WESTERN AUSTRALIA

Parliamentary Debates
(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE COUNCIL

Wednesday, 30 June 1999

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 3.00 pm, and read prayers.

BILLS - ASSENT

Messages from the Deputy of the Governor received and read notifying assent to the following Bills -

1. Port Authorities Bill.
2. Revenue Laws Amendment (Assessment) Bill 1999.
3. Revenue Laws Amendment (Taxation) Bill 1999.
4. Acts Amendment and Repeal (Financial Sector Reform) Bill 1999.

MANDURAH FORUM PEDESTRIAN ACCESS

Petition

Hon J.A. Cowdell presented the following petition bearing the signatures of 1 458 persons -

> To the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned residents of Mandurah submit that the current pedestrian access between the suburbs of Greenfields and Coodanup in Mandurah, to the Mandurah Forum shopping centre is hazardous and poses potential risk to residents.
>
> Your petitioners therefore respectfully request that you will urge the Minister for Transport to provide a walkover or underpass from Greenfields to the Mandurah Forum.
>
> And your petitioners as in duty bound, will ever pray.

[See paper No 1195.]

REGIONAL SCHOOL TEACHERS

Motion

Resumed from 24 June on the following motion -

> That the Minister for Education ensures that the Government can fulfil its fundamental obligation to provide sufficient teachers to fully staff regional schools by -
>
> (1) reviewing conditions faced by country teachers; and
>
> (2) revising the minister's country incentive package for teachers.

HON LJILJANNA RAVLICH (East Metropolitan) [3.06 pm]: I welcome the opportunity to continue my introductory remarks about this very important matter. When I was speaking last Thursday, I was giving an account of why the Education Department might have found itself in difficulty filling the vacant teaching positions within the regional areas of Western Australia. I have stressed the point time and time again that 28 positions are awaiting to be filled, and it is now halfway through the year.

A very excellent issues paper released in March 1999 and produced by the Education Department's human resource policy and planning branch identified the current human resource issues which it considered to be the factors restricting the department's ability to fill those positions. The first one was a deferred salary scheme, which was initiated in 1996, but has only resulted in teachers taking leave during 1999. I spoke briefly about that scheme last Wednesday. Teachers are paid 80 per cent of their salary for four years, and they are also paid that 80 per cent figure during the fifth year, which they take off, so it equates to their full salary for four years taken over five years. The Leader of the House explained that that was one of his initiatives. Although I think it is a good initiative in getting teachers into the broader community, at a systems level there has not been sufficient consideration given to the impact of that arrangement and the Education Department being able to staff Western Australian schools. Nevertheless, if there is one thing that the Leader of the House can say that he has done well - I would not give him too many bows - that change was long overdue.

The second factor outlined in this document was a change in the way that the department appoints promotional staff as a result of the ruling by the Equal Opportunity Commission that the promotional transfer system was discriminatory. This change has created uncertainty in the work force and a reluctance on the part of teachers and administrators to move to rural and remote areas for fear that they will not be able to return to the metropolitan region. That has been a major concern for most teachers, together with obviously the abolition of the old promotional system whereby people were rewarded for having completed two years of country service. In addition, the remote teacher service arrangements that cover employment conditions in the most difficult-to-staff schools are due for renegotiation in 1999. This condition is interesting because the Government, particularly the Minister for Education, has gone to great lengths to tell us what a great package this incentive scheme is for country teachers. He announced it almost a year ago and the package is yet to be implemented.

Hon N.D. Griffiths: This is the would-be Premier?

Hon LJILJANNA RAVLICH: Hon Nick Griffiths is dead right. That may be why the negotiations have not taken place as efficiently as they should have. It is probably because the Minister for Education is preoccupied with such things as undermining his leader, trying to get himself more involved in the forest debate and generally doing everything else apart from looking after his portfolio, which in this area has been very badly neglected.

The country incentives package has not been effective to the point that country teachers have received no financial benefit from this package. The package was recently voted on by the members of the State School Teachers Union of WA and there was a 50-50 split in support of the package. Therefore, irrespective of the Government's song and dance act about how wonderful this package would be and the great impact it would have on getting teachers to remote country schools, the package has not been embraced wholeheartedly by teachers. With only 50 per cent support for the package, teachers are sending a very loud and clear message to the Government that it is not enough and the Government must do better. The Government should ensure that the package is revised so that it is not the Government's package and it is not in fact the Government making decisions again about what is best for teachers; rather, it should be a package which is embraced by the profession, which is clearly not the case currently.

I understand that the country incentives package is being amended yet again and another modified document will go out particularly to the members of the teachers union, who will once again have the opportunity to vote on that package. The key criticism of the country incentives package is that it is a very short-term solution to a very long-term problem. The union has received reports of difficulty in staffing metropolitan schools; therefore, the problem is not necessarily confined to regional areas.

The other objection to the package is that there is no commitment to funding beyond three years. There is a commitment to $13.9m over three years. The Government needs to ensure that any strategy which is implemented to attract country teachers is a long-term package so that it can be effectively embraced by the profession. There would be nothing more destabilising than having professional teachers go to the country under one set of arrangements, being specifically funded for a limited period of time and then seeing the package fall over, the funding withdrawn and those country teachers finding themselves in a difficult position.

I will spend a few minutes on the country incentives package. It applies to difficult-to-staff country schools only. Some people would argue that the definition is restrictive and should be applied more generally to regional schools. It provides for teachers to be funded by a cash payment or a contribution towards professional development costs, with any remainder paid in cash. I see a problem with that because if the professional development program occurs during the course of the school year, the country incentives package does not provide relief for that teacher to participate in the professional development.

The following conditions would apply if a teacher or an administrator were to choose to utilise the allowance for professional development. Firstly, authorisation by the principal would be required for professional development undertaken during the school term to ensure that it is in accordance with the performance management and objectives and consistent with the goals of the school. Clearly, given the fact that this scheme applies to the more difficult-to-staff, remote schools, it is highly unlikely that a principal will allow teachers to participate in a one-week professional development course as it is guaranteed that it will be very difficult to find relief staff to enable that teacher to take full advantage of the professional development component of the country incentives package. All costs associated with the professional development course may be met by the allowance to which the teacher is entitled, provided it does not exceed the amount available in any one year. This may include travel, accommodation, meals and incidentals. For many country teachers it is probably not that much of an incentive because, given the distance that many of them are from many regional centres and Perth, where many of the professional development programs tend to take place, much of that professional development allowance entitlement would be chewed up by travel and accommodation costs. In reality, therefore, once again it could be argued that the country incentives package is probably nowhere near as attractive as the Government would have the general public and teachers believe. If one looks at the detail of the package, it becomes obvious that all that glitters is not gold.

I have already mentioned that the cost of providing a relief teacher will not be met by this allowance but will be the responsibility of the school and must be agreed to by the principal. I have great concerns in this regard because most school principals, particularly those in remote areas with difficult-to-staff schools, will not be able to access the relief. Secondly, I question whether they will be prepared to fund the relief. I am not having a go at school administrators; the vast majority are outstanding. However, I have been in schools where, for example, principals have been a little hell bent on doing certain things and have been obstructionist in facilitating activities such as professional development. In the more remote schools this would be an even greater problem.

There are many problems associated with this country incentives package. It is still being negotiated and much work is to be done. However, it disappoints me that so much time has elapsed and the minister seems very relaxed about the fact that we still have a shortfall of 28 teachers. The Leader of the House represented the Minister for Education during the estimates debate and his attitude was, "So what? It is only 28 teachers and in the scheme of things that is not a great deal." I do not share that view. I worry because the Government does not deem it to be a problem. The Government's attitude to this issue is out of sight, out of mind. My learned colleague Hon Nick Griffiths hit the nail on the head when he said earlier that he was concerned that the minister's priorities were in other areas. If one comes into Parliament and accepts the benefits of being a minister, one must accept the responsibilities that go with that. One of the responsibilities of the Minister for Education, whether he likes it or not, is to ensure that schools are adequately staffed so that all children in Western Australia can have a fair go and children in remote and rural areas of the State are not disadvantaged. This has been an ongoing problem for a long time, and for whatever reason, the Government still has not fixed the problem.

On behalf of Western Australian taxpayers, I ask the minister when will the Government fix the problem? We are halfway through the year and I have visions of standing in this place in December making the same statements about the same problem. The minister has a problem and he has done nothing about it. As a representative of Western Australian taxpayers, particularly those people in remote areas, I ask, when will the minister fix this problem? Does the Government, and more specifically the minister, have strategies in place to ensure that the second half of the year will not be as bad as the first half of the year for many of these remote communities? If I had one word of advice for the Minister for Education it would be that he get his priorities right. He should put aside his leadership aspirations and concentrate on his current job. He will not have much to do in the Energy portfolio because he is selling off all of that. He will probably sell off schools too; he has already started to go down that route.

Hon Tom Stephens: His mistake was to break the story in *The Australian*; that is how you cop a whack over the head.

Hon LJILJANNA RAVLICH: It was not real bright. He has a legislative responsibility, and he should put his leadership ambitions to one side and focus on filling those 28 vacancies in remote and regional areas.

I do not want to leave the subject there, because so much needs to be said. The other day I was going through a summary report of consultations undertaken for the Rural and Remote Education Advisory Council. A conference was held at Narrogin on 7 October 1998. Meetings were held across Western Australia during July and August 1998 for the purpose of strategic planning for rural and remote education in Western Australia. About 60 meetings were held. The outcomes of those meetings were presented in a composite form for analysis as a part of this report. Data was gathered on, firstly, what needed to be improved in rural and remote education; secondly, how the improvements could be made - this group sought strategies from people who were operating at the grass roots level; and, thirdly, what were the good points that should not be changed. Most of the work of the committees concentrated on what needed to be improved, because a hell of a lot more can be done in rural and regional areas.

The first priority of the people who participated in the rural and remote conference was the availability of staff. The single most frequently mentioned issue to emerge was staffing. Related issues were the schools' inability to attract suitably qualified staff, to provide incentives to attract and retain staff, teacher training and professional development of staff and the lack of specialist staff. One critical example was a school that did not have access to a psychologist and other specialist staff. Suicide was a high risk aspect at that school and one person had the task of dealing with this. Unfortunately, from my experience of teaching in Norseman, Morawa and Kambalda, the specialist services in regional areas are often spread very thinly. We need to ensure there is sufficient staff in remote and rural areas of the State.

I will not go through this report because anybody who is interested will find it is fairly accessible. I want to mention a further issue that arose from these meetings. The final category of comment that emerged from the issues component of the consultation process related to the process itself.

The largest group of comments referred to similar consultation undertaken by a committee chaired by Hon Derrick Tomlinson. The committee produced a report titled "Schooling in Rural and Remote Western Australia". I often look at Hon Derrick Tomlinson and think what a waste of resource he is for the Government because, for whatever reason, he has been assigned to the backbench, yet he has done some very valuable work for the Government. The Tomlinson report is obviously highly regarded by school practitioners in rural and remote areas. The sorts of comments made in response to the Tomlinson report included: "Don't reinvent the wheel; it is already in the Tomlinson report" and "Recommendations from the Tomlinson report: How many have been implemented; and, if not, why not?" I have not been through the Tomlinson report with a fine tooth comb, but some of the areas I have looked at have considerable merit. It is not often I have something flattering to say about Government members or the Government, but the Tomlinson report hit the nail on the head when it identified that the key problems in remote areas included: Inexperienced teachers; lack of equivalent peer competition and support; limited TEE options; restricted facilities; and different priorities, attitudes and aspirations towards academic pursuit. The report went on to look at an alternative model of resource allocation. That is an interesting concept in itself because it talks about putting into place a specific formula. It recommends that a single resource application comprising two components - staffing and other - be made to each government school on the basis of a differential funding formula. This allocation was not to include capital for school improvement and maintenance. The report recommended that a formula for school resource allocation be devised based on school and student characteristics, but that has not happened. The new formula was to comprise a base grant to be distributed across all schools, a school characteristics element which would take into consideration geographic isolation and the like, a student characteristic which would take into consideration the socioeconomic issues, a site characteristic element which would also take into consideration technology and infrastructure, and an educational program element for special placement schools.

Clearly the Tomlinson report aimed to say one size does not fit all. Remote and regional schools have some very special requirements which need to be measured, and adjustments must be made for them. Much work is still needed in this area. I could have avoided bringing this motion before the House, but that would have been negligent of me. This problem has not gone away and will not go away. Good education is dependent on good planning, and clearly the Government has been negligent in not ensuring that the appropriate planning takes place and that schools are adequately staffed. There are a multitude of reasons for schools not being staffed, but the community will only tolerate excuses for so long and beyond that point the community will not be forgiving. I am sure the communities in the remote areas affected by these teacher shortages are anything but satisfied. The Government should consider the seriousness of the position it has created through its own negligence. It should make a concerted effort to ensure that the second semester of the 1999 school year gets off to a better start than the first semester. I will not be forgiving if the schools currently affected by staff shortages remain affected when schools resume for the second semester and do not have staff to provide instruction to students. I will be monitoring that situation very carefully.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.36 pm]: I thank the member for her succinct description of the education system in Western Australia over the last hour and three-quarters. Clearly she has raised an issue which has been of concern to people involved in education as long as there has been education in Western Australia. It is and always has been difficult to staff country schools adequately. Anybody who understands the history of education in Western Australia will attest to that fact. The most important decision made in the modern history of teaching conditions which affected the staffing of country schools was the decision to remove the bond. When I was a student teacher, we were required to enter into a bond with the Education Department for a period equating to the number of years spent in training. Student teachers were paid a small salary while in training and were then required to enter into a bond for that number of years. The bond required student teachers to accept postings to wherever the department sent them. That system was used for many years to ensure that country schools were properly staffed. The vast majority of first year teachers were sent to country centres under a bond system. If one was not prepared to accept a posting to the country, one was required to resign and repay the bond, the money one had received as a student in training. Therefore, there was a strong incentive to do country service. A decision was made in the early 1970s to abolish the bond and the payment of student teachers training in teachers college or university.

Hon Tom Stephens: Free tertiary education came in during the Whitlam years.

Hon N.F. MOORE: The Leader of the Opposition needs to look carefully at the history; the University of Western Australia has always been free.

Hon Tom Stephens: It was before my time in this State.

Hon N.F. MOORE: That is another issue. In those days, student teachers were paid a small salary to enable them to study and in my case to pay the board at the boardinghouse I lived in to get a university education. As a result, I was prepared to spend four years - equivalent to my training - teaching wherever I was sent. As it turned out, I taught in a number of country schools. I have one thing in common with Hon Ljiljanna Ravlich, I also spent a year at Morawa District High School.

Hon Ljiljanna Ravlich: I hope it does not do to me what it did to you.

Hon N.F. MOORE: It did not do a lot to me. I thoroughly enjoyed my time at Morawa District High School.

Hon Ljiljanna Ravlich: You are pretty bitter in your old age.

Hon N.F. MOORE: What a pathetic statement to make. Hon Ljiljanna Ravlich really is appalling at times. A problem with being a member of Parliament, as the President often tells us, is we have to sit here and listen to the rubbish from some members. I try to ignore it. I do not mind sensible comments but saying I am bitter is a bit over the top.

The bond system enabled the Education Department to send teachers - whether they were two, three, four or five-year trained - to country centres. That is where the teachers had to go to meet the requirement of their bonds. That system was abolished and the department has not had the capacity to require teachers to go to country centres since the 1970s. Since then, it has relied heavily on the promotional system where if one wanted to be promoted, it was necessary to spend some time in the country. The member who moved this motion is also aware that in a recent decision the Equal Opportunity Commission effectively prevented teachers in country areas being given promotional priority over teachers who do not go to the country. That has added to the difficulty of getting teachers to go to country centres. Hon Ljiljanna Ravlich said, and I understand this to be the case, that many teachers will now not go to the country for fear of having to remain there and not be able to get back to the city. Having spent eight of my 10 years teaching in the country, I could have happily spent the remainder of my teaching career there because I enjoyed it. I find it hard to understand that many teachers feel being a teacher in the country is being sent to purgatory or, as Hon Ljiljanna Ravlich said, is doing their time.

Hon E.R.J. Dermer: Whereabouts did you teach?

Hon N.F. MOORE: I taught in Morawa, Carnamah, Tom Price, Karratha and Laverton; fairly significant bush, a fair way from anywhere. I enjoyed it and met many teachers in country areas who thoroughly enjoyed teaching there. I was brought down to earth when I was Minister for Education and visited Tom Price on one occasion and a teacher burst into tears saying, "I have been here five years and can't get back." I would not have minded spending five years in Tom Price; I would have been quite happy to do that. However, this person felt somehow or other that being in Tom Price was like being in jail and the only way to fulfil one's total capacity as a human being was to get back to the city. I understand people saying that and their attitude, but I think it has become exaggerated in the minds of many people who work in country areas. With the system of merit promotion that has been brought in, it is easier for people teaching in country areas to demonstrate their merit than it is for those in some of the bigger city schools where they tend to get lost among a very large staff. There are opportunities for country teachers to display their capacity to be promoted on merit.

The Minister for Education and I readily acknowledge that it is becoming more and more difficult for all sorts of reasons to staff country schools. When I was Minister for Education we made a decision for the first time to do something about providing benefits to teachers who go to remote country schools. Hon Ljiljanna Ravlich was critical of this Government but I can tell her that no previous Government made any attempt to provide financial incentives for teachers to go to country schools. Her party was in government for 10 years in Western Australia and had a number of Ministers for Education, including her leader, Dr Geoff Gallop, who did nothing in this area and had plenty of opportunities to do it.

Hon Ljiljanna Ravlich: We are saying that it is not enough.

Hon N.F. MOORE: I have already acknowledged that it is a problem. When the member's party had a chance, it did nothing

about it. Bob Pearce was a major innovator and revolutionary in education. The member made the comment the other day about how we have started to make changes in education. He was the person who started serious changes in education in recent history. However, he was not well regarded by teachers because he was making change. Teachers are a very conservative lot; they do not like change, regardless of its nature. However, the time comes in every organisation when change must be made. People must become relevant and contemporary. Bob Pearce sought to do that and that change has been continued over time.

On the issue of country appointments, Bob Pearce did nothing, Dr Gallop did nothing and Dr Lawrence, also a Minister for Education, did nothing; but when I became the Minister for Education we did something. We created the remote teaching service and remote teaching package. Using workplace agreements, which we were able to do because of the industrial relations reforms we introduced into this State, we created a very attractive package to encourage people to go to the most remote and inhospitable parts of the State.

Hon Ljiljanna Ravlich: How come they are not going?

Hon N.F. MOORE: They are.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! I want to hear the minister.

Hon N.F. MOORE: I will come to that in a moment. Through a workplace agreement, the remote teaching package makes available between $10 000 and $19 000 a year on top of the teacher's base salary. This is for teachers in very remote schools in places like Warburton, Wingelinna and parts of the Kimberley where there are remote, hard-to-staff schools. The package includes 10 weeks paid leave after three years' service on top of a regular teacher's salary; 22 weeks paid leave after four years' service, again on top of the regular holidays and long service leave conditions; free housing; and parenting and bereavement leave travel costs for both partners.

That package was designed to do two things: First, it was designed to give teachers who went to these remote, difficult-to-staff schools reasonable remuneration packages so they received some financial benefit from going to these schools. Secondly, it was designed to encourage teachers to stay for more than one year. As Hon Tom Stephens well knows, one of the most difficult problems in these schools was the almost total turnover of staff every year. We provided an incentive for teachers to stay for three or four years. I am not right up to scratch on whether all of these schools have staff, but I am told it has been a very successful package indeed and most of these schools are attracting teachers who are prepared to stay for a reasonable length of time.

Hon Ljiljanna Ravlich: Are they all staffed?

The PRESIDENT: Order! Hon Ljiljanna Ravlich has moved the motion. The minister is responding. The minister is not the Minister for Education. I do not know if he knows whether they are all staffed; in fact, I think he has already answered that by saying he is not up to scratch on that issue.

Hon N.F. MOORE: Thank you, Mr President. I am sorry to interrupt the member when I am making this speech.

Hon Greg Smith interjected.

The PRESIDENT: Order! I want to hear the response because it is interesting.

Hon N.F. MOORE: I understand and I am led to believe this package has been extraordinarily successful. If a young married couple, both of whom teach, want early in their teaching careers to go into a remote part of Western Australia, they can earn between $10 000 and $20 000 a year each on top of their normal salaries. They could spend three or four years in the remote area, paying no rent, and at the end of that period they would have accumulated 22 weeks annual leave on full pay and have saved some money because they would not spend much in the very remote parts of the State. They could then either do some further education, go on a trip or do something of that nature for half a year paid for by the taxpayer. That is a very attractive package for a lot of people, and so it should be because it is very difficult to teach in many of these schools.

I remember that on one occasion the teachers in one location had to lock themselves in their house for the whole weekend because somebody was going mad with a rifle, and the house was shot at on a number of occasions. I was the minister at the time and nobody told me about it until the following week. I made the point at that time that I needed to be advised immediately when people were in danger so that they could be immediately evacuated from those sites. It is not all beer and skittles in many of these communities. This package was a long time coming, and it should have been in place a long time ago.

Hon Tom Stephens: I think the program of which you speak has been, by and large, a great success. There have been some difficulties in the very remote western desert communities where it still has not been successful. However, there are also now the problems of the hard-to-staff schools and the fact that locations like Wyndham do not fall within this package.

Hon N.F. MOORE: I thank the Leader of the Opposition for his comments. I am coming to that next part of the package. Members will accept that there are some places in Western Australia to which the Government could not, for love or money, get anybody to go and those people would feel happy and content. One needs to be a special sort of person to want to spend four years in the most remote part of the world, because places in the western desert are like that. They are 2 000 kilometres from the city, and there is just nowhere to go for the weekend or anywhere to go for a break. A person is stuck in a tiny community. Of course, it is difficult to staff those schools and always will be, even if $1m a year were paid for people to go there.

The current minister has accepted that we now need to move on to providing packages for other country and remote schools that are not part of the remote teaching service. As Hon Ljiljanna Ravlich indicated, a proposal has been put forward. I will give an indication of what the country incentives package offers. First - I am talking about difficult-to-staff schools - it offers double transfer points after three years' continuous service; permanent status after three years' continuous service; and special financial allowances paid over three years. Some examples are Wyndham, $3 800 in 1999, $6 600 in 2000 and $8 500 in 2001. In Norseman - this might encourage Hon Ljiljanna Ravlich to go back into the teaching profession sooner rather than later -

Hon Ljiljanna Ravlich: Why? I am enjoying myself where I am.

Hon N.F. MOORE: Hon Ljiljanna Ravlich said that she was concerned about what was happening and what might happen in second semester. I am simply suggesting to her that she might like to work in Norseman in second semester and give us a break here. We could call this the Ljiljanna Ravlich incentives package to get her into the bush again.

Hon Tom Stephens: Maybe you can lead the way, minister.

Hon N.F. MOORE: I am too old for that sort of thing, as members know.

Norseman is a desirable location. It is not far from Kalgoorlie, the Southern Ocean and the great town of Esperance. At Norseman, $3 000 per annum is being offered in 1999, $5 200 in 2000 and $6 790 in 2001 as additional benefits for teachers who teach in these difficult-to-staff schools. One can only hope that that package will be in place very soon. I hope that in time, as resources allow, the Government can extend these packages to more and more country communities throughout Western Australia. However, it is not enough simply to say that all country schools are unattractive, because people have been at many country schools, in the south west particularly, for many years. They enjoy living and working in those communities and would not want to come back to the city at all.

Dealing with the question in general and the question of vacancies in country schools, I will advise the House of a couple of statistics. The Education Department runs 770 schools in Western Australia, and there are over 17 000 teachers teaching in those schools. Because it is a centralised system, one which Hon Ljiljanna Ravlich supports and one which I think needs to be more decentralised, it requires one central organisation to staff 770 schools and deal with the needs of each of those schools from the pool of teachers that is available to the department. Therefore, the job of allocating teachers to schools and making sure the right teachers are in the right schools to be able to teach the right subjects and all the other things that go with that is a complex and difficult task. It is made more difficult by the fact that it is a centralised system and head office makes the decisions about who goes where, why and when. We need to have a far more decentralised decision-making process to enable schools to have a better capacity to be involved in who is appointed to each school to better meet the needs of that school. However, that is another argument.

It has always been a difficult job, and for anybody to say that this is a new problem and that we have never had a situation in which schools have not had a full complement of staff at the beginning of the year is to ignore the facts of history. This year there were a couple of extenuating circumstances which made it more difficult than in previous years. The first one - I told the member of this in the estimates committee - is that the change from three-year to four-year degrees for education has meant that approximately half the number of graduates became available in 1999 as would be available in a normal year. The figures I have been given are that we had 650 graduates this year compared with a normal number of 1 100. Therefore, that one-off problem of a reduction by half of the number of graduates available for appointment has had a significant impact on the staffing of our schools.

There is also another gradual problem which is catching up in time, and that is the changing profile of the people who go into teacher education. As opposed to the situation when I was a young person, when one went straight into teachers college and university upon leaving school and went out teaching at the age of 21, in many cases prepared and quite happy to go to the country, the average age now of a university graduate going into teacher education is 28 years. As members know, most of these people are women. It is a fact of life that many women aged 28 years do not want to go to the country because they are married, they are established in the city, and that is where they want their jobs to be. The changing profile of graduates is an increasing problem, and it will become more of a problem, especially as the age goes up and as the greater percentage of graduates are women.

This year we also required an extra 80 primary schools to reduce class sizes. As members know, the Government decided to reduce class sizes in the lower years of the primary school system. That has required another 80 teachers this year. That is a laudable policy decision, albeit one that requires more teachers to implement it. I think the Opposition should be saying that is a good thing.

We have also changed, as members know - Hon Barbara Scott can take a lot of credit for this - the pre-primary system in Western Australia so that now every child in the year in which they turn four years of age can find a kindergarten place, and every child in the year in which they turn five can find a pre-primary place. When we came into government, I think only one in three children could find a place in a pre-primary centre in the year in which they turned five. That has been a significant and major educational change; it has consumed large sums of money and employed large numbers of teachers. That has added a great deal of pressure to the system.

As I mentioned earlier, there is a trend for fewer graduates to prefer or be willing to go to the country. This has been brought about to a fairly large extent by the change to the promotional arrangements, whereby priority cannot now be given to country teachers in promotional decisions. I do not necessarily agree with some of the decisions made by the Equal Opportunity Commission, and this is probably one of them. Similarly, the other day we discussed a question about gender specific jobs. Again, I do not agree with the commission's decision on that. I hope that maybe down the track we can

legislate to allow for that to happen in Western Australian schools, because the education system requires some rules which may be discriminatory in some respects. That is another area which has led to the problem. The current situation - the notes I have are dated 28 May, so they are a bit out of date - is that there are 22 full-time equivalent teaching vacancies in country schools.

Hon Ljiljanna Ravlich: It is now 28.

Hon N.F. MOORE: I will take the member's word for that. Those vacancies are goldfields 5.4, Narrogin one, mid west four, Bunbury four, Midland 3.4, Pilbara two, Kimberley two and Peel one. I am advised that of that 22, and I accept there may be more than that now -

Debate adjourned, pursuant to standing orders.

AUSTRALIA ACTS (REQUEST) BILL 1999

Returned

Bill returned from the Assembly without amendment.

YEAR 2000 INFORMATION DISCLOSURE BILL 1999

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [4.02 pm]: I move-

That the Bill be now read a second time.

Introduction: The purpose of the Bill is to encourage the voluntary disclosure and exchange of information about year 2000 date problems, remediation efforts and readiness. The Bill is concerned essentially with providing limited protection from civil liability arising from year 2000 disclosure statements, and so encouraging information being passed from one organisation to another, whether large businesses, small businesses or government organisations. To assist the House in understanding the reasons for and the importance of the Bill, I will provide some background to the year 2000 date problem before discussing the provisions of the Bill.

Background: Given the enormous exposure of our society to date-reliant technology, the year 2000 problem, or millennium bug as it is commonly known, has the potential to cause significant disruption across the entire economy unless it is addressed in a comprehensive and timely fashion. The year 2000 problem has the potential to cause malfunctions not only in computer-based operations but also in some of the embedded chips in equipment and machinery used by businesses, government and the wider community. This flows into the communication interfaces between organisations and their supply chains. For many smaller organisations supply chain issues will be their main source of concern and the main point of impact, because while many organisations are well advanced in their own remediation activities, they remain uncertain of their position in relation to the suppliers on which they rely. Clearly, customers and suppliers want some comfort that services will continue and that equipment and machinery will continue to function; and producers want some comfort that potential supply chain problems can be properly managed. However, in the current environment, lawyers are hesitant to advise clients to be open. Many individuals and organisations are therefore unwilling to share detailed information regarding their preparedness for the year 2000 for fear of litigation if, in future, the statements they make prove to be erroneous despite their best efforts. Inadequate remediation of year 2000 problems could cause a very broad range of services to fail. Also, and more relevant to the purpose of the Bill, insufficient information concerning the extent of any risk could cause the community to overreact and undertake unnecessary and costly contingency measures with detrimental economic and social effects.

This is a truly worldwide problem. There is no blueprint and only limited experience on which to draw. The Government takes the view that while no guarantees can or should be given, the potential for service disruption can be minimised by appropriate management in advance. An important part of that overall management response is the establishment of a legislative framework designed to overcome the understandable reluctance of organisations to disclose year 2000 information. Underpinning the Bill is the imperative that knowledge concerning year 2000 preparedness be shared. Currently the perceived threat of legal liability discourages private and public organisations from such knowledge sharing. This can add significantly to the cost of developing appropriate contingency plans and can be expected to adversely affect consumer confidence. Western Australia is not alone in this regard. Business and government activities cross state boundaries and it is accepted that there should be consistency across Australia in the protection afforded to people or organisations wishing to make year 2000 disclosure statements. As a result, all jurisdictions are pursuing similar legislation.

Provisions of the Bill: The Bill will result in the provision of greater information to the Western Australian community, as it encourages the voluntary, open and frank disclosure of year 2000 preparedness by giving limited protection from civil liability for year 2000 disclosure statements made in good faith. The Bill has five key features. First, it will protect a person making a year 2000 disclosure statement from civil liability arising from the making of the statement. Examples include negligent misstatement, and liability under trade practices and fair trading legislation, subject to certain exemptions. Secondly, the Bill provides that a year 2000 disclosure statement will not be admissible against a person who made it. For example, the disclosure statement will not be able to be used in evidence of the failure of goods and services due to year 2000 problems. Thirdly, the Bill provides that the exchange of year 2000 information will not give rise to liability under section 45 of the commonwealth Trade Practices Act, which prohibits certain anti-competitive contracts, arrangements or understandings. Fourthly, the Bill provides that a year 2000 disclosure statement does not amend a contract unless the

parties otherwise agree. Fifthly, the Bill offers protections for year 2000 disclosure statements made from 27 February 1999 and before 1 July 2001.

Importantly, in order to gain protection under the legislation, a year 2000 disclosure statement must satisfy certain criteria. In particular it must be clearly identified; it must be in writing, or an equivalent electronic form; it must relate solely to year 2000 processing issues as defined in the Bill; and it must identify the authoriser of the statement. Protection will also be offered to republished statements, whether in written or oral form. Protection under the Bill is not universal. In this regard, the Bill does not provide protection if a year 2000 disclosure statement is known by the maker to be materially false or misleading; is made recklessly; is made in connection with the formation of a contract and the person is part of a civil action that relates to the contract; is made in fulfilment of an obligation under a contract or under a law; is made for the sole or dominant purpose of inducing persons to acquire goods or services; relates to restraining injunctions or applications for declaratory relief; relates to civil actions undertaken by regulatory bodies; or relates to civil actions relating to the infringement of intellectual property, including copyright, trade mark, design or patent.

The Bill complements the commonwealth Year 2000 Information Disclosure Act 1999, which received royal assent on 26 February 1999, and which covers any year 2000 disclosure statements made from 27 February 1999 and before 1 July 2001. The Bill differs from the commonwealth legislation in a minor but important respect. Specifically, the Western Australian Bill will come into effect from the date of assent and will cover any year 2000 information disclosures made from 27 February 1999 and before 1 July 2001. This will ensure that rights, including any that are the subject of deliberation by a court, are only altered from the day of assent.

Conclusion: The Western Australian Government has been working since 1996 to minimise the prospect of disruptions to the delivery of services to the public due to the year 2000 problem, and has also been campaigning to have the private sector undertake remedial action. The Bill forms part of a coordinated response by the Government to the year 2000 problem - other aspects of which include awareness campaigns in the private and public sectors and imposing reporting requirements upon state government agencies. The Government is leading by example and is publicly reporting the state of preparedness of individual government agencies. Anybody can obtain this information by visiting the "Government Report Card" section of the Government's year 2000 web site at http://www.y2k.wa.gov.au.

The Bill will help overcome impediments to communications concerning year 2000 matters by removing much of the fear of litigation associated with making year 2000 disclosure statements. As such it can be expected that it will help to increase business confidence, and improve consumer certainty. This is a non-contentious Bill, having the sole aim of assisting the broader Western Australian community by facilitating an appropriate environment for the sharing of information about year 2000 matters, and so to assist in minimising the impact of the year 2000 date problem. I commend the Bill to the House.

HON E.R.J. DERMER (North Metropolitan) [4.09 pm]: The Labor Opposition supports the passage of the Year 2000 Information Disclosure Bill. In discussing why we support this Bill, I will dwell for a moment on the theme of confidence. Confidence is central to the question of the year 2000 computer problem. Members may recall that last night I had occasion to criticise the Government and the ministers of this Government for not answering a question that I placed on notice last December and for not being prepared to come forward and give the necessary assurances that state government agencies are prepared to confront the year 2000 computer problem. It is all very well for the Government to have a web site that provides such information. However, the people of Western Australia want the ministers to put their responsibilities on the line and give their assurances to Parliament in answer to parliamentary questions. I hope the answer to my question will arrive tomorrow because it will be far from satisfactory to wait until the spring session for it.

Our whole economic system depends on confidence between the parties involved. It depends on the confidence consumers have in their products from suppliers and between producers in every link in the commercial chain. A producer of any product needs to have confidence in the quality of the components he purchases to produce that product and on-sell it. If I am purchasing parts or a completed item, I need to be confident that they can handle the year 2000 computer problem, or that they are what is commonly termed "year 2000 compliant". When I considered purchasing a second-hand motor vehicle last year, I wrote to the Ford Motor Company of Australia Ltd specifying the make and model I was considering, seeking assurance that it was year 2000 compliant. I had been told that most manufacturers were reluctant to give that assurance. I was therefore pleased to receive a letter from the appropriate manager to assure me that the vehicle would be compliant. When I made the purchase I was able to make it in that confidence.

Of course, when Ford manufactures its vehicles it buys components from different suppliers and it wants to know that the parts it buys are year 2000 compliant. If it is to assure me that the finished product is year 2000 compliant, it can do that in only one of two ways; that is, by getting an assurance from the supplier of the components or by independently testing the components it receives. A prudent company would do both. Judging from the strength of confidence in the letter I received from Ford, I have no doubt it both sought assurances from the suppliers of components and independently tested those components.

Our whole economic system would be in serious trouble if anyone who was receiving either a completed good or a constituent part lost confidence that they were year 2000 compliant. The logical thing for people to do is to write to the company providing the good or component, seeking assurance. The company can respond in various ways. When a manufacturer responds to a request to confirm that a product is year 2000 compliant it is exposed to a risk of legal liability. Naturally if it were claimed to be compliant but on 1 January next year it were found not to be compliant, the company would be subject to legal action.

The great concern is that if everybody involved in the economic system is so concerned not to expose themselves to legal liability that they are not prepared to confirm that their products are compliant, that will be destructive to our economy

between now and the end of the year. One example that I have seen is a company saying that its product and service are compliant and will be delivered but is subject to the following list of provisos. *The West Australian* had occasion to lampoon a statement issued by, as I recall, Western Power when it said it was compliant and would provide service on 1 January, but under the following provisos. To a layman's eye, each proviso eliminated a part of the statement of confidence in the service. Such a statement of confidence was so careful in its defence against future legal liability that it had no worth and, therefore, offered next to no confidence and served no purpose.

Obviously that approach is unsatisfactory. The Labor Opposition supports this Bill because it provides a better approach than a statement of confidence with so many provisos attached that it has no value. The effect of this Bill will be to encourage statements of year 2000 compliance, but with a lesser degree of certainty than that which would normally be required. However, at the end of the day, if these matters go to court after 1 January next year, it will be up to judges, guided by our legislative deliberations, to decide what is an acceptable degree of certainty. The nature of the Bill suggests that if a statement is made by a supplier in good faith, the degree of certainty in that statement can be lesser and still be acceptable under certain circumstances.

I have the advantage of a scientific education, a small part of which I will share with the House because it is important in the understanding of this Bill. One of the first principles of science is the uncertainty principle, which says that no-one can be absolutely certain of anything. The notion that I am standing here looking at you, Mr President, is not certain, but it has in excess of 99.9 per cent recurring probability. For all other things that we know or hear we assign in our minds a percentage figure. If it is a 50-50 bet we all probably assign a 50 per cent probability that it is true.

I understand that if under normal circumstances prior to 27 February this year I were to make a year 2000 disclosure statement, I would be expected to be close to the 90-odd per cent certainty. If not, I would be subject to legal liability. Although the Bill does not refer to percentages and probabilities, in essence it is saying that under many circumstances a statement can be made on what amounts to a lesser degree of certainty and a less than absolute confidence in the statement.

In this sense, members might think this disclosure Bill will encourage manufacturers to make statements with less certainty. I believe that to be true. Obviously a statement with less certainty in some ways has less value than a statement of greater certainty. However, without this Bill we will be getting either no statements or statements such as that received from Western Power, which contained so many provisos that it had no value. In passing this Bill we are seeking to encourage manufacturers and suppliers to make statements based on a reasonable level of certainty.

In his second reading speech the minister referred to the various exceptions under which a year 2000 statement is not to be free from legal liability. The most important of these exceptions is that the statement cannot be false or misleading, which is obvious.

Hon Peter Foss: It cannot be knowingly false.

Hon E.R.J. DERMER: Yes. Nor can a statement be made recklessly. The key concept is recklessness. Essentially it means that someone has made a statement without taking reasonable steps to ensure it is neither false nor misleading.

Hon Peter Foss: It is not caring whether it is true or false.

Hon E.R.J. DERMER: If a manufacturer or producer cared, he would take the reasonable steps necessary to ensure that his statement was not false or misleading. The meaning of these words will be adjudicated judicially if cases are taken to court after 1 January 2000.

We are considering a statement made with a lesser degree of certainty than that which we would normally expect. Statements cannot be false, misleading or reckless. They will therefore have some value.

The year 2000 computer bug has the potential to impede commerce in our State. For that reason it is very important that such a statement has some protection from legal liability. The alternative is that we may not get any effective statements. The Bill seeks to achieve statements made with reasonable care which are not reckless. In that case they will provide a reasonable degree of confidence in commercial exchanges in Western Australia.

The protection from legal liability does not apply in the formation of a contract to a person who subsequently becomes party to a civil action that relates to that contract. Clearly it is appropriate to have a heavy onus of proof on statements made in the context of contract negotiations, and for that to apply in the event of subsequent legal action. The protection also does not apply in the fulfilment of a contractual obligation. If someone is contractually obliged, his statement must be made with the highest degree of certainty.

A statement does not enjoy the protection of this Bill if it is designed to induce consumers to acquire goods and services. If its purpose is to say that my product is compliant and people should buy it rather than another, which is not, it is only fair that the highest onus of proof and probability be required. The protection also does not apply in a civil action to the extent that it consists of proceedings for a restraining injunction or for declaratory relief. A restraining injunction refers to a situation in which some other company is being critical of mine in a way that is unfair. In that case, I can take action to stop that company making unfair comments. Declaratory relief refers to a situation in which a court declares that a company or an individual has a specific right.

The protection from legal liability in this Bill does not extend to people who are performing a regulatory power. Therefore, it does not extend to representatives of commonwealth, state and local governments. It also does not extend to civil action based solely on the infringement of an intellectual property right.

The Attorney General said that this legislation mirrors commonwealth legislation. Although it is not exactly the same, that is essentially correct. The need for the mirror legislation reflects the respective constitutional jurisdictions. A simple example is that the Commonwealth Government has constitutional responsibility pertaining to interstate trade but not to intrastate trade. It is that trade which is the subject of this Bill.

Hon Peter Foss: It can probably deal with corporations because it has responsibility for the Corporations Law.

Hon E.R.J. DERMER: I thank the Attorney General for that advice.

As I said, the Labor Party is keen to support this Bill. The only criticism we have of the Government's work in preparing the Bill relates to the issue of timeliness. Within the terms of the Bill, a year 2000 disclosure statement may be made after 27 February 1999 - the date on which the commonwealth legislation came into effect - and before 1 July 2001. A civil action commenced after 27 February and before this Bill receives royal assent will not be affected. For any action to be affected by the Bill, it must occur after it receives royal assent. That makes the timing of this debate important. Naturally the legislation must be dealt with by both Houses and then referred to Her Majesty's representative for royal assent.

It is important that the Bill be in effect for as many weeks as possible. Each week we delay its passage before it receives royal assent means one week less during which it will be operative. Our economy and the commerce of the State will be well served by having it in effect for the longest period possible. I am very concerned that we are initiating the debate on this Bill on the second last day of the autumn session of the Parliament. I am concerned about the number of weeks that will be lost in the likely event it is not dealt with before the end of the session. I fail to understand - I am interested to hear the Attorney General's explanation - why it has taken so long to deal with legislation mirroring commonwealth legislation that came into effect on 27 February. The commonwealth legislation must have been available for a significant period prior to that. How can it take so long for mirror legislation to be prepared and presented to this House?

HON NORM KELLY (East Metropolitan) [4.28 pm]: The Australian Democrats also support this legislation, which as Hon Ed Dermer said mirrors legislation that was passed in the Federal Parliament in February. The Bill provides for voluntary disclosure of information. It will encourage businesses to disclose information to allay fears about possible problems with the millennium bug. It removes the threat of legal liability but, importantly, it does not provide protection for statements that are either intentionally false or misleading.

Even though it refers to statements made from 27 February this year, this legislation is not truly retrospective. It simply puts in place a different status for disclosure statements made since that date.

Like Hon Ed Dermer, I also have concerns that this legislation, which passed through the Senate on 18 February this year, has taken so long to reach this Parliament. Despite that, the Australian Democrats appreciate the urgency of passing this legislation even though, if it were not enacted, it would not have a significant impact on the ability of business and industry generally to carry out their normal functions. The Bill goes far beyond the computer-based industries and has widespread application to technologies that are date reliant. Without the legislation, these businesses could carry on their normal activities without serious disruption. However, the legislation will enable a greater degree of certainty about voluntary disclosure of preparations for January 2000.

We must also consider this beyond the specific issue of moving to 1 January 2000. Other significant dates will be met, and that is one of the reasons this legislation refers to statements made up to 1 July 2001. There is the potential for problems to occur far beyond January 2000, on other particularly significant dates. Although 1 January 2000 is the most significant, 6 January is also significant but only because it is my birthday.

Hon Simon O'Brien: We will declare a holiday!

Hon NORM KELLY: I am glad members took note of that! The next significant date is 29 February 2000, which will be the first leap year additional day in the new millennium and it is important to ensure that the technology is prepared for that date.

Hon E.R.J. Dermer: It is a potential hazard.

Hon NORM KELLY: Yes, it is a potential hazard, and it is probably forgotten in the scheme of things, given the increased significance of 1 January. I understand the year 2038 is also of some significance with regard to computer systems, but that will be dealt with closer to the time. I hope I will not be here to worry about that one.

The second reading speech contains an error in that the minister said that the only way in which this Bill differs from the commonwealth legislation - apart from the machinery parts of the Bill - is in regard to statements back to 27 February. Another significant difference between this Bill and the federal legislation is in section 20 of that Act, which refers to quarterly reports on year 2000 processing issues relating to commonwealth agencies. Hon Ed Dermer referred to this issue in the adjournment debate last night. The federal legislation requires quarterly reporting to Parliament on government agencies' preparation and compliance with year 2000 processing issues.

When researching this Bill I wanted to know the extent to which the State Government has taken action and has regimes in place to make sure agencies are well prepared for this turnover. Some concern has been expressed to me that insufficient information is available on some agencies. However, when I visited the Government's Y2K webpage, I found that it contains considerable information. A good degree of compliance is recorded, and since last Monday that reporting is specific to agencies and, even though it is only very simplistic charting of compliance and preparation, at least it gives an agency by agency breakdown.

I am also aware that a steering committee has been formed to look into these issues. It is a steering committee of chief

executive officers comprising Mal Wauchope from the Ministry of the Premier and Cabinet, John Langoulant from Treasury, and people from the Health Department, Western Power and the like. They are significant agencies whose functions could severely impact on the Western Australian public if there were problems with the turnover to January 2000. I understand that the reporting mechanisms in the six months leading to that date will be stepped up to monthly reporting on compliance and preparation for Y2K. Having looked at the website and spoken to officers at the Office of Information and Communications, I feel reasonably satisfied that actions are taking place to inform the Western Australian public of the Government's attention to detail in preparing for this significant date. I am sure members will keep a close eye on how the Government is performing in that regard.

I considered a possible amendment to this Bill so that it was more closely in line with the federal legislation but, given the Government's actions to date and its proposed action of moving to monthly reporting - that has still to go to Cabinet for approval - there is no need to amend the legislation. South Australia has taken a similar position, and its legislation will be more in line with Western Australia's legislation than the federal equivalent. That is probably the only significant aspect of difference between the legislation. The Australian Democrats are happy on this occasion to expedite the matter, not because of the non-contentious nature of the legislation, because members should always have ample opportunity to consider legislation of any nature, but given the urgency of this and that there are only six months before the significant date. We fully support the passage of this Bill.

HON J.A. SCOTT (South Metropolitan) [4.39 pm]: The Greens (WA) also support the Bill. Although I personally have some level of scepticism about the doomsday predictions for the year 2000 from some analysts of the situation, and I suggest that there is almost a cargo cult mentality among some people -

Hon E.R.J. Dermer: In essence, those predictions will not come true as long as the work is done.

Hon J.A. SCOTT: Yes. It is clear that some level of disruption will arise throughout our community, and in some vital areas. Commonsense in the community will deal with the breakdowns of certain systems. When traffic lights break down, people move as smoothly as they did before the breakdown as people become courteous. Nevertheless, we could have a problem when action is not taken, preparation is not made and problems are not identified. For that reason, such Bills are important.

The Government generally has done a very good job in preparing the Public Service for problems with Y2K. I imagine that from what I have read that this State will be as well prepared as any of the States. Probably our biggest threat will be breakdowns in systems in other parts of the world.

One of the worse aspects of the Bill is its timing. It is extremely late to be appearing before us. It must be through Parliament before we adjourn for our winter break. More time was needed to properly consider the measure to give adequate scrutiny. However, it is before us. Sometimes that seems to be the approach adopted with template legislation; that is, we must act like mushrooms and push measures through quickly.

The types of disclosures involved in this legislation seek protection from liability from commercial confidentiality and so on. This measure will be a good thing for the Australian business culture, as the deference to secrecy in commercial dealings in this country is ridiculous at some levels. This Government is changing its culture a little with this Bill. We often hear commercial confidentiality cited as a good reason for not answering questions in this place, when clearly it is not applicable. That goes against everything the Commission on Government advocated. The level of commercial confidentiality in this State to enable certain people to have an advantage over others holds back business. Information tends to be shared by businesses in countries like Japan, where competition applies in the marketing rather than developmental and tendering levels. This Bill will show people that, ultimately, placing commercial confidentiality on all manner of things may not be such a good thing. We may have the beginning of improvements in that culture. Therefore, the Bill may have hidden benefits.

I support the Bill, which is sensible as far as I can ascertain in the short time available for its consideration. It is sensible legislation to handle disclosure of information regarding Y2K. It represents a protection for our society.

HON PETER FOSS (East Metropolitan - Attorney General) [4.45 pm]: I thank all members for their helpful comments. I recognise that the Bill goes beyond the areas mentioned by Hon Ed Dermer. If a person makes a statement not caring whether it is true or false, that is reckless. However, a person can be careless and not be caring. For example, if a person believed a statement to be correct, but could reasonably have done more work, that is negligence. That will not be recklessness, which requires a greater degree of lack of concern than only carelessness. The intent is to have the distinction in tortious law between recklessness and carelessness.

The other point raised was the types of goods involved. A year 2000 statement can be requested of a supplier who is supplying goods without an electronic component. A supplier's distribution networks may require him to use a computer, although he may send a solid lump of steel.

Hon E.R.J. Dermer: The goods depend on the electronic component.

Hon PETER FOSS: Indeed. It may be that the steel needed for the business has no chip or computer part; however, one will want to know whether that person can supply the goods on 1 January 2000 or whether his business will be in disarray because his system will break down as a result of a failed computer program. Although the item may have no electronic component, a year 2000 statement can be sought if it relates to year 2000 problems. A person may ring up and say, "Will you supply me on 1 January or will your plant break down because your automation computer will be down? I want to know as I need to know for my contingency plans." That could come within the terms of this Bill.

Hon E.R.J. Dermer: It is probably worth looking at the Victorian gas example last year. The problem had ramifications in an indirect relationship which had never been foreseen.

Hon PETER FOSS: It was all down the line. That is precisely what can happen with the Y2K situation. It is not enough to look at one's own business to check compliance, and not enough to check the next person's business. To be certain, one must follow the chain down the line. Many of the items in the chain may not be electronic, but depend, for instance, on a trucking company which uses an electronic despatch.

Hon J.A. Scott: Have privatisation and outsourcing created a greater risk than would otherwise have been the case?

Hon PETER FOSS: I do not think so. On the contrary: People use computers whether they are in-sourced or outsourced. That is a cheap shot.

If one needs something delivered on a truck or a train, which is in some way dependent on a computer, one may, or may not, want to follow the entire chain down to the end to see whether one can be sure of supply. One can then determine whether a contingency plan is needed.

I do not know why the Bill has taken so long to arrive in the Chamber. The Bill has been handled by the Deputy Premier. I do not know how I ended up with responsibility for it in this House.

Hon N.D. Griffiths: He could not see the wood for the trees.

Hon PETER FOSS: Very deep. That probably is the reason.

I thank Hon Jim Scott and Hon Norm Kelly for their support of the Bill. I think I have dealt with all matters raised.

Question put and passed.

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

APPROPRIATION (CONSOLIDATED FUND) BILL (No 1) 1999

Second Reading

Resumed from 29 June.

HON KIM CHANCE (Agricultural) [4.49 pm]: I have 10 minutes remaining of my contribution and it is just as well. Indeed, I may even ask members for a short extension of time. Today in the Legislative Assembly, the Minister for Primary Industry tabled a statement and an information schedule which addressed the same matters concerning milk vendors that I raised last night in the first part of this speech. What was the minister's response to the issues that we have raised? Has he finally acknowledged the harm he has done to individuals by the deregulation process? I looked to this statement to find an answer, which, unfortunately, was a resounding no. The minister's response has been to announce a closure date for the offer that he made previously; that is, he will shut down the offer. That take it or leave it date is 28 July this year. That is it; he has shut the gate. I do not know how the members of the Government feel about this. He has shown no compassion and no consideration; it is just shut up and take it or leave it. That is the minister's response. Members must tell the Minister for Primary Industry that we do not accept this. The minister has thumbed his nose at the Legislative Council's motion. He has ignored the financial and human damage he has caused these people. Along the way he has created a horrendous precedent for any small business person who regards his licence to compete in a limited-entry market as an asset, because none of those people can regard that licence, quota or craypot as an asset ever again.

The ministerial statement contains all of the same lies and half truths which we have already heard from the minister. He claimed that Labor deregulated the industry. It did not. He claimed that Labor would have deregulated the industry from 30 June 1993, a claim which is in conflict with the advice I have received from the then minister and which seems to be based entirely on a letter from the Western Australian Dairy Industry Authority. We all know what is, and was, the agenda of the Dairy Industry Authority. The minister cannot claim that deregulation was supported by the then minister or the Labor Government. It is a blatant lie.

The most serious misrepresentation, however, is the claim that the current offer of additional assistance reflects compliance with reports three and six of the Standing Committee on Public Administration. That is patently untrue. The committee called for full and fair compensation based on an assessment of a capital value of the whole business prior to deregulation. That has not been delivered by the minister's offer of additional assistance. The committee called for an assessment of that value based on a multiple of the vendor's whole business, not just the licence component, within the parameters of a multiple of two times to four times. Clearly, in respect of household rounds, two times would have been more than adequate. However, in order to reflect the full capital value of the vendor's business in relation to shop rounds prior to deregulation, a factor of three times or greater was needed. That is why the committee provided the parameters of two to four. The minister delivered two, which patently did not achieve the primary objective, yet he says that he complies. It is just untrue. It is a nonsense. This flexibility and the option of those two parameters has never been recognised by the minister. It has never been recognised by the arbitrator. To state that the offer complies is simply an untruth.

I also want to address a couple of other issues. Hon Jim Scott has prompted me, and I thank him for that. I advise those people in the public gallery that they must accept this offer.

The PRESIDENT: The member can say it, but -

Hon KIM CHANCE: I would like to say that I want to advise those people in the public gallery -

The PRESIDENT: No. The point is that the member cannot say that about the public gallery. He knows as well as I do that the people can hear. The member need only say it.

Hon KIM CHANCE: People who are affected by this offer should accept it; they do not have any choice now. It very much is: Take it or leave it. I would recommend, if I were allowed to do so, Mr President, that they take it. I do not think they have any other option at this stage. If I were them, and having taken it, I would then ignore anything in the agreement which required me to undertake never to seek any further recompense. I will guarantee on the basis of my position in this Parliament that a forthcoming Labor Government will recognise their full and just claims. In the absence of being able to deliver that, I will no longer sit in this Parliament, because I believe that strongly about it.

Hon N.F. Moore: Do you know how much it will cost?

Hon KIM CHANCE: About $2m or $3m. There are adequate funds, and we all know that. I am speaking in respect of the vendors who were not offered contracts. The report does not deal with people outside of that group. I say with confidence that we can deliver it. It can be delivered and it will be delivered by a future Labor Government. Every member should support that and say that if the State takes something, it should give full and fair compensation. If we take land, we compensate. Would members expect to take a craypot from a licensed fisherman and not give reasonable compensation? Would members expect to take a taxi plate from someone -

Hon Peter Foss interjected.

The PRESIDENT: Order! The member has limited time and he is trying to make a number of points.

Hon KIM CHANCE: I will raise one other issue. Among the 28 pages of additional information which the minister tabled today, he also tabled the personal details of the payments that were made to each individual - by name. Every one of the seven disaffected parties in this issue is now named in a public document; not by code, but by name. We can see their names; we can see details of their trading patterns; we can see the government assistance they received to the dollar; we can see the further government offer they have been offered and so far have not accepted; and we can see the total compensation they have been paid.

Hon Peter Foss: You normally demand those things of the Government. Hon Ljiljanna Ravlich is constantly saying that we must table it.

Hon KIM CHANCE: This is done entirely gratuitously. The Attorney General should not defend this action.

Hon Peter Foss: If you had asked for it, it would be OK, but the fact that the minister has done it, it is not.

Hon KIM CHANCE: I would have had a little more grace than to ask for personal details of this nature to be tabled as a public document. Worse than that, in respect of one of these people, it goes on to detail the settlement he received as a result of his successful action in the Federal Court. It has no relevance at all to this case. It was an entirely gratuitous entry. Why would that have been done? It was done for one reason alone: So that at the bottom line we can see big heaps of money that apparently have been paid to these people. It is a nonsense. I do not know what those people can do now. I suggest that they now know where their enemies are.

HON J.A. COWDELL (South West) [4.59 pm]: I will address one aspect of this year's appropriations; that is, the education appropriation. Sometimes in aspects of our appropriations we are, as in the old saying, penny-wise and pound-foolish. This may be the case in ensuring the safety of our state school students.

I note the comment recently of Associate Professor Donna Cross about the impact of bullying on students, particularly on their future development. The professor was quoted as saying that research has shown that bullied students play truant regularly and are more likely to be poor performers at school. Almost 70 per cent will suffer mental health problems, low self-esteem and depression compared with 15 per cent of those who are not bullied.

[Questions without notice taken.]

Hon J.A. COWDELL: Earlier I was referring to the comments of Associate Professor Cross, the head of the Centre for Health Promotion Research at Curtin University's School of Public Health to the effect that one in seven children is bullied so badly that their academic performance and ability to socialise are affected. Some of the figures contained in the recent first report of the Select Committee on Crime Prevention were disturbing, particularly the point that one Western Australian study identified that in 1995 almost 14 per cent of school students, 14 500 students, were victims of bullying in schools. That is the situation before us. I raised certain concerns at the Estimates Committee hearings earlier this month. I specifically asked -

> Have any funds been allocated to anti-bullying programs this financial year? Are expulsions and suspension statistics kept outlining the magnitude of the problem in the State? Is the State liable for failing to act in cases of bullying, and has it incurred any damages in that regard?

The immediate answer was -

> A new policy was released last year as part of the management of schools program which includes the development of a code of conduct. To support that policy, $390 000 was allocated across the districts in the State.

The adviser understood from activity in districts that part of the money is directed to professional development and support of the development of anti-bullying programs. I raised those concerns in the estimates hearings to determine if government programs were under way. There is ample evidence that all is not well and that that expenditure and the funding and

implementation of the particular program - I think it is called the school behaviour management policy - is not progressing as we would expect. I received the following supplementary answer to my question about the suspension statistics outlining the magnitude of the problem -

> "Bullying" is not a category that is used in the Education Department's data collection system. However, in the 1998 school year, 4,658 suspension notices were issued as a result of physical assault or intimidation of other students. This accounted for approximately 29% of the suspension notices that were issued during the year.

Members have seen or read in the media some of the more graphic examples of bullying in our schools. The incidents at Eastern Goldfields Senior High School resulted in four students being charged and some of them being subsequently incarcerated. In my own electorate we had incidents reported earlier in the year at Harvey Agricultural Senior High School.

I bring to the attention of the House this evening a particularly bad situation which applies at the Denmark District High School in my electorate, to give members an indication of what is going on. Some of these incidents caused me to write a letter earlier in May to the Director of the Albany District Education Office headed "Re: Bullying at Denmark District High School". I will delete the relevant names. I wrote -

> I write to seek your assurance that effective measures have been put in place to combat an extensive outbreak of bullying at Denmark District High School.
>
> I am disturbed to find out that . . . has been tortured at school (i.e. being held down while a heated cigarette lighter was applied to his back) and that last week he was knocked unconscious while at school. If this sort of activity is allowed to go unchecked then the Department would certainly be in breach of its duty of care.
>
> I am disturbed that the reaction of school authorities appears to have been to discipline both the perpetrators and victim of these incidents. This could be interpreted as neutrality on the part of those authorities where bullying is taking place.
>
> I trust that this matter can be resolved within the procedures of the Education Department without resort to the criminal justice system. I hope you will advise me if this is the case at the earliest opportunity.

I regret to say that the earliest opportunity for the Education Department has not yet arisen. I have not even received an acknowledgment of my letter of concern about the outbreak of bullying and the breakdown of discipline at Denmark District High School.

To acquaint members with some of the examples at that high school, I have a commentary given to me by one of the parents as a result of consultation with other parents. In example No 1, a student has been made the victim of bullying constantly throughout his attendance at the high school, both physically and verbally. Two incidents involved a form of branding where the end of a lighter was heated and then placed on his skin until it blistered, which caused extreme pain and scarring. The student felt that he was unable to report either of the incidents. However, a concerned parent did contact his parent, who then contacted the school. The school's punishment was a three-day suspension for one boy and a one-day suspension for the other.

This punishment, however, did not solve the problem; it worsened, with the perpetrators resorting to more verbal abuse, trying to provoke a fight. One day when the student was attending school this verbal abuse became too much for him and a scuffle broke out while they were entering a classroom. The verbal abuse continued throughout the class, and on the way home on the bus another scuffle broke out when the two boys alighted from the bus. After the student finally confided in his father, the father rang the Denmark police to inquire whether it was possible to take out a restraining order against the other boy. The next day the police advised the school that the boy's father was contemplating taking legal action against the other student. However, his father did not continue in his pursuit of taking any legal action and the boy who was the perpetrator left the school of his own accord soon afterwards.

Example No 2 is that next year was no different. During term 1 a fight was organised between the student and a group of approximately 20 other boys. Subsequently the student victim was punched in the face by another student and received a fractured nose and black eye. The parents learnt when the doctor phoned the parents to ask if they would like to pick up their son. This was during school time. There was no notification from the school and no effective combating of these occurrences. In this case the boy who had attacked the other student was charged with assault and expelled from the school, but the victim also received a three-day suspension for having been knocked out in a fight and carted off to the doctor. The expelled boy was subsequently allowed back into school fairly promptly and of course the abuse continued. The family has now decided to leave Walpole, principally to secure the safety and education of their children - it has reached that point.

Example 3 is that of a student suffering constant bullying while at the high school and on the school bus. She suffered verbal threats, and threats with scissors, cigarette lighters and so on. This continued over an 18-month period and was reported to the school, which took no adequate action, and it was also reported at Denmark Police Station. In the end this problem was solved by the problem child leaving the district, not by any effective action on the part of the school.

Hon Muriel Patterson: How many students are involved in all of this?

Hon J.A. COWDELL: Probably about 20 or 30 students are involved in this.

Example No 4 is that of a local builder who has moved his family to Albany, also to enable an adequate education to continue for his children who previously attended Denmark District High School. Example No 5 is that of one of the local doctor who is moving out of the district for the same reason; that is, the quality of the education at the state school. In

example No 6, in response to similar bullying, a local teacher has withdrawn her daughter from the high school and now sends her as a boarder to a Perth school. I can go on with examples Nos 7, 8 and 9.

Hon Derrick Tomlinson: Are these all from the same school?

Hon J.A. COWDELL: They are. As I say, this caused me to write to the district education office in Albany, but obviously the problem is so momentous that people there are having trouble even acknowledging my letter.

Hon Derrick Tomlinson: Did these incidents occur recently?

Hon J.A. COWDELL: The events I have detailed occurred over the past 12 months. The first instance I highlighted would have occurred about two months ago. There has been no effective action. Even more disturbing is the message that appears to be going to students at the school, where the normal situation is that the victim is punished as well as the perpetrator. It certainly appears even handed, but that is not the sort of message that needs to be sent in this situation.

I bring this to the attention of the House as some examples of a very real problem, not an isolated problem, that is developing in some of our state schools. I am aware of course that we have a school behaviour management policy. There is a great big, wonderful file about aims and objectives and what to do about behaviour management. It talks about outcomes. It reads -

> The school will have made clear statements to its community that it will not tolerate, or support in any way, acts of violence, bullying or harassment.
>
> The school will be a 'safe', welcoming environment.
>
> Students and staff will have the knowledge, skills and attitudes necessary to deal with violent and potentially violent, bullying and harassment situations.
>
> Staff will have the necessary skills and confidence to educate students about violence, bullying and harassment and its prevention. . . .
>
> Students will recognise acceptable behaviour and be aware of the consequences of unacceptable behaviour.
>
> The wider community will support prevention initiatives in the school.

They are wonderful aims and objectives. As I said, they are probably contained in a big fat file which is probably kept in many schools in a large cupboard somewhere, and they are not being effectively implemented.

The recent report, to which I previously alluded, of the Select Committee on Crime Prevention examined school bullying as a significant cause of behavioural problems which developed down the track. That report was delivered this month. On page 47 of the report, the observation was made that -

> The Education Department of Western Australia submitted details of programs in some schools which in the course of tackling behavioural problems may have an impact on bullying, but there was no indication of a single coordinated anti-bullying initiative.

This is the problem that we face in this regard.

During the estimates committee hearings, I asked a question and got a subsequent reply. The question I asked was -

> If an individual school does not act on extensive bullying, is the State legally liable? Have cases been brought against the State in this regard?

The answer I received was -

> The Education Department is unaware of any case having been brought against the State in regard to its liability for an individual school failing to act on extensive bullying. However, advice has been sought from the Crown Solicitor's Office to confirm this. If any further information becomes available it will be supplied as supplementary information.

I conclude on this item of concern with a warning that more needs to be done to prevent school bullying - more than the budgetary allocation that has been made - because if money is not spent up-front, we may find that if the sort of situation that has been developing at Denmark District High School continues, the State will be up for the money down the track by way of compensation in the courts and payment for an extensive set of legal proceedings.

Hon Derrick Tomlinson: Regrettably, it is not peculiar to that school.

Hon J.A. COWDELL: No, regrettably, it is not. However, this is a school in my electorate.

I turn now to another matter pertaining to my shadow portfolio. I opened *The Australian* yesterday to find the headline, "Premier-hopeful to dump upper House". I thought our parliamentary leader, Dr Gallop, had come forward and restored our old policy of abolition. Members can imagine my surprise to find that it was the Deputy Leader of the Liberal Party who wanted to abolish this august Chamber.

Hon B.M. Scott interjected.

Hon J.A. COWDELL: I am coming to the quote, amongst other things.

Several members interjected.

Hon J.A. COWDELL: Would Hon Derrick Tomlinson please refrain from quoting Christ just at this stage in the speech - a little decorum!

Hon Colin Barnett was quoted as saying that he had become frustrated with the Legislative Council since May 1997. I was going to say, "Join the club." The Labor Administrations which have governed this State for 50 years suffered similar frustrations from this Chamber under 107 years of conservative domination - join the club. Hon Colin Barnett went on to advance an argument, with which I have some sympathy. He said that growing financial pressures and increasing battles with the Federal Government demanded a streamlined State Parliament next century. We have two small Houses of Parliament, and that is probably a luxury that the State Parliament cannot afford.

Hon Colin Barnett is in a proud tradition in this regard. Only a year or so ago a headline in *The West Australian* was, "Report: Axe Tasmanian Upper House". For the first time I started to warm to economic rationalism as it quoted the 700-page report by former Fraser Government Minister Peter Nixon, which advocated the abolition of the Tasmanian upper House on the basis of exactly the same set of streamlining economic rationalist arguments as were put forward by Hon Colin Barnett. Indeed, there is a tradition of some conservative opposition to upper Houses. As members would be aware, Sir George Reid, our only conservative Prime Minister of the Commonwealth, stated on one memorable occasion that if he needed a second Chamber he would use a kerosene tin. He was a firm advocate of unicameralism. There is some argument, certainly in a federal system, that there are sufficient checks and balances.

Hon Derrick Tomlinson: Just live with the checks.

Hon J.A. COWDELL: Steady. Hon Derrick Tomlinson should remember his chairmanship in this regard.

The argument is that in a federation there are the checks of government at the commonwealth level; there are the local government checks; and there are the constitutional guarantees. Of course, the Senate and Senator Lightfoot are protecting us as well. Therefore, there could be an argument for the streamlining for which Minister Barnett argues. I am not opposed to streamlining the system. Indeed, if this Chamber were judged on its past record, one probably would vote for abolition of the Chamber. Fortunately, I feel that record is improving and there may be a chance of redemption.

Hon N.F. Moore: Who was it who praised the good Lord for the Legislative Council?

Hon J.A. COWDELL: I do not know. It was probably the minister on a number of occasions.

Hon N.F. Moore: I think his name was Philip Collier.

Hon J.A. COWDELL: I think the minister has probably been reading Jeremy Buxton's articles in which he keeps coming up with this concept that Premier Collier was a great fan of the upper House.

Hon N.F. Moore: Most of his successors in the Labor Party have also been great supporters of it.

Hon J.A. COWDELL: I do not believe that is the case, if one reads Premier Collier's arguments. As to streamlining the upper House, I simply say that the Opposition makes the offer to Minister Barnett to get behind his reform push, at least to the degree of streamlining the upper House.

Sitting suspended from 6.00 to 7.30 pm

Hon J.A. COWDELL: Earlier I was referring to the appeal of deputy Liberal leader Barnett's abolitionist policy. Of course, examples are before us with the Queensland, New Zealand and the Territory Legislatures of systems that operate well with a single Chamber. It was with the vote of the Country Party that Queensland was transformed from a bicameral system to a unicameral system. I pointed out that the unicameralist argument had some theoretical and practical appeal. As Saint-Simon used to say, if an upper House agrees with the lower House, it is superfluous; if it disagrees, it is obnoxious; either way, it should be abolished. In some recent models we have an opportunity to examine varieties of the single Chamber model. We have certainly seen in various Legislatures - the New Zealand example being most pertinent - the combination of single member constituencies with a proportional representation component in the one Chamber. One could achieve radical reform and indeed adopt an abolitionist policy and go in that direction, providing representation for the minor parties as well as the major parties. I add that I advised strongly against that model to my Labor Party colleagues in the United Kingdom as they started on the experiment of the new Scottish Parliament. I said that they could honour their pledge of having those two components in a single Chamber, but if they did not make PR as a top-up mechanism, it might work far more effectively. In that way, a PR component existed, but the seats would be awarded on the basis of percentage of the vote, not top up. The parties would win the number of seats they would ordinarily win in single-member constituencies and 20 or 25 seats would be awarded on straight percentage, not on a top up.

Hon Greg Smith: Is that the Scottish system?

Hon J.A. COWDELL: No, it is not; that is a top-up system, the same as the German and New Zealand systems. Were the Labor Party to be returned to government in New Zealand at the next election, I would expect it to consider separating the two components and doing away with top up. These are relevant examples of how the two components of representation, single-member constituency and PR can be combined in a single Chamber, not necessarily as a top up. It may be that Mr Barnett has that in mind - of course, he may not, and others may not have his leadership in mind, so it may be academic.

Earlier I pointed out that an argument existed for streamlining the system. I indicated that the Labor Party has supported in the past, and does now support, the streamlining of the system - that is, the relationship between the two Chambers - in

a number of ways. For example, in relation to conflict resolution or deadlock resolution, we have always recognised that three categories of Bills come before the Chambers. A procedure should be in place for resolving differences between the two Chambers, which are pertinent to these three types of Bills. We have argued that in the case of ordinary annual appropriation Bills, a suspensory veto should be held by this Chamber; that is, we should adopt the model that currently applies in the United Kingdom Parliament and the New South Wales Parliament, wherein the Government brings its ordinary annual appropriations to this Chamber and we have the capacity to delay those appropriations for a month or six weeks, but not beyond that.

Hon Derrick Tomlinson: So as not to jeopardise government.

Hon J.A. COWDELL: Our only power would be a power of delay to make a point. Were we to attempt to defeat the ordinary annual appropriations, they could be submitted to the Governor and the Governor could sign those as properly passed by Parliament. That is the procedure in the United Kingdom and in New South Wales. We would certainly support legislation along those lines; that is, that we are not a House of Government, we are a House of Review, we do not determine the Government, the people's House determines the Government and all we should have is a suspensory veto. That would only be a recognition of what has been the convention in this House since its inception. On occasions, the House has been tempted to ignore that convention and actually block a budget. I sat in this public gallery on one such occasion in 1974 when the then Liberal-Country Party Opposition was contemplating blocking the budget to force the Tonkin Government to a general election after the Balcatta by-election, which Brian Burke, as the new ALP candidate, won by a mere 30 or 32 votes after Australia Party preferences, all for the sake of having an election six months early. This Chamber was seriously contemplating ripping up the convention for the sake of having an election six months early, and of course for the coalition parties assuming office six months before they did.

The Labor Party stands by the view that this Chamber should embody the current convention in the form of an amendment to the Constitution with ordinary annual appropriations being subject only to suspensory veto. With respect to constitutional amendment Bills, a second class of legislation, a different form of review should apply; indeed, there should not be a change from the present system with respect to the entrenched provisions. There should be an absolute majority agreement of both Chambers and the proposal put to a referendum. That is not an argument that the whole of the Constitution should be made rigid and subject to entrenching. We would not serve the State well by adopting a wholly rigid document as has the Commonwealth. However, certain key elements could be entrenched. If they were entrenched by approval of the people, they should be able to be changed only by a vote of the people on submission of that proposal by passage of a Bill through both Chambers.

Then we get to the third class of Bill; that is, all the rest. Basically, we propose the commonwealth system in which a Bill being proposed by either House, except a money Bill in the case of the Council, would go to the other Chamber. If rejected, it could be resubmitted in the next session - that is, the commonwealth provision - three months later. If it were resubmitted and once again not passed, it could be put to a joint sitting following a double dissolution. That is a significant change in the sense that it would be a concession from this Chamber to its providing a resolution procedure. However, the Council would be subject to the threat of an early dissolution and it is not subject to that threat at present.

Hon Derrick Tomlinson: As a consequence of the change would the date be a fixed term?

Hon J.A. COWDELL: No. I believe the concept of a fixed term in the upper House has helped us to have full-length Parliaments. We have had full-length Parliaments since 1905. It could mean that we could dissolve the Assembly early now and we could dissolve the Council. Here we have a double dissolution every election.

Hon Greg Smith interjected.

Hon J.A. COWDELL: That was an argument put by the former President on which we were willing to negotiate, but that was not negotiated.

Hon Derrick Tomlinson: Would it fall on Queen Victoria's birth date? Let us suppose you had a resolution election in the first year of a four-year term. We cannot call it a double dissolution because you cannot dissolve this House. The consequence would be that the upper House elected at the previous election would still have three years to serve.

Hon J.A. COWDELL: No. That would break it; it would not be a fixed term.

Hon Derrick Tomlinson: So would you have to change the date of the fixed term?

Hon J.A. COWDELL: Yes. In the normal course of an election we have a double dissolution election. Under the formula, a Government could put a number of proposals three months apart, have them rejected and, if it then went to an ordinary election - call it a double dissolution election; all our elections are now double dissolutions effectively - it could come back and have a joint sitting following that. It is a resolution device that we do not have at present.

I note the progress made in the other States. I commend the fact that under the recent intern scheme, David Leeder from the University of Western Australia assisted me by preparing a paper on conflict resolution procedures between the Legislative Assembly and the Legislative Council. Of course, he received some expert advice about the merits of the present system. I fear he was heavily influenced by advice from the Clerk's party in coming to certain conclusions. Nevertheless, much of value is in the paper.

I found of particular value the survey of the situation in other States. As it is only a couple of paragraphs I will share it with the Chamber. It reads -

> In the case of the Victorian parliament, there is no particular method for resolving deadlocks concerning money bills. Therefore legislation dealing with ordinary money bills is treated as if it were a piece of ordinary legislation. In these cases legislation that has been passed by the Legislative Assembly and rejected by the Legislative Council may be passed again by the Assembly and endorsed as a Bill of "special importance". If such a bill is again rejected by the Council it provides a trigger for the Governor to dissolve the Legislative Assembly and half the Legislative Council. There is no special procedure for dealing with deadlocks over constitutional amendments.

It is a half-hearted commonwealth general resolution procedure. To continue -

> The parliament of New South Wales treats ordinary appropriation bills differently to other legislation. In a similar system to that of Great Britain, the Legislative Council may only delay such a bill for up to one month. For all other legislation the New South Welsh constitution requires a bill to be passed and rejected twice, with a three month interval between being rejected for the first time and passed for the second time, before its deadlock resolution system comes into effect. . .

If an agreement still cannot be reached in a joint sitting of the two Houses, the Legislative Assembly may direct that the Bill be submitted to a referendum. To continue -

> There is no special procedure for dealing with deadlocks over constitutional amendments.

Once again, clearly with that class of ordinary annual appropriations the Assembly is able to override the Council. To continue -

> The Parliament of South Australia does not have any special procedure for resolving deadlocks over legislation dealing with ordinary appropriation bills. It does, however, have a procedure for resolving deadlocks concerning ordinary legislation. If legislation is passed by the Legislative Assembly, and rejected by the Legislative Council, it must wait until after a general election of the Legislative Assembly before deadlock resolution procedures are implemented. If the same legislation is again passed by the Assembly and rejected by the Council in the newly elected Parliament; the Governor may (at his or her discretion) either dissolve both houses for a general election, or issue writs for the election of two additional members of the Legislative Council for each council district. There is no special procedure for dealing with deadlocks over constitutional amendments.

Once again we find that most of the bicameral Parliaments around Australia have different resolution formulas, but they do have formulas. We can examine these formulas and come up with something that would streamline the system in Western Australia. To continue -

> Tasmania has held a Royal Commission into parliamentary deadlocks. The report of this Commission recommended that ordinary appropriation bills be dealt with differently to other legislation. In this case an ordinary money bill could not be rejected by the Legislative Council, it could only be delayed for a period of up to six weeks.

In other words, Tasmania's royal commission is advocating the UK and the New South Wales systems. To continue -

> For general legislation the Commission recommended a particular deadlock resolution procedure. If the bill is passed by the Legislative Assembly, and then rejected by the Legislative Council within three months of receiving it from the Assembly; the Assembly then has the option of passing the bill again and declaring it to be a "prescribed bill". If the Council again rejects the bill, or does not pass the bill within six months of it being declared "prescribed", there may then be either a referendum on the bill or a dissolution of the Legislative Assembly. After such a dissolution the new Assembly may present the bill to the Governor for royal assent within three months of the first sitting of the Assembly, after the election, even though the Legislative Council has not passed it.

Therefore, each of the States has either adopted or is looking through royal commissions at a particular procedure.

Hon Greg Smith: What happens if a Bill is amended by the Council to an unacceptable level but passed by the Council; because it is not actually rejected by the Council, is it?

Hon J.A. COWDELL: I suppose it depends on how the lower House then takes it. It could not proceed with it and then we would arrive at the detailed conflict resolution mechanism.

Hon Derrick Tomlinson: It is still rejected.

Hon J.A. COWDELL: It is still rejected, yes. If it is deadlocked, the lower House sends back a message and we insist and so on; there is a deadlock. These are deadlock resolution procedures, whether they be for the whole of a Bill or part of a Bill.

We could streamline the system by recognising the three distinct classes of legislation; recognising the convention with respect to ordinary annual appropriations, perhaps ensuring that it is as difficult as it is currently to amend an entrenched constitutional provision, but certainly providing a mechanism for the Assembly to be able to resolve the situation through either a joint sitting before or after an election or referral to a referendum. These are the devices that we should consider for those categories.

There are other ways of streamlining the process while maintaining a bicameral system, without going to Deputy Leader Barnett's radical solution. I recognise there may be an argument to increase the Assembly in numbers, to increase it as a House of the people, and to move closer to one-vote-one-value. To attain 10 or 15 per cent variance from a common quota,

we may have to increase the number of seats in the Assembly. That number would be increased logically from 57 to either 61 or 63 which would lower the quota per seat. I do not believe that the voting public is ready for an increase in the overall number of members of Parliament and that would require, therefore, a reduction of the number of members in this Chamber. Members would probably expect, if the Assembly was increased to 61 or 63, this Chamber to be reduced from 34 to 25. That would lead to a reduction in the overall number of members of Parliament by either three or five, depending on whether the Assembly comprised 61 or 63 members.

Hon Greg Smith: Would the President have a vote in that case?

Hon J.A. COWDELL: That is a subsidiary question that could be decided one way or the other. However, it would require a redefining of the role of this House as, being reduced from 34 to 25 members, the House could not pursue a number of the functions that it currently performs. We would have to recognise that we would be a genuine House of Review; that is with no ministers, or with one minister to introduce government business. Clearly, if we were a House of 25 members we could not afford three, four or five members to be in the ministry and unavailable for the functions of the House in committee. Therefore, ministers would be removed.

We would need to recognise the new role of the Council and if we had five or six committees, the chairs of those committees would have to be remunerated on a similar scale to ministers of the Crown. Clearly, by this readjustment - and I do not know whether it would fit in with Minister Barnett's streamlining proposal - the Council would recognise that the Legislative Assembly is the House of Government and we are not. We would therefore have to give up the role of being closely involved with the Executive and restructure ourselves accordingly. That is one way of streamlining the system and it is probably something that the Australian Labor Party would look at with more favour, and have closer regard to, than perhaps the single Chamber with the two components.

However, there are options to streamline the system and I look forward to the start of that process by the introduction of the deadlock resolution procedures that I have outlined. I believe that they can be done simply and that the Government should proceed along those lines. We could look at the other issues of redefining the role of this Chamber; increasing the size of the Assembly; having all of the ministry in the Assembly; and, if we did not have ministers, having Assembly ministers here for question time when we would have the full array of ministers.

The opportunity presents itself with respect to the Government's pledge to have a people's convention to address some of these issues, including the constitutional issues. However, there is a range of reforms advocated by the Commission on Government - and some that were not advocated by the Commission on Government - that this Parliament could move on prior to a people's convention. We could usefully have a people's convention on 10 to 20 of the subjects proposed by the Commission on Government to receive advice from a popularly or partially elected convention. However, there is a range of things that we should do ourselves. As we fast approach the centenary of federation, I look, probably forlornly, to just the most simple advancement from the Government which would, of course, be a repeal of the Constitution Acts Amendment Act 1899.

Our Constitution is in two different Acts - perhaps more - and there is no reason it should not be consolidated in the one Act. Given the legal advice that we have received, and the problem of the entrenching provisions which apply to the 1889 Act, the obvious course would be to repeal the 1899 Amendment Act and insert those clauses which were still viable and were not obsolete, into the original Act - there are plenty of spaces there. The provisions such as those defining the eligibility of members of Parliament to sit, to continue to sit etc, as well as the 16 pages attached to the 1899 amending Act that specify the offices which preclude one from sitting in either Chamber of the Legislature, should go into the Electoral Act. It is simple to do and the Government should proceed along that line so at least we have a consolidated Constitution in one Act with the exhausted clauses gone, those clauses which are detailed electoral matters transferred to the Electoral Act, and the others transferred to the primary Act. Apart from that progress, the Government should look at streamlining the conflict resolution procedures between the Houses. It should then proceed from there to streamline the operation of the two Chambers in other ways. If the Premier-hopeful, as they say in the newspaper, is not convinced by these formulas, he could present a Bill for the abolition of this Chamber to the Chamber. If it were appropriately worded, it may enjoy the wholehearted support of this Chamber, depending on the circumstances.

HON CHERYL DAVENPORT (South Metropolitan) [8.02 pm]: I will confine my contribution on the Appropriation (Consolidated Fund) Bill (No 1) to two issues. It will be no surprise to the Minister for Finance that I raise yet again the home and community care safeguards policy following the fact that the questions I asked during the estimates committee hearing have still not been sufficiently resolved and the implementation of a compulsory fee begins tomorrow.

In the *Budget Statements* for this year, the implementation of the HACC safeguards policy is one of the major initiatives in 1999-2000 of the Health Department. The *Budget Statements* refer to the aim of the HACC safeguards policy to improve equity for clients, enabling consistent fee-charging practices and providing protection to clients and providers. I acknowledge that the policy tries to improve equity for clients. However, one of the glaring inequities it will create is that if two people in one household receive a service they will pay the same amount as a single person in a single household. That causes serious concerns to the Council on the Ageing WA, the Western Australian Council of Social Service and me. I acknowledge that it will improve equity to some extent because some service providers still do not charge a fee for service. Most of the fees are collected either through a fee policy that has been put in place by service providers or by donation. By far the biggest recipient of home and community care funding in this State is the Silver Chain Nursing Association, which receives 50 per cent of the annual HACC budget. All of its other money has been received through the donation process rather than an actual fee for service. As of tomorrow, 1 July, that will change and Silver Chain will also charge a fee, because that is what it must do to comply with the HACC safeguards policy.

I have raised this issue over the past two and a half years on a number of occasions in appropriation debates and in the Address-in-Reply debate. I said that it would be a problem if the preparatory work was not done in the lead-up to its introduction. In the estimates committee hearings last year, I asked when this fee for service would be introduced and I was told it would be 1 July 1998. That did not happen, because services were not prepared and could not implement it. That has not been the case this year. In the past two months, service providers were required to train staff and to be in a position to implement this change as of tomorrow. During the estimates hearings on 2 June, I asked the bureaucrats, through the Minister for Finance, a series of questions trying to get the Health Department to recognise that the community still had a range of problems to deal with.

One of the matters that has always concerned me about the implementation of this compulsory fee is that the consumers of this program - that is, frail aged people and people with disabilities, who are the major consumers of this service - have not been consulted. I understand to some extent why that is the case, because, while the Government is putting a policy together, neither it nor service providers want to frighten people. However, the people who will be placed in the position of paying these fees are, in the main, frail aged people and people who have disabilities. The difficulty is that the Health Department working group has been top heavy with bureaucrats and service providers. The only representation from consumers has been the Health Consumers' Council WA which is not at the receiving end of the service.

Hon Max Evans: Since the estimates committee hearings, have you had a chance to talk to the department?

Hon CHERYL DAVENPORT: The Minister for Finance suggested I attend a seminar that was held on Monday, 21 June. However, nobody invited me to attend. The agency that I chair had representatives at that seminar and they raised the questions that I asked here in the estimates committee, and still no resolution was found at that all-day seminar.

Hon Max Evans: I will see what I can fix up for the member. I have trouble with the Health Department too.

Hon CHERYL DAVENPORT: I will tell the minister the key areas of concern. I have evidence to back those from both WACOSS and the Council on the Ageing in particular. I placed questions on notice this week, because unfortunately the Minister for Health is not available all this week. The questions I placed on notice related to the fact that issues such as multi-agency fee collection and redistribution of fees were not resolved at the seminar. That relates to a particular instance where a number of service providers service one family or individual, and they are not all from the same agency. Last Friday a service provider in my region who provides only one service said he was very worried about this. The future for that service is a matter for concern because it does not offer a range of services and it will rely on someone else collecting and distributing a fee. It must be remembered that there is a cap in place and nobody who is on a full pension can be charged more than $20 a week, those on a part pension cannot be charged more than $30 a week, and it increases up to $70 a week for self-funded retirees who utilise this service. Who will collect the fees so that the cap is not exceeded? Who will redistribute the money so that that service provider does not go under? Those matters have not been resolved. They were not resolved at this seminar.

I also asked the bureaucrats from the Health Department how much they realistically expected service providers to charge. They have a sample list of fees that can be charged for various services, but it must be borne in mind that a cap of $20 a week applies for full pensioners. I will concentrate on full pensioners because about 92 per cent of the people who receive our services are full pensioners. If the service providers went the whole hog, they could charge the maximum amount before the cap cuts in of $86 a month. No service providers charge that much. Currently, we charge $25 a month for more than two hours' service over the full month. For less service than that, the charge is $10 a month. The agency provides the whole range of services, except nursing care. We provide home help for house cleaning, gardening and minor maintenance, and assistance with personal care, banking, shopping and hospital visits. Those are the sorts of services for which a compulsory fee will apply from tomorrow.

I was trying to elicit from the Health Department what amount it thought should be collected, because the potential is enormous. My colleague in the Federal Parliament, Senator Chris Evans, advised me today that he asked a question of the Minister for Family and Community Services in the Senate about how much Western Australia could expect to collect over a 12-month period for this fee for service. The answer was approximately $16m. We certainly do not collect anything like that now. About 52 per cent of service providers charge a modest fee for services. I wanted to find out what the Government's expectation of a service is and what we were expected to charge. If providers went to the maximum amounts, there would be enormous potential to increase the funds coming into the service. There is no doubt about the demand and that more people want to access the service. However, ethically and morally my service will not do that because that is not its purpose. It is an agency with a government subsidy that contracts to the Government to provide that service. We have always been encouraged to solicit donations over the years, and we have. Until five years ago we did not have a fee structure, and we put that in place because our service demands could not be covered by the government subsidy so we had to apply those fees. I am concerned that not everybody is as ethical about providing services, and there is a potential to raise a lot of money and cause a lot of pain to the people who should be the last to be subject to this kind of impost.

I was trying to find out, and I still have not found out, what is a realistic amount for the agency to collect on a weekly basis from its consumers. I realise there are a range of self-assessment tools in place when people say they cannot afford the service. As I have said in this place previously, I have some real concerns about that bearing in mind the number of elderly people using our services. A substantial number of our clients range from 75 years of age to 90 years of age. Those people need the service and if they refuse it because they cannot afford to pay a fee, even though there is provision to waive the fee, it will be either an impost on the acute care hospital system or impact on the need for institutional care. It is another concern that certainly has not been addressed.

I also asked the minister a question about the cost-effective fee collection infrastructure. Most agencies, because they have

been told they must charge individually for each service provided, will be involved in a substantial increase in administration in order to bill people. We send out a monthly bill for $10 or $25 and it is not difficult.

Hon Max Evans: Who will keep all the book work for sending these bills out?

Hon CHERYL DAVENPORT: It will be the service providers.

Hon Max Evans: Each one will keep their own?

Hon CHERYL DAVENPORT: Yes. There has been some debate about whether there should be a central collection agency to deal with the multi-agency problem.

Hon Max Evans: It will cost more than you collect.

Hon CHERYL DAVENPORT: Yes. There is certainly that potential. It is still of great concern to me and to many other service provision agencies that the expectations from the seminar on 21 June were not realised, and these questions are still not answered.

Hon Max Evans: I will try to get someone to see you tomorrow.

Hon CHERYL DAVENPORT: I do not know what they will say.

Hon Max Evans: You might educate them. That is what I am hoping.

Hon CHERYL DAVENPORT: I believe the Minister for Finance is genuine, and I am not raising these concerns for any political gain. We may have an absolute mess. Although I know that for new clients on 1 July it probably will not be so bad, by 1 January 2000 we must have this proper fees policy worked out and in place for existing clients as well. That is an added burden for us. I know that in my agency we will bring in any new clients on our current rate of $25 for more than two hours in any month, but by 1 October we aim to have sent information to all our clients explaining our new fee structure. We will have no choice but to increase our fees. I consider that to be a difficulty. I know we have not raised our fees for some time, but I do not think we will have any choice. There will be an expectation from Government and if we do not adhere to this policy and raise whatever funds can be raised within reason, we will be penalised because the Government can get at service providers like us by chopping our grant. It will say we have the potential to raise more money and we are not applying a high enough fee.

Hon Max Evans: They estimate that $60m in extra income will be raised.

Hon CHERYL DAVENPORT: Yes.

Hon Max Evans: That is only 30 per cent of $20 000 a week, or $10 on every $32 000. They are not collecting much money.

Hon CHERYL DAVENPORT: They do not now. I have said before that Western Australia is only the third State to pick up this compulsory fee policy. The Commonwealth has been trying to get the States to pick this up since 1996. The only State to embrace it wholeheartedly was Victoria. New South Wales, Queensland and South Australia have not embarked on this course. Tasmania did and it has been a disaster there because they use a voucher system through pharmacies. Imagine trying to apply that here. It would be terrific out in the middle of the Kimberley, with elderly Aboriginal clients trying to get to a pharmacy to get a voucher for home and community care services. That system is not appropriate for this State.

Hon Max Evans: They would go there the same as they get a scratchie for the lotto.

Hon CHERYL DAVENPORT: I do not know if it would be the same thing, minister. Having said that, I have information that the policy has been a disaster in Tasmania.

Hon Max Evans: What happens to the $60m they collect?

Hon CHERYL DAVENPORT: The Commonwealth has always said the States will not receive any growth from it other than in line with the consumer price index and the aim is for States to raise 20 per cent of the money in home and community care from fee-for-service.

Hon Max Evans: You collect that money and give more service.

Hon CHERYL DAVENPORT: That 20 per cent is how we will get growth. The fact that the other States have not embraced this policy shows there is a problem. I know there has been a reluctance by the department to embrace the policy in this State over the past three years. As I have told the House, it is a very difficult situation; we will be imposing this fee on very vulnerable people. I am concerned that other States have not embraced the policy and I wonder what will happen if we implement this policy and suddenly it is decided at the commonwealth level that the idea is no good because the States are not picking it up. There may be moves to try something else when we are just 12 months into implementing the policy with all its problems.

I know the Western Australian Council of Social Service met with the minister recently. It gave me a copy of the submission it made in May listing its concerns about this policy. I have raised many of those concerns before. Something WACOSS highlighted which I have not talked about is the need for some sort of compensation package, because there is no doubt that in some cases it will be difficult for smaller agencies to collect the fee. Bigger agencies will be able to collect the fee, but how can the smaller agencies be compensated so that they continue to exist and thrive?

Hon Max Evans: The big will be big and the small will not grow.

Hon CHERYL DAVENPORT: There is no doubt about that. However, in some small country towns, as Hon Bill Stretch will appreciate -

Hon Max Evans: He might be wanting them in a few years himself so you had better look after him.

Hon CHERYL DAVENPORT: As may we all. WACOSS's real concern is the timetable and the fact that we still have so many unanswered questions.

Nationally, the Council on the Ageing, in the June edition of its magazine, *COTA News,* talked about being a key player in policy debates. One of its major issues is the question of community care services. It states -

> Community care services are increasingly concentrated on high care need clients, especially those being discharged prematurely from hospital.

It goes on to explain that it knows this through the reports of service providers. I can vouch for that because many of the people my agency cares for have, in my view, been discharged from hospital prematurely. I have said before that on many Fridays the organisation hears from the aged care assessment teams or the Bentley Hospital about people who live in our area being discharged at lunchtime and who will not have any care until Monday unless we step in. Our agency provides a minimal six-hour service on Saturdays and Sundays and we pick up clients because Silver Chain will not. It has a 24-hour assessment process and these people would not be assessed until Monday lunchtime. Many of the community agencies pick up people through the early discharge process. The Council on the Ageing also identifies this problem from older people or other agencies contacting it and from existing research studies. The magazine discusses a range of policy issues, but the council has reached agreement with the Federal Government and is about to embark upon a range of preferred policy options. These are -

> More resources for HACC, as the problem is partly related to ageing population and increased demand. Resource levels not keeping up.
>
> Better resource allocation, eg change hospital early discharge practices to put greater emphasis on rehabilitation prior to returning home.
>
> Reduce government reliance on user pays for HACC funding.

That stand comes from the Federal Government's key umbrella body for aged people.

As I have said and continue to say, there are real concerns about this policy. Those concerns will not be helped by the introduction of a goods and services tax next year. We are still not certain whether all home and community care services will be GST free. We are talking about meals on wheels, personal care, home nursing and home help. I assume home nursing will be exempt as it is a clear medical requirement, but people have missed the fact that home and community care is not a medical model of service but a social model of service. Whether those services will be GST free has not been clarified.

Hon Max Evans: The $10 will become $11 and you will have to put in a GST return.

Hon CHERYL DAVENPORT: Yes, it grows like Topsy. The capping process, the $20, in this fee policy excludes meals on wheels. Meals on wheels must be paid for over and above the $20, as must transport, podiatry and home maintenance; none of those services is included in the $20 cap. On top of that, home and community care has a service provision called a community aged care package. It is for somebody who needs a range of care.

That is charged at $30 per week. Meals on wheels, transport and other such matters are in addition to that figure. Some of the services in the capping area would be additional. It grows like Topsy. It is still not clear.

If one has care in a day care centre for the frail aged, for which people attend at 10.00 am and go home at 3.00 pm or 4.00 pm, another charge applies. Therefore, it is not simply a potential of $20 a week, but $20-plus, which is a lot of income over a weekly period for people on a basic pension. I do not apologise for raising these important issues. We cannot get clear answers. I refer to services for two groups of people who are particularly vulnerable.

Hon Max Evans: Which part of the Health Department handles this area, or is it in Family and Children's Services?

Hon CHERYL DAVENPORT: It is Health's aged and community care area.

Hon Max Evans: Is it a federal department?

Hon CHERYL DAVENPORT: It is the state body. It is under the aged section of the Health Department. It deals with matters like institutional licensing.

Hon B.M. Scott: The feds fund it.

Hon CHERYL DAVENPORT: It is funded 60 per cent by the Commonwealth, and 40 per cent by the State. However, the State administers it. All the grants go out from the State, although, in effect, the Commonwealth has a big influence on what happens.

Hon Max Evans: What is new there?

Hon CHERYL DAVENPORT: A debate has taken place since we were in government in this regard. I remember having

discussions with Hon Keith Wilson when he was Minister for Health outlining that the area needed to be picked up by one tier of government. I do not care which one.

Hon Max Evans: If he had picked it up, we would not have trouble today; it is all his fault!

Hon CHERYL DAVENPORT: I do not think so. One of the problems with the commonwealth Department of Health and Family Services is that it has no contact with service providers.

Hon Max Evans: It has no patients and never sees a real person.

Hon CHERYL DAVENPORT: It does not see affected people. This area should become the responsibility of the State.

Hon Max Evans: The federal department should be closed down as we would not miss it.

Hon CHERYL DAVENPORT: I would not say that.

Hon Max Evans: You have spent the last 20 minutes telling me what it does not do.

Hon CHERYL DAVENPORT: There must be some way to do this better. These questions have been asked for the past five years, that I am aware of. It is a very vexed question. Meanwhile, we are dealing with vulnerable people; namely, people who are old, those with disabilities and their carers.

Carers in effect are those most likely to miss out on HACC services because the demand is for the more tangible services. I acquaint members with a carer's profile in Western Australia. The 1996 census of Australia indicated that Western Australia had a population of 1.8 million people, of whom 11 per cent were carers; namely, those providing care for another person. That number equated to 199 600 people, of whom 108 000 were women and 91 500 men. The proportion of males in the carers' population is growing . An age profile of carers in Western Australia is that 52 per cent of all carers are under 44 years of age, and 45.8 per cent are male and 54.2 per cent are female. The break down of age groups is that 27 500 carers are aged between 55 and 64 years; 19 500 carers are aged from 65 to 74; and some 11 000 carers are in the 75 years and older group. That speaks volumes about how much money Governments are saved through primary care givers for an ill, disabled or frail relative.

Hon Max Evans: What does your service pay people working on behalf of HACC?

Hon CHERYL DAVENPORT: We are funded, and their pay comes from that funding.

Hon Max Evans: Are they paid per patient, per hour or per day?

Hon CHERYL DAVENPORT: No. About three years ago, we were all asked to develop a unit cost outlining how much our service costs. They are very low paid workers.

Hon Max Evans: I thought so.

Hon CHERYL DAVENPORT: The home helps - someone who cleans a home - is on something like $10.50 an hour, and care aides are on about $12.50 an hour. We pay our workers in line with the Silver Chain award. The gardener-handyman is paid the equivalent of the Education Department gardener award. They are at the low end of the wages scale, and they take an enormous responsibility. People employed in these positions are carers in effect. Most of them work half a day or a little longer, and they cannot knock off at 12 o'clock on the dot, for example. They stay until they have finished what they must do with a client. We owe a great deal to people who work in that field.

Hon Max Evans: Indeed.

Hon CHERYL DAVENPORT: To be honest, I always feel very inadequate in my role in convening the home and community care committee. I think I could never do the work the people, mainly women, who work in this field perform. Many of the people receiving help will become increasingly frail. It is a very difficult area to work in, and society does not recognise well enough the contribution these people make to our community in the care they provide.

I want to touch briefly on an issue that has concerned me significantly. I am sorry that the Minister for Justice is on urgent parliamentary business and not in the Chamber. I hope that as he is working he will listen to my comments. Over the past 12 months I have had two quite serious complaints from two women who have been significantly discriminated against when training to become prison officers. I cannot say very much about one because a workers compensation civil case is pending. Obviously that matter is sub judice, which is why I cannot talk in detail about it. Suffice it to say, the injury that woman sustained in training has basically meant that she has had to leave the system. Given what she has told me, the injury relates to the treatment meted out to her during the training process, which was in my view particularly sexist.

The second woman was selected and taken on in November of last year. She topped the academic requirements for the course that had to be completed. She has said to me that she has basically cost the taxpayers the best part of three months' wages. She went through the training assessment and was ruled out for baton handling. She was told that she could go back and do it on another day. That did not eventuate. She was refused that second opportunity until she agitated for it. She was then allowed back into a subsequent course some months later. I find it absolutely fascinating that it took three months for the training school to readmit her and allow her to do the training. In both instances she was told that she would be going to the country when she qualified. On two occasions she got her home into order with the view that, as she would have to work in the country, she would go the week after the completion of the training.

On the second occasion she tried to do extra practice with batons and all those sorts of things. She talked to the people in

charge, who said it would be all right. They talked to somebody else who said that it would not be all right because it would be too dangerous to have batons outside where they were meant to be. The really interesting aspect from my perspective is that at the end of the process on the day the trainees were graduating she was told to see a particular person to learn what would happen with her and whether he would stand by his decision of last January. She was told again that it did not matter how often she practised, they would continue to fail her on minor technicalities. It seems to me that a power play has occurred all the way through this. She was told initially that she was not aggressive enough. I have had a range of conversations with this woman. She is one of the most assertive people to whom I have spoken; she is no shrinking violet. I find it fascinating that this sort of thing could happen.

She has told me that she wants this matter raised because she has concerns for other trainees. I am not prepared to mention her name but I am prepared to read from a letter that she has recently sent to Mr Alan Piper, the Director General of the Ministry of Justice, relating to this issue. She wrote -

> I was sworn in as a trainee prison officer 23 November 1998 - terminated Jan 99 by the ESG training school. Reason: not aggressive enough on the last afternoon of the E.M.I. (Class 94).
>
> After many months of persistence on my behalf and help from the union and PSSC dept, -

She was not sure what that stood for but she thought it was some sort of code of ethics committee between the staff and management. She continues -

> I was asked to re-join at the end of Class 96 to repeat the E.M.I. I was terminated again, this time by yourself -

I will not mention the name of the officer -

> - dated 18/6/99 on recommendation from Canningvale training school.
>
> During the last day of the E.M.I. Class 94 in January, all was well, until our baton assessment, I was singled out, harassed for the whole assessment, and later thrown to the ground by the same instructor on purpose as an example. It was noted after this that I wasn't well. Mr X said if you aren't well, you can repeat this day again tomorrow. I took all of this treatment as part of the training day (as a mental test).
>
> I said I could still do the last 1½ hours of the day. Mr X said show me as much aggression as you can and I'll be happy (I did). Later in the day I was told in the office by the baton instructor that he wouldn't pass me as I wasn't aggressive enough. "Casuarina has just rioted", he said, "they will rape you in a prison, you are a woman." Mr X agreed and said he would speak to the boss and see what could be done.
>
> I was also told by Mr X that by asking me to repeat the day, would only achieve running me into the ground.
>
> The next day I was terminated by Mr X and the manager of the training school. Reason: Not aggressive enough, and for refusing to repeat that day.

She had not done it, but there we go. She continues -

> This was 6th Jan. I spent months afterwards with the help of the union and the PSSC department, requesting that I may repeat the E.M.I. The ministry's H.R. finally decided to look after this matter inhouse.
>
> I was given the chance to do this on May 3rd after working only casual hours for a department store for months, while taking private training lessons to address the aggressive issue.
>
> I spoke to Mr X 2 weeks before the E.M.I. and said, "I would like to stay back with another trainee after school to practice self defence, as that day had been already done." Mr X said NO . . .

This photocopy of her handwritten letter is extremely hard to read. It continues -

> - that you are back, you will be fine with the E.M.I. You are too hard on yourself, and I will do what I am told to, "I will hold no grudge". The following day I was told by a classroom instructor, that the spotlight would be on me for the E.M.I.
>
> I was pleased with all the instructors during the E.M.I. However on day 2 after a long exercise blocking the bamboo strikes with the baton, my arm was bruised and wrist very swollen. The bruising became so bad the following day I reported it in Casuarina's training school accident book 20/5/99.
>
> On the last day (baton assessment) I was so determined to succeed I bandaged my arm and asked to wear a gym glove for further protection.
>
> End result of the day, was, not strong enough with my basic position "blocks".
>
> I was sent to Kalgoorlie for 2 weeks as prac. placement. I asked to borrow a baton to practice after hours, but couldn't for security reasons. Kalgoorlie were allowing me practice with their best baton person . . . until they rang Canning Vale. They were told "NO" that he wasn't qualified enough to practice with me.
>
> On my return I was re-assessed and left waiting for 3/4 hour until the assessor told me NO you just had a few things wrong with your . . .

The top of the letter does not appear on the photocopy. It continues -

> Mr X told me, it was his decision to say 'NO' to Kalgoorlie training, and his decision to have me assessed by different instructors. He said he still sticks by his decision of January, although my aggression levels were addressed now. He also stated that it was only because [a particular officer] thought everyone should have a fair chance, is why I'm back at all and it wouldn't matter if I practised 24 hours a day they would still find some technicality. He was going to recommend that I be not suitable to the "boss" and [the particular person who said I should get a fair go] agreed.
>
> Mr X said no one was allowed to practice the baton unless it was under his supervision with his ESG men.
>
> The following day . . . (union rep . . .) came with me for support. . . . offered to practice with me for 2-3 hours on his day off . . .

That was ruled out yet again. It continues -

> This was the day before graduation. I was in the classroom. I was taken out of the classroom and given only seconds to collect my belongings.
>
> This whole exercise was a total waste of taxpayers money. The power of one person, who refuses me any form of practice (in my own time). He had no intention of letting me succeed. He had to be seen doing the right thing by the department.
>
> I am convinced it's because I am a 50 year old female.
>
> For future trainees I suggest that baton use be a point of entry criteria.

It goes on. It is clear that this was a case of someone who had been singled out. Only two women out of 22 were in this particular course. The woman in the first case had been ex-Navy. These women are not frightened to go into an area like that. They have worked in non-traditional situations and have been treated very badly in this training process.

Two years ago when the Standing Committee on Public Administration visited the United Kingdom, we had the opportunity to talk to the evaluator of the first four UK prisons that were privatised. The interesting point in relation to that was that by employing an 80 per cent female work force, the costs of delivering a service within the prisons were reduced. They were getting an amazing result with prisoners. That is not advocating for a private prison. It seems that the culture locally is very much a male culture. It does not like the intrusion of women into the system. The woman to whom I referred in the second case does not show the Ministry of Justice, and in particular its training arm, in a very good light. I ask that the Attorney General look into it. If he would like to talk to me about this, I would be happy to give him further details.

Hon Max Evans: I suggest you speak to the minister afterwards and not rely on the speech.

Hon CHERYL DAVENPORT: Obviously this woman does not want to go back and I do not blame her. Why would she want to go back after being treated like that? However, both women hold concerns for other women who are seeking to work in that industry. On that note, I conclude my remarks.

HON TOM HELM (Mining and Pastoral) [8.53 pm]: I take this opportunity to round off my questioning of the Minister for Mines and the department of which he is supposed to have control. Hopefully he will put the whole thrust of what I have been saying together and maybe give some proposed direction to my remarks over a period. However, before I do that I will clear up a few myths and set the record straight in terms of my experience in the mining industry. The House would be aware that I started work for Hamersley Iron as a rigger in 1980. I worked in Paraburdoo and Dampier port site for six years. My experience in the mining industry was six years in the Pilbara. For how long did the Minister for Mines work in the industry to enable him to say that my experience is limited? During that time, from 1980 to 1986, we had many complaints - I was one of the complainants - about the Department of Minerals and Energy and the resources and activities of its inspectors. The inspectors who worked for the department always appeared to be overworked and under-resourced, even at that time. I readily admit that I am talking about the period in which the Labor Government was in power in this State. I am not being particularly political about this as I am attacking the Government of which I was a part for a large amount of that time. I will point out where the differences may lie between then and now, and that is not necessarily to do with politics. We pointed out on that occasion that there were problems. The workmen's inspector, a man called Paul Jones who has since died, was a man whose dedication to the job and experience in mining was second to none. He covered the Pilbara and the Kimberley, mostly without complaint. The only complaint was that he could visit mines only once or twice a year because it was difficult for him to travel around the area from the Argyle diamond mine to the Telfer goldmine, and all the goldmines and mineral deposits in between. He had a ute with a bed in the back, which was his house, his method of transport and his dining room. It was his home away from home. He would take his guitar and pipe, hit the road and sleep by the side of his truck. He gained a great deal of respect from the miners who saw him trying to do as good a job as he could with the limited resources at his disposal. That is my experience. On that note, I also inform the House that I have no ambitions for the shadow ministry that is presently held by Hon Mark Nevill; in fact, he is doing an excellent job as the shadow spokesperson for Mines. I have every intention of fighting whomever I have to fight to get the job off the present Minister for Mines. I cannot wait for the opportunity to see him knocked off, and I would like to be the one who replaces him at that time. At this stage, it is fair to say that Hon Mark Nevill, the member for Eyre and I see this project as one, and we would like to see something of a positive nature done to improve things across the board in the industry.

I also take this opportunity to talk about my friends, Steve and Ray Kean, who are Kalgoorlie father and son prospectors. I have not known them for very long but I do know that they have been battling with major mining companies in the goldfields area. They are small prospectors who are scratching for a living and who are having great difficulty with the mines department implementing some sections of the Act that prevent them from earning the living that they deserve. I do

not represent them all the time when I am in this Chamber but I certainly represent them when I ask questions on their behalf. I am willing to do that, as all members are obliged to do on behalf of their constituents. The Keans have never been offered, neither have they asked for, any compensation from Kalgoorlie Consolidated Gold Mines Pty Ltd, which was put around the place by the present Minister for Mines. I have a letter from the general manager of KCGM saying that those rumours have no basis whatsoever. All the Keans want to do is prospect the country that they have been prospecting for most of their lives, and the subject of compensation is irrelevant. I also make it clear that my attack is not on the mining industry. When I worked for Hamersley Iron it was probably the best employer that I had ever worked for at the time. I would not say that now because it is obviously an anti-union mob. It was not then, and it certainly was the best employer I had ever worked for.

I make no comment about any other mining company in the sense that it is not for me to criticise them, and I have no intention of doing that. In fact, I think I was one of the first to praise the minister for putting in place the facility to make the industry more effective and efficient. I would certainly help to do that if I could. My complaints are always aimed at the Mining Act, at the Department of Minerals and Energy and at the tired old way in which this minister, as a member of a tired old Government that is about ready to roll over and go away, conducts his business with a tired old department. The Labor Party is quite prepared to step into the Government's shoes.

I wanted that to be understood as a preface to my remarks tonight. I want to concentrate on the petition that members would be aware I am sponsoring in this State. The petition has gone out to the goldfields. It is in the Murchison, in Eyre, in the Kimberley and in the Pilbara. People tell me that I will be picking up some signatures at the weekend when I go to Kalgoorlie. I will present that petition to Parliament in due course.

The petition, of which I am proud to be a part, is asking for an inquiry to take place into the Department of Minerals and Energy. I and my colleagues are now in the process of putting together terms of reference that we hope will address some of the issues that I have raised in this place, which will help to make the department more relevant to the industry going into the twenty-first century. The department is badly in need of a shake-up and it is badly in need of some assistance in providing a safe working environment, as well as an environment that is safe for residents who live in mining towns. The petition aims to give fairness and equity across the board to miners, whether they be big or small.

Before I address the terms of reference of the petition and deal with them in some detail, I will make a few comments about the document which was dated May 1999 and which was tabled by the minister in answer to a question from Hon Greg Smith last month. The question from Hon Greg Smith was -

> In recognition of the current difficulties being faced by the mining industry as a result of the unworkable Native Title Act provisions and lower commodity prices, what additional measures has the State Government implemented to assist the industry?

The answer details about 11 initiatives, on which I would be the first to congratulate the minister, which could go some way towards making the industry more efficient. I point out that there are provisions which will tie up more gold-bearing country in the goldfields. When the expenditure provisions are part of the lease, the minister has allowed for the cost of Aboriginal heritage surveys, and he has allowed for fees and charges to local shires. The minister listed a number of items. However, the last item is the one which concerned me the most, because it is a misleading document called the "DME protocol to facilitate Native Title negotiations". In the protocol, the minister said that he had consulted widely with Aboriginal representative bodies to ascertain if the protocol was a workable solution to what Hon Greg Smith described as the unworkable Native Title Act provisions.

I checked around to see what administrative bodies had been consulted, and I could not find any. I found some that had been presented with the proposed document. However, they had not been asked to comment. I wondered if this was an example of how this Government sees negotiation in good faith; that is to say, a document is shoved under somebody's nose, and that is negotiation in good faith in the Government's eyes. If that is the case, it makes a mockery of the document in that sense.

It is also interesting to note that the Aboriginal Legal Service of Western Australia had not seen this document. Pat Dodson, who is recognised as being the negotiator with the Government for and on behalf of the WA indigenous working group, had not seen the document. Therefore, the document may have been seen by some groups, but not by the recognised peak bodies and the person whom the Government recognises as being someone with whom it should deal in these matters. I am informed that the Deputy Director of the Chamber of Minerals and Energy of Western Australia expressed an off-the-record comment that he was nervous about the content of the protocols.

It is an ad hoc document which sails closely to the provisions of the Native Title Act, of which we are all aware. Therefore, the document does not offer anything different from what the Native Title Act provides and what the courts have already provided for. However, it is a dangerous document in that a small mining company which wants to use this document as a guide for its negotiations with Aboriginal landowners could quickly find itself not expediting matters; it could find itself in court. If a mining company followed the advice of this document, it would be in court and it would be up for a few bob before it got anywhere near the lease to do any work that it wanted to do.

Therefore, one must be aware of the fact that the words "good faith" are not used in this document and that the comments that are contained in it can have the opposite intention from that wanted by the minister. One would have to be careful in implementing the advice provided in this document in terms of what good faith implies. Good faith does not imply somebody starting negotiations at A and finishing at Z, and thinking that because that is what has been done, it has been done in good faith. If one then applied for a determination under section 35 of the Act, stating that one had done everything possible to achieve a resolution of the problems, the court would definitely throw the case out.

I believe the minister is trying hard to make the industry more efficient, particularly during this downturn in the gold price. He would probably do better to convince his cabinet colleagues that the gold royalties should be deferred until we get a decent price for gold. That would be more helpful, rather than putting out this rubbish and saying that was his attempt to help the industry. He mentioned in this document the Mining Industry Liaison Committee, which purports to help the minister reach some conclusions about how the industry can best be run. The prospectors part of MILC is less than satisfied that it gets a fair hearing, because it is the small fish in the big pond that represents that industry grouping, and it complains bitterly that its concerns are rarely heard and it is a matter of the minister having a group of people who give him the answers that he wants rather than the answers that are good for the industry.

I am a contributor to *The Datum Post*, the magazine of the Amalgamated Prospectors and Leaseholders Association of Western Australia Inc. That association makes some biting comments about its advice to the minister and is trying to get the minister to bring in, as he promised to do on a number of occasions in this place, a set of circumstances that will allow prospectors and miners to go on to leases that are presently being quarantined by exemptions from expenditure provisions. I have mentioned in this place previously, and it is appropriate to mention it again now, that if we were to free up the hundreds and thousands of hectares of country between Esperance and Broome to small prospectors, it would give them the opportunity to take their metal detectors over that country and pick up the nuggets that will provide them with a living rather than bury those nuggets for ever under the overburden that comes from the open-cut mines that those major leases seem to attract.

I turn now to the reason that there should be an inquiry into the Department of Minerals and Energy. It becomes increasingly apparent every day and from the comments that I receive from people in the industry, particularly but not exclusively in the goldmining industry, that miners and residents have fears about the number of accidents and near misses, and about some of the deaths that have occurred in what have been described to me as avoidable circumstances. There is a need for an inquiry because of the major changes that have taken place in a short time in the mining industry. One of those major changes is the reduction in the influence of the trade union movement. Members know how I feel about that, and I do not want to be contentious and express my views, but that is what has happened, and that change must have some effect on how things are carried out. People will say that the industry is now more efficient and more tonnages are being shifted, etc, and that is true, but the implementation of shifts of 12 hours, and more, the implementation of people working alone for 12 hours, and more, the implementation of practices in this industry that did not take place previously, and the implementation of new mining and explosives techniques, where specialists are brought in from overseas to carry out those techniques, is far different from the situation that existed 10 years ago, yet the department seems to have stood still. I do not want to pre-empt any inquiry that may take place, but the evidence suggests that the department is not keeping up with events, perhaps understandably so. I have no view about what can be done to change those circumstances. Therefore, the first thing we need to identify in this inquiry is where changes should be made.

It was brought to my attention today that the mining industry brags about, and rightly so, the reduction in the number of lost time injuries and deaths. However, we still have the situation in which the mining industry employs about 4 per cent of the working population of this State but accounts for 50 per cent of the deaths by accident in this State. It was also brought to my attention, although I cannot confirm it, that although the number of injuries and deaths has reduced, the number of compensable accidents has not been reduced, and a greater amount of compensation is being paid out now than was the case previously, so there seems to be some discrepancy in the information that we are receiving. I make no comments about that either, except that an inquiry should examine that matter to see why that is the case. Some people say that for insurance purposes, companies will do what they can to prevent people from taking time off because of injury. There is a good side to that. When I was injured at work and had to take time off work, I was depressed to the max. I was not very happy at all. I hate to say it, but obviously I must be some sort of wages slave, because if I am not working I get toey. Perhaps if people were allowed to go to work and do light duties rather than be a lost time injury statistic, that would be good from the worker's point of view. It would also help to reduce insurance premiums if companies were not making claims on insurance companies. That may be a good thing, and we may need to look into that in more detail.

The inquiry should give people the opportunity to present themselves to it with evidence that can be heard in the open and that can be challenged and tested in public. People come to me now and I try to raise the issue in the Parliament, and that is the next best thing, but it is not quite the same as requiring a person to stand before a number of people of different political persuasions and present a point of view. It would be a good opportunity for the Trades and Labor Council of Western Australia to present to the committee of inquiry and talk about the things to which it has been exposed, particularly Bob Bryant, who is its WorkSafe representative. Bob is probably the instigator for my getting involved as deeply as I have in these matters, because of the number of deaths that have occurred recently and the inquiry by the Department of Minerals and Energy into those deaths. Those inquiries opened a Pandora's box, and in a number of instances they caused great concern, not only for working miners but also for residents in places like Williamstown, Greenbushes and Wagerup. It will be interesting to see the TLC and others appear before the committee to give their perspective of how the Department of Minerals and Energy is not carrying out its duties, whether through intent, laziness, incompetence, inadequate acts, or lack of funding. I do not know, and it would be interesting to hear what they had to say at that time. As I said before, I understand an inquiry has been undertaken into the allegations that the liquor burner at Wagerup was causing pain and discomfort to Alcoa workers, but not only that, that the discharges from the liquor burner were affecting the people and their houses and cars. Those people have appeared before the committee and it will be interesting to see what its finding are because it seems to me, as in most things that the department is involved in, that it brings in the Health Department and the Department of Environmental Protection on certain matters.

The committee might be interested to hear from the people of Williamstown who could show videos; one video in particular that I have seen was of a seismic event that took place in Williamstown in which an explosion occurred underground.

Something in the order of 500 000 tonnes of rock were blown in one explosion and microseconds later there was a seismic event. Cups and saucers could be seen jumping off shelves, and the television and video player moving. I was taken to somebody else's house and to their dunny outside, which was constructed of nine-inch-thick reinforced concrete. I would not like to have been sitting on it at the time; although it did not break, it had a huge crack down the middle of it. I was taken to houses that had been shaken off their stumps. KCGM advised us that an explosion of that magnitude would take place in its Mt Charlotte mine. I suggest that it did not know that it would create a seismic event of that nature. The people of Williamstown deserve the opportunity to appear before a committee to explain how they have been affected by the dust and noise of underground mining in the vicinity of the town. Some of the people have been there for 60 or 70 years and have never been affected to the extent they are now. They would like to explain to the committee their fears about the two open-cut mines proposed for the area of Williamstown and the fact that there will be some gigantic pillar blasts, which they have been assured will not produce any fly rock. That will produce dust to an extent. I would not like to have lived there at the time; in fact I would not like to live there now because of the noise, the dust, the trucks and being on a road that is the only way out east of the Kalgoorlie area. The Williamstown people could place their complaints before the committee with a view to seeing if the Mines Act is being breached, because we contend and some of them contend that their houses are within 100 metres of a mining activity. One person's land on which his house was situated was pegged by the mining company, and one corner of his land disappeared. Either there is no way that the mining company accepts the fact that this mining is taking place within 100 metres, or the Act is deficient and cannot be enforced to give those people relief. Most of them want to stay in Kalgoorlie and I think they may be transferred elsewhere.

A committee of inquiry might like to listen to the prospectors of the goldfields. I have not spoken to every prospector, but those to whom I have are concerned to some degree at the minister's inability to do anything about the exemptions he grants, seemingly at the drop of a hat. It would be interesting for the committee to examine the Mines Act and determine whether the minister should have the power under section 102 of the Act to grant exemptions for mining or exploration for a whole range of reasons, including any that the minister feels fit. I am not being critical here; there might be a perfectly good reason, but I do not accept that exemptions should be granted because the mining company may spend hundreds of millions of dollars on a prospect; I do not think that is fair. I think there could be a way of allowing prospectors to go in with their metal detectors to get the nuggets that are on the surface of the mine before the open cut takes place, which is usually the case, or burying those nuggets forever. There may be other reasons. I am not pre-empting the outcome of any inquiry by saying the changes will take place necessarily. There could be a perfectly good reason, and I think the prospectors need to see that.

I should mention at this point that Hon Julian Grill has been the member for Eyre for a long time. He has been successful in having the City of Boulder put an exclusion zone around the Superpit because of the problems that the people in the area either were or were about to suffer because of that mine. It is fair to note that Mr Grill is having a harder time servicing his constituents in the same way now. Who knows whether it is because the Act is deficient or for other reasons, but his success in Boulder has not been repeated in Williamstown; it certainly is not for the want of trying. The opportunity must be taken to have people appear before the committee to point out the number of breaches of tailings dam walls. It is easy to see the number of trees that are dead around those breaches; it is even clear for someone like me who does not know very much about the gold industry. If a person sees a hole in the wall and some liquid pouring from that hole, and he sees a half-circle of dying trees where that liquid is coming out, he might form the conclusion that the trees are dying because of the liquid that is coming out of the wall; but maybe it is something else - maybe it is life.

One must also wonder about those environmental concerns with tailings dams that may contain more than just very saline water. I understand some tests have been conducted and that certain chemicals have been found in the water that can cause great distress to trees, let alone to people. The prospectors and small miners might want to ask the Department of Minerals and Energy why it appears that they must comply strictly to environmental laws, yet the major mining companies need not; in other words, in the goldfields, many examples can be seen of trees that have been chopped down or had their canopies destroyed by hand. They flout the provisions of the environmental responsibilities under the Mining Act, of which mining companies should be aware. An inquiry would present a good opportunity for people to ask about the effects of those breaches and why the Department of Minerals and Energy is either not dealing with them or not giving a reason that they are not being dealt with. It would provide an opportunity to examine the attitude of the department towards health and safety. The whole issue of health and safety needs some sort of structured approach.

As the footballer Glen Jakovich in the role of WorkSafe Sam says, "Spot the hazards, assess the risk, and make the change." It would be interesting to see what any witnesses before such an inquiry would make of that. I can recall an article in the newspaper a few months ago about one of the latest deaths in the industry. I have not yet read the final result of the coroner's inquiry. However, it revealed that one of the techniques in the mining industry has recently been altered. The change means that the person who is firing the shot may not be the person who sets the shot. In that case it was not that person. The miner had drilled his holes and set the fuses and for some reason had left the face and driven off in his ute to another place. When the shift boss came to the face and saw that the charge had been set, he fired the shot just as the miner returned to the face. That miner was killed instantly; he was blown from the face underneath his ute, which landed on top of him.

To someone like me who is inexperienced in underground mining, the obvious procedure would be that the person who put the charge in the hole would have fixed the shot. That appears not to have occurred in that case. I have not seen what was the outcome of the coroner's inquest. That change of technique may be efficient and logical and may make the best use of manpower. However, surely some procedures should be implemented which are strictly monitored and adhered to and over which an impartial umpire adjudicates.

I firmly believe that the Department of Minerals and Energy has insufficient inspectors and resources. I do not hear the department complaining too much about the budget being reduced, so perhaps that is part of the culture. Perhaps when that

matter comes before the House, and I hope it does in the fullness of time, we will support a motion to conduct an inquiry into the Department of Minerals and Energy.

I also counsel members that an argument will be made to run an ongoing inquiry into the deaths in the mining industry. Many reports on health and safety in that industry have been written by consultants. I am not being disparaging about that because I know that the union movement was, and is still, heavily involved in inquiring into accidents and deaths in the mining industry. However, they have been deficient for one reason: We see health and safety matters as being distant from the department. It may be possible to fix them, but when the results are published, conclusions made and recommendations acted on, they are being implemented in a work environment that has not changed. I would like this Parliament to conduct an extensive inquiry with a fresh set of ears; in other words, I would like my parliamentary colleagues of whatever political persuasion to listen and to probe because, frankly, even though people say I am inexperienced in the gold industry, I believe I am too close to the industry to make an objective assessment of it. However, I know there are aspects which ail it and to which we must pay attention.

I thank the House for its time in allowing me to make this contribution. I hope the House is able to take in some part of what I have had to say. I hope the House does not believe that because I am a trade unionist I would automatically have it in for mining companies or that I would automatically want to take a stick to the industry; that is not the case.

Hon Max Evans: They do provide jobs for workers.

Hon TOM HELM: And they provide it to their best ability. I have to say that, particularly with gold prices being so low, it is a very difficult time for the gold industry and goldmining companies to provide a return to their investors. That is why the Australian Labor Party is not kidding and not making a political point when we say it might not be the best time to implement a gold royalty. The minister has displayed in the document that he tabled in the House the Government's line in trying to alleviate the difficulties faced by the industry; and it is doing a magnificent job under extremely trying circumstances. The industry's heart must drop when we lose a cent on the price of gold. I know it has forward sales and to a large extent that is what is saving the industry now. Nonetheless, the industry and the work force are cutting their costs to the bone trying to produce gold from the ore body that may be producing three grams to the tonne and six grams to the tonne sometimes. I am blowed if I know how they do it. However, I doubt whether there could be more efficient mines anywhere in the world than our mines in Kalgoorlie. They therefore do not need any additional pressures from anybody, and that is not what I intend them to be. I intend them to be level playing fields that are equitable and as environmentally safe as they can be. Mining is a hazardous business from the environmental, health and safety points of view. No matter what we do, it always will be. However, I wonder whether we are up to the challenge of matching today's mining techniques with today's expectations of damaging the environment, dust suppression, fly rock and those types of things. I do not know whether we are. I do not think we are, which is why I say an inquiry would be useful. However, the costs of the inquiry would be borne by the people of this State, whoever carries it out, and it would be something that we could look at from an arm's length. I want to ensure that people understand where I am coming from in this matter. If someone wants to challenge my bona fides or my motives, I am here any time; I will never run from that challenge. However, it has been with me since I began working in the industry nearly 20 years ago. I know I have been in this place for 13 years but I have been in the Pilbara for 20 years and I believe I have learned enough to know that I should be concerned about those things. With those few words, Mr Deputy President, I thank the House for giving me its time.

HON BOB THOMAS (South West) [9.40 pm]: My remarks will be relatively brief but eclectic in nature, because I want to cover a number of issues. I compliment the Minister for Racing and Gaming for belatedly making some good changes to the Totalisator Agency Board. The minister will remember about four or five years ago I wrote to him a number of times saying that I was astonished that in this day and age we had to telephone separate numbers to get information about horse racing events. Basically, if one wanted the results of various races, one needed to ring individual 0055 numbers. The TAB was probably the only organisation in the world which did not have one point of entry.

Hon Max Evans: It was old technology.

Hon BOB THOMAS: That is right. I believe that some of the letters I received back from one of the members of the minister's staff were gratuitous, and did nothing to resolve the problem. However, the TAB now has a much better system by which one can telephone and nominate on one's telephone key pad the meeting and the races and obtain the information. This is a step in the right direction. I must admit that I am punting less and less these days. However, those of us who have a wager like to hear how it has gone.

Hon Max Evans: In those days we had no manager of telephone betting; it ran itself and no-one cared about it. WA had the lowest percentage of turnover on telephone betting by a long way; 8 per cent compared with 30 per cent in Victoria. It is improving now. Victoria has improved because the eastern States have Sky Channel.

Hon BOB THOMAS: The good thing about the system is that we can push button 4 to take us automatically to an operator, and the wait is only a few seconds. We are not put into a long time-delayed queueing system. We only wait a few seconds and the operator takes the call and provides the information. Most other queueing systems make one wait a long time. The TAB must have the correct number of staff, because I doubt I would wait more than 30 seconds in that queue system. I want to compliment the minister for taking the initiative to do that.

I raised another point when we were in government in 1991-92. I indicated that the TAB was not marketing itself properly. I gave the example that the biggest phenomenon in Western Australia at the time was the West Coast Eagles, which had a huge membership, particularly among women. I felt that one of the best products of the TAB was the Footo, through which one could bet on the football. One can nominate the team that wins and the margin by which they win in brackets of three

points. Let us say it is the Eagles to win by 45 points. That is, 43, 44 and 45 points at $1 a unit. Very few people in Western Australia would not be interested in one of the major football codes and would not have a team that they follow avidly. Footo is a product which would appeal to people and bring people into the TAB. Once they are in the TAB they can then be exposed to all of those other products that are available. I used to religiously back the West Coast Eagles to win by 43 to 45 points because that is the margin that usually pays the most. Last weekend the Eagles beat Geelong by 44 points, and the dividend for $1 outlay was $36. For $2, which is my usual bet, I would have won $72, but I did not do it this year. That is a great return for a very small outlay, and it is another way of maintaining an interest in football. It is a product that should be marketed much more widely than it is. It will bring new demographic groups into the TAB and expose them to a range of other products which they may find interesting.

Hon Max Evans: When we come back next session the fixed-odds betting will be available on football games. Somebody said to me that the form guides in the TAB shops are hard to understand.

Hon BOB THOMAS: They have changed and they are harder to understand, even for someone who is initiated in this.

Hon Max Evans: I must mention that to someone.

Hon BOB THOMAS: The new format is difficult to follow for somebody who is experienced in these matters, and I shudder to think what a new punter would make of it.

Hon Max Evans: I will take it up again.

Hon BOB THOMAS: I meant the guide which allows people to have a bet on the footy scoop, where the punter nominates the winning teams. It is an eight-game pool for the Australian Football League and a 12-game pool for the AFL and Westar Rules. Sometimes, when roughies win, it pays more than $1 000 for nominating the winning teams. It is much more complex than it used to be and if somebody walked in for the first time it would be hard for them to work it out. Something should be done about it. I give full marks to the TAB for improving its telephone information service. It is a 100 per cent improvement.

Hon Max Evans: Do you get *TABForm*?

Hon BOB THOMAS: No, as a matter of principle I do not buy it. I feel it should be provided free of charge because it always was in the past. It should be provided as a service to punters. It is a good publication.

Hon Max Evans: It has a good circulation and it is getting better. The journalists at lunch today said that soon the information will be on the Internet for nothing.

Hon BOB THOMAS: Sometimes when I am in Manjimup I go to the PubTab in the Peos brothers' hotel and they provide courtesy copies of the newspaper. I read it then, and it is pretty good. Last year and this year I have not invested too much on the nags, and that is principally because I have other responsibilities elsewhere within my electorate. Financially, I am bleeding and I do not have the funds.

Hon Max Evans: It is wise not to chase your bleeding problems with gambling. It only gets worse.

Hon BOB THOMAS: I have not had time to read form guides but I know they provide a lot of good information.

Another issue I address relates to a question I asked earlier this month. It is already the subject of an adjournment debate by Hon Kim Chance, and relates to salinity levels at the Wellington Weir in Collie. Over the last 20 years or so, through a good integrated catchment management program, we have managed to reduce the salinity levels at the Wellington Weir, which used to provide water for the great southern region. Once the water became unpotable, the Harris Dam had to be used. Through good management, the salinity levels have been reduced and they have been about 600 parts per million in the past couple of years. At one time they were as low as 400 parts per million, which makes the water potable. However, last year the scouring valve at the base of the weir malfunctioned and during winter the Water Corporation was not able to scour the salt slug which forms in the bottom of the weir.

Hon Max Evans: What happens? Do all the people below the dam get salt water?

Hon BOB THOMAS: No. They keep the irrigation dam sluice gate open and it runs off to the ocean.

Hon Max Evans: I wondered about that when I was answering your question before.

Hon BOB THOMAS: Over summer, the surrounding land dries out and the salt comes to the surface. The winter rains wash the salt down. It has a higher specific gravity and forms a slug of water on the bottom of the weir and against the wall. When the irrigation system is not working in winter, that slug of saline water is scoured out. That is usually done at this time of the year. As the valve was not working, the Water Corporation was not able to scour the salt water. As the water temperatures rose during spring and summer, it mixed with the rest of the water and the salinity levels rose. About 300 farms below the weir in the Harvey-Brunswick area are on the irrigation system. There is a sluice gate and two channels and the water is regulated from there. The farmers were monitoring the water and found that the salinity levels were as high 1 250 parts per million in January this year. At 500 parts per million it kills off pasture and that is what happened. The farmers had to apply significantly more fertiliser and nutrients than usual to maintain their clovers. Therefore, this faulty valve had a two-fold detrimental effect; the salination of the prime agricultural soil and more nutrients entering the environment because of the need to maintain the clovers. I asked a couple of questions and fortunately the Water Corporation has done something about the problem. A draft report provided to the Water Corporation in May of last year indicated there was a problem but it was not until I began asking questions at the beginning of June this year that the Water Corporation did something about it.

Hon Max Evans: Is it the same valve that takes the salt water out that runs the irrigation in the summer?

Hon BOB THOMAS: I do not think so.

Hon Max Evans: I wondered why it worked for part of the year and not another.

Hon BOB THOMAS: It would not be. The Water Corporation will take 8 gigalitres of water out of Harris River and put it into the Wellington Weir in the hope of reducing the average salinity. The Water Corporation has now fixed the problem, it has fixed the valve and will start scouring next week. The Water Corporation will give the Brunswick-Waterloo irrigation district committee - the name of which I have forgotten - a briefing next week and explain the package designed to address this serious problem. I am keen to see exactly what the Water Corporation will do about this problem.

Hon Max Evans: Tell the canoeists to go down and slalom down the water.

Hon BOB THOMAS: That is interesting because back in the late 1980s we had the south west games and held rowing on the Wellington Weir but it was the worst weather possible.

Hon Max Evans: Hon Barbara Scott knows all about that but she is not here. They held the Australian championships there and wiped them out; the whole meeting was cancelled. A storm hit like a cyclone.

Hon BOB THOMAS: It was so unseasonal. It is a pity because it is a beautiful setting and it would be magnificent if we could have that sort of competition there regularly. I canoed around it a bit when I was younger and went marron fishing when we used to catch big marron down there. It is a beautiful setting.

Hon Murray Montgomery: Did you have a licence?

Hon BOB THOMAS: Yes, I always had a licence. I was serious about it. Even in those days, I believed that more needed to be done to police the recreational fishing industry as many marginal operators were causing a lot of damage. I condemn anyone who fishes without a licence there or takes undersize marron. I appreciate that the Water Corporation has done something with the scouring valve, but it should be kicked in the pants for not doing something sooner. We have an environmental problem which should never have arisen and which will take time to rectify. I am keen to see the total package.

I now address briefly the Bunbury power station, which has been operating in Bunbury for about 50 years. It is in the Bunbury Port Authority area, and the station is being retired over the next couple of months. As part of the package, 250 workers will be lost from Western Power in the Bunbury-Muja area.

Hon Max Evans: It is not 250 from the Bunbury powerhouse.

Hon BOB THOMAS: I referred to Bunbury and Muja, with 35 or 36 workers lost in Bunbury and the rest from Muja. The philosophy is that by reducing the number of employees, we will lower the cost of power; therefore, industry will become more competitive and all the market forces will create more jobs in the south west. That is madness and folly. It does not work that way. We will lose 250 pay packets out of our local economy in Bunbury-Muja, and fewer people will spend. Some people will leave the district to find work elsewhere. As a result, the workers, their spouses and kids will leave, and the area will qualify for fewer teachers, police and other such services. Also, when people spend less money in the community, local businesses will have less money passing through their tills and businesses will be pressured to reduce their employment levels. Businesses will employ only as many people as they need to service their clientele. This decision represents a negative spiral affecting businesses in Bunbury and Collie.

The decision is short-sighted for a number of reasons. First, the productivity of workers in that industry has increased significantly over the last few years, and it is not necessary to put them off. More importantly, the demand for power over the next six years will probably increase by 50 per cent. As demand increases, demand for skilled tradesmen to work in the power stations will also increase. However, the area will have lost these skills because of the redundancy package. The many young people involved will move away, and it will be increasingly difficult to bring people back into the industry. It is a negative decision which will be good for no-one.

I am critical of the decision to close the Bunbury power station, which is a backup power station. It has been brought on stream over the last couple of years as a result of malfunctions elsewhere within the grid. It is criminal that 36 or so employees will lose their jobs. I understand that the decision has been made. I urge the Government tonight to take a good look at the package put up by the blokes at the Bunbury power station. They propose something slightly more expensive than the package offered by Western Power. However, we must take into account the fact that the youngest of those men would probably be Dave Batterick and Tony Francis, who would be in their forties; the rest would be in their fifties and would be lost to the industry. Many of those people would not be able to find another job because of their age and because many of them are settled in the area and would not want to move away. It is incumbent upon Western Power to have a look at the package that has been proposed by the work force. They are realists and understand that there is no hope that the power station will stay open. It would be in everybody's best interests for Western Power to have a look at it.

I will summarise the package. It provides for a supplementary payment of $75 000 to each employee who leaves within one month of the offer, 24 weeks' payment up front, a payment of $3 000 for each year of service, an additional $2 000 for those who are over 50 years of age and an additional $2 000 for anything over 20 years' service. The package should not exceed $200 000. They believe that they should be able to take into account all their unused leave, including sick leave. Some people may feel that that is an ambit claim, but people there have put in decades of loyal service to Western Power and are now being chopped off at the knees and told, "Thanks for everything in the past, but we do not need you any more; you are

expendable. Goodbye. We will give you a few scraps from the table." The package that is being offered is inadequate. I want the Government and Western Power to look very carefully at the package proposed by these men. If the Government does not accept it, at least it could speak to these people and perhaps find some common ground.

I want to touch briefly on a couple of other issues. They relate to a number of issues that I raised in an urgency debate six or seven weeks ago. The urgency motion dealt with the Government's lack of vision for Bunbury. I put forward an argument that is widely held within the Bunbury community and especially by many of the opinion leaders in Bunbury that this Government has done nothing for Bunbury. When all of the projects which were started under the Bunbury 2000 or the Better Cities programs come to an end, there will be very little that this Government is doing to provide for the social and economic infrastructure needs of Bunbury. The Government has no vision and nothing is happening.

Hon Max Evans: What about the hospital you tried to stop?

Hon BOB THOMAS: We started building the new hospital. We did not agree with the collocation proposal. We had spent money on planning and the initial earthworks stage of the new hospital.

Hon Max Evans: It is not a bad hospital, come on!

Hon BOB THOMAS: The minister will hear more about issues relating to the hospital over the next 18 months.

Hon Max Evans: I know you will stir that up, but it is not a bad hospital.

Hon BOB THOMAS: The private, St John of God part of the hospital is excellent. Anybody who goes there will get first-class service.

Hon Max Evans: Six years ago you guys crucified the idea of getting the St John of God hospital.

Hon BOB THOMAS: I still think that we should not have a collocated hospital. The State Government should run public hospitals. A sovereign responsibility of government is to provide public hospitals.

Hon Ken Travers: It is the most economic way of doing it. This is a disaster.

Hon BOB THOMAS: It is the most economic way of doing it.

The health campus in Bunbury is in a beautiful, peaceful setting. I really enjoyed the artwork in both the public and private wings of the hospital. A couple of issues will need to be addressed in the public hospital wing of the campus. However, when comparing what was there before with what we have now, there is no doubt it is a better facility. It is more modern and is quite well laid out. It is a good hospital. However, I have a philosophical opposition to the collocation.

Hon John Halden: If you went to Joondalup hospital, you would have a financial opposition to it.

Hon BOB THOMAS: Yes. The Government made a mess of that.

Hon John Halden: It is a great disaster, and the Minister for Finance knows it. It will draw us to the point of ruin.

Hon BOB THOMAS: Yes. I will return to the point I was making, which is that we had an urgency debate in this place in which we discussed this Government's failure to adequately meet the social and economic infrastructure needs of Bunbury. A commonly held view in Bunbury is that nothing gets done since David Smith retired. People say that this Government has no vision for Bunbury. Nothing is coming on stream to replace those projects which were started under the Labor Government's Bunbury 2000 and Better Cities programs. It is time that this Government showed some vision and some confidence in Bunbury.

There are a couple of issues which I think the Government should address. One of them is an important issue relating to the tuart forests in the south of Bunbury. There are two issues here. One is the issue of lots 301 and 302 to the west of Ocean Drive. They are both about 10 hectares and they both have old-growth tuart forests on them. There is also the area referred to in the south Bunbury structure plan, which is an area of about 30-something hectares to the south of Centenary Road. I believe that Homeswest is negotiating with the Bunbury City Council and the Government to vest lots 301 and 302 in the Bunbury City Council for conservation purposes. Those negotiations have been ongoing for some time. I would like to see that process expedited so that those lots can be protected. They will form an important part of that north-south tuart corridor that runs along the coast.

The other thing that we need to do is to develop a green belt that runs east-west from the coast over to the Preston River. That is where the tuarts in the south Bunbury structure plan come into play. This is an area of just over 30 hectares. Members of the Bunbury Environment Centre and other people in the community believe that about 22 hectares of that area should be protected. At the moment it is zoned R15. It is owned by Homeswest and can be developed at any time suitable to Homeswest. It is an important area which should be included in that green belt which stretches all the way from the Preston River to the coast in an east-west orientation.

Hon Max Evans: How far south of Bunbury will that extend?

Hon BOB THOMAS: This is only about three miles from the centre of the city. It is at the bottom of Glenpadden, and south of Withers. It would make an important gene corridor so that wildlife could traverse east-west as well as north-south. We need to do something concrete about reserving that forest, because only 5 per cent of the pre-European settlement tuart is left in the south west of Western Australia, and it would be criminal for us to clear another 22 hectares of that for housing. Plenty of land is available in the Bunbury area for housing. A 3 000-lot development is being undertaken by Homeswest

in the Dalyup area, which is further south of the site that I am talking about. Tens of thousands of blocks can come on stream to the east of Australind-Eaton, and a lot of developers are doing initial preparation for that to come on stream.

As a result of the Labor Party's Better Cities program in Bunbury, the waste water treatment plant was relocated from Marlston Hill, the size of the No 1 waste water treatment plant in the south of Bunbury was increased, and a sewage line was put in that went past Carey Park. As a result, urban infill can now be undertaken in Carey Park, and better use can be made of the existing land by increasing the density, because a lot of small houses there are on quarter-acre blocks. To take 22 hectares of tuart out of Homeswest's reservation, which can be used for housing, and put it into a conservation reservation will not have a significant impact on the availability of land in Bunbury. That is a major issue that should be addressed by this Government; and if it is not addressed by this Government, it certainly will be addressed by the Labor Party when we come back into government.

There is also a pressing need for a convention centre in Bunbury. Rob Nicholson, a former councillor of Bunbury City Council, and a consortium with which he is involved, have put a proposal to use the old grain silos for a hotel development. Part of that proposal will include a 500-seat auditorium convention centre. If that proposal does get off the ground, that will be good, and I will be happy to see it get off the ground, but if it does not, the State Government has a responsibility to provide capital to Bunbury City Council so that it can develop a convention centre as an integral part of the Bunbury Regional Entertainment Centre. At the moment, the Bunbury Regional Entertainment Centre is not economically viable, and it requires subsidies of about $150 000 per year from Bunbury City Council and the State Government. The Minister for the Arts has said in the past that rather than continue to subsidise recurrent spending, he would prefer to put capital into the Bunbury Regional Entertainment Centre so that it can develop new products and improve its viability. Many people in Bunbury have the view that the way to do that is to have a convention centre as part of that complex. This year, the Alcoa convention was held in Bunbury, and that brought about 300 delegates to Bunbury and was a major economic stimulus for Bunbury. If the entertainment centre had a convention centre, it would be able to market conventions in Bunbury. Bunbury is an ideal place for conventions. Victoria Street in Bunbury has lots of first class restaurants and cafes. Bunbury has good beaches. There are plenty of tourist-type things to do in Bunbury and within a day trip of Bunbury. Bunbury also has plenty of recreational opportunities, like boating, golfing and bushwalking. I would like the Government to give some thought to the issue of a convention centre for Bunbury.

The Government should also do more to work with the Bunbury Port Authority to develop a container service. At present, about 19 000 containers per year come in and go out of the south west - most of them go out - and they hold a variety of agricultural, horticultural and mineral products. A critical mass of about 19 000 containers per year would provide for a hub container service where one shipping line could come into Bunbury on a weekly or fortnightly basis, and a ship could take all those containers to the hub in Singapore, from where they would be dispersed throughout the world. That would have a number of economic benefits. It would provide greater employment in the Port of Bunbury. It would also improve the efficiency of transport in the south west, because at the moment trucks come from Manjimup to Fremantle, which is about a four-hour drive, and once they have deposited their containers in Fremantle, they have a four-hour drive back to Manjimup empty.

Hon Max Evans: What do they bring?

Hon BOB THOMAS: They bring a lot of horticultural and agricultural products, timber, and also wine from Margaret River. The transport industry is keen for this to take place, because rather than have a four-hour trip on which they travel empty, they would spend about two hours driving up from Manjimup and would then have only a two-hour return trip empty, so automatically it would increase the productivity of the truck. The other advantage is that it will take a lot of heavy transport off Old Coast Road and South West Highway. It is estimated that with the development that is taking place in Mandurah and with the number of new sets of traffic lights that are being installed and the additional traffic, within about five years it will take an extra 20 to 30 minutes to drive from Perth to Bunbury. If we could take some of that heavy transport off Old Coast Road, we would do a service to all those other road users. It is particularly important that we get on with the planning and construction of the Peel deviation, which would result in a dual lane highway diverting east from Lake Clifton towards Pinjarra, and which would join the freeway where it terminates at Thomas Road. That would improve the traffic flow from Perth to Bunbury significantly. At present, a visitor to Perth who wanted to drive to Bunbury, Margaret River, Yallingup or Dunsborough would need to get onto the freeway, turn right onto Thomas Road, go down Rockingham Road, and then try to remember where he should get off Rockingham Road and onto Old Coast Road. It is not a direct route. The construction of the Peel deviation would be of benefit to all local road users because it would reduce the amount of time that it takes to get from here to Bunbury and areas south of Bunbury.

Another issue that should be addressed is the development of the casting basin in the Bunbury port. About 1996, a huge concrete offshore drill rig structure was built in a big dry casting basin in the Bunbury port.

Hon Max Evans: All in concrete.

Hon BOB THOMAS: Yes. Once it was completed, the wall was removed and the ocean flooded in. The structure floated and was towed north. The construction of that structure generated about $100m worth of economic activity in Bunbury. A lot of money was spent in purchasing requirements from local businesses and a lot went into many wage packets and was spent by the workers in the Bunbury businesses. We should be developing a package and working with the Bunