bushland at the site. This was not factored into Chesterton International's valuation.

EXMOUTH DOCTORS

1496. Hon TOM STEPHENS to the Minister representing the Minister for Health:

Some notice of this question has been given.

- (1) Is it true that the Health Department is currently paying the salaries of two doctors from Exmouth who are on sabbatical leave for 12 months while Exmouth residents are now forced to wait for two weeks to obtain an appointment at the hospital?
- (2) When will he resolve this crisis in health access for the people of Exmouth?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) It is not true. The doctors concerned took leave without pay for 12 months.
- (2) These doctors were replaced by locum doctors who are currently in place. Therefore, the normal establishment of two full time doctors is in place. An additional doctor - a third full time doctor - commenced work on 28 April 1998 to cope with the extra demand brought about by the influx of tourists. There is no crisis with health access as people can be seen for urgent matters almost immediately. However, they do wait for the normal general practitioner for non-urgent appointments for up to two weeks. A two week wait is not seen as excessive in many parts of Australia.

REAPPOINTMENT OF MR BARTHOLOMAEUS

1497. Hon LJILJANNA RAVLICH to the Minister representing the Minister for Public Sector Management:

Some notice of this question has been given.

- (1) Why did it take more than a year to reappoint Mr Bartholomaeus to his position as WorkSafe Commissioner?
- (2) Was his position under threat and, if so, why?
- (3) How many CEOs are currently in acting positions and what percentage is that of the total number of CEOs?

Hon MAX EVANS replied:

I thank the member for some notice of this question. As the Attorney General said on Tuesday, April 28 in answer to question without notice 1459, I ask that it be placed on notice.

LPG POWERED VEHICLES

1498. Hon NORM KELLY to the Minister representing the Minister for the Environment:

Some notice of this question has been given.

- (1) Does the Minister accept that LPG powered vehicles generate substantially fewer emissions than petrol powered vehicles?
- (2) Given that there is longstanding research which has shown that LPG powered vehicles are more economically and environmentally beneficial to the community, why is there a need to conduct a trial to prove these matters?
- (3) What efforts has the Minister made to have government agencies, other than the services ministry, purchase or lease LPG powered vehicles?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) If correctly set up and maintained, LPG fuelled vehicles should produce fewer emissions than petrol powered vehicles. There is evidence that improperly set up or maintained LPG powered vehicles may be no less polluting than petrol powered cars.
- (2) It has long been understood that high mileage vehicles are more economical to operate on LPG than on petrol. That is why many taxis are converted to run on LPG. However, the cost of fitting LPG equipment to a car, even where it is a factory option, is about \$2 000. For LPG to be an economically viable option, the distance travelled must be high enough that the savings in fuel more than offset the increased cost of fitting the car for LPG fuel, and any extra interest or FBT charges that may be associated with fitting this option. Under current lease arrangements, government fleet vehicles are replaced every two years or 40 000 km, whichever comes first. This period of ownership is at the margin of viability for LPG. The purpose of the trial is to ascertain the viability of LPG for government fleet vehicles under conditions of actual use. As part of the trial it is intended to measure the emissions produced by a representative sample of the vehicles that will be used.
- (3) The Government has established an interdepartmental task force to coordinate the implementation of the trial. It comprises members of the Department of Contract and Management Services, the Department of Transport, the Department of Environmental Protection, AlintaGas, and the Office of Energy. CAMS officers will identify agencies which have large numbers of higher mileage vehicles, and which are likely to benefit from using LPG powered vehicles.

BUS PURCHASE CONTRACT**1499. Hon J.A. SCOTT to the Minister for Transport:**

- (1) Has the Minister signed the contract for the purchase of 100 new buses?
- (2) If not, when does he intend to sign it?

Hon E.J. CHARLTON replied:

- (1)-(2) The contract has not been signed. A preferred tender status has been allocated to Mercedes Benz and Volvo to build the bodies. As part of that process, the company and the Department of Transport are negotiating the details, some of which I mentioned yesterday, such as the requirement to provide the latest technology and to meet all the guarantees, maintenance and service conditions that are provided in the contract. It is only those considerations that are being discussed. There are no grounds for anyone to believe that the contract will not proceed according to plan. I am guessing here, but I think the contract will be signed within a month to six weeks.

SCHOOL CHARGES**1500. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:**

- (1) Is the Minister aware that the Director General of Education has directed the Mundaring Primary School principal to advise parents that school charges above the \$9 voluntary contribution for 1998 will be reimbursed upon written application?
- (2) Have principals in any other state primary schools been directed to inform parents that school charges above the \$9 voluntary contribution made so far this year will be reimbursed upon written request?
- (3) If only some schools have been directed to inform parents about their entitlement to a refund of school charges -
 - (i) which schools have been directed in that way; and
 - (ii) what criteria were used to determine which schools would be directed to notify parents?
- (4) Will the Minister ensure that parents of students attending government primary schools will be informed of their right to receive a refund of charges already paid for the 1998 school year, while those who have not yet paid will be notified that they are not obliged to pay?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No. The director general did not direct the Mundaring Primary School principal to advise parents that school charges above the \$9 voluntary contribution for 1998 would be reimbursed upon written application. The director general did issue a circular on school charges to all principals of government schools on 14 October 1997. I table that document. The circular indicated that "A \$9.00 voluntary contribution may be requested by primary schools. Correspondence to parents regarding book or stationery lists should clearly indicate that books, stationery and other items may be purchased from any supplier". However, correspondence between the principal of Mundaring Primary School and the district director regarding compliance with the circular may have led to the principal issuing this advice.

[See paper No 1568.]

- (2) No; however, all principals of government schools are to comply with the circular dated 14 October 1997.
- (3) Not applicable.
- (4) The Minister is satisfied that government schools are aware of and are adhering to the policy on school fees and charges as stated in the director general's circular to all principals on 14 October 1997.

CREDIT CARDS HELD BY MINISTER FOR TRANSPORT

1501. Hon J.A. COWDELL to the Minister for Transport:

- (1) Does the Minister possess any credit cards supplied by any of his departments or agencies which he can use?
- (2) If yes, how many cards does he possess and by which departments and agencies are they supplied?
- (3) In respect of each card, what is the name of the bank or card issuing company?
- (4) For what purposes and in what manner can the cards be used?
- (5) Are those purposes and the manner of use described in any document?
- (6) If yes, will the Minister provide a copy of that document?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) No.
- (2)-(6) Not applicable. I do not spend any money; I just save money for the Government!

CREDIT CARDS HELD BY MINISTER FOR FINANCE

1502. Hon MARK NEVILL to the Minister for Finance:

- (1) Does the Minister possess any credit cards supplied by any of his departments or agencies which he can use?
- (2) If yes, how many cards does he possess and by which departments and agencies are they supplied?
- (3) In respect of each card, what is the name of the bank or card issuing company?
- (4) For what purposes and in what manner can the cards be used?
- (5) Are those purposes and the manner of use described in any document?
- (6) If yes, will the Minister provide a copy of that document?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(6) At the moment I have only one credit card, but in future I will take two spare cards away with me. I have a warning for members: I had an American Express card issued by the Government, but when I was overseas -

Hon Ljiljanna Ravlich: You should take a dozen!

Hon MAX EVANS: I do not need a dozen.

An opposition member: It bounced!

Hon MAX EVANS: Yes, it did.

Hon E.J. Charlton: It had the same account number that members opposite had when in government!

Several members interjected.

The PRESIDENT: Order!

Hon MAX EVANS: When I tried to use the card I was told that it was not recognised by Amex in Europe. I was given a phone number to ring, so I made the call to Australia, and I was told that my card had been cancelled on 31 August. I thought that was just lovely! Thank God, I do not rely on the Government; I used my own credit card and overcame the problem.

Several members interjected.

Hon E.J. Charlton: He has more money than the Government has!

Hon MAX EVANS: I warn members that when travelling they should carry a second credit card, because one might bounce. I was issued with an Amex card in June, but when that was lost I received a replacement card; however the computer cancelled that card two months later without any reference to me. It was a worrying position to be in. I should also warn members that when travelling they should carry two passports! Diplomatic passports include very funny photographs, and I had trouble at a bank trying to get some cash one day because it did not like the photograph.

Hon N.D. Griffiths: It was not the photograph they did not like, but the person!

Hon MAX EVANS: It can be a serious situation when people do not like a person's passport photo. Eventually a junior bank officer made a unilateral decision, without going to the manager. Fortunately, at the races that Saturday I met the Deputy Chairman of Barclays Bank and spoke to him about the matter. Later on it was sorted out. That is the sort of problem a person can have with credit cards and with passports. Therefore, I warn members to carry a spare passport and a couple of spare credit cards when they are travelling, and they will have no problems.

TAMMAR WALLABY AND SOUTHERN BROWN BANDICOOT

1503. Hon GIZ WATSON to the Minister representing the Minister for the Environment:

In respect of the recent announcement regarding the delisting of two endangered species - the tammar wallaby and the southern brown bandicoot - from the State's threatened fauna list -

- (1) Is either or are both of the species the subject of a recovery plan?
- (2) If yes, will the Minister table the recovery plans and any other scientific data on which the decision to delist the two species was based?
- (3) If not, how is the Minister assured that the long term survival of the species is secure?
- (4) Will the Minister call for an independent scientific review of the decision to delist the two species?

Hon MAX EVANS replied:

I thank the member for some notice of this question. I am sure that members share the Government's delight in being able now to record that three threatened species have been removed from that category in Western Australia through the success of the western shield feral predator baiting program. This achievement is remarkable and unique both in the history of conservation of species in Australia and at the international level.

The western shield program is the most important fauna conservation program ever undertaken in this country and will undoubtedly be proved by history to be the turning point in the conservation of threatened fauna in this State. As a program, it deserves recognition. With respect to the specific questions, I am advised as follows -

- (1) Neither species is currently the subject of a specific approved recovery plan. Both species are being recovered under the Department of Conservation and Land Management's western shield program.
- (2) Not applicable.
- (3) The status of both species was reviewed by the Western Australian Threatened Species Scientific Committee in 1997-98. That committee concluded that neither species satisfied the criteria for them to be retained on the State's threatened fauna list. Members should note that the committee membership includes scientists of international repute, including Dr Andrew Burbidge, who is the Chair of the Commonwealth Endangered Species Advisory Committee, and Associate Professor Jonathon Majer of the School of Environmental Biology at Curtin University. The committee's assessment was based on a review of the status of the

animals, plus experience gained through wildlife recovery actions relating to feral predator control, which are now encompassed under the western shield program. Monitoring has demonstrated population recovery of both species in areas subject to predator baiting. Trial translocation of quenda has also been remarkably successful. Recognising that ongoing recovery was linked to the continuation of the western shield program, the Threatened Species Scientific Committee recommended that both species be ranked as "lower risk-conservation dependent" following the International Union for Conservation of Nature and Natural Resources' red list criteria. This means that the species will be kept under review but cannot be considered threatened while current predator baiting actions continue.

- (4) No. The information on both species' status is conclusive and in keeping with findings of the "1996 Action Plan for Australian Marsupials and Monotremes". This report was prepared and endorsed by the IUCN (World Conservation Union) Species Survival Commission Australasian Marsupial and Monotreme Specialist Group. This group encompasses the expertise of specialist scientists working on marsupials and monotremes across Australia and New Zealand.
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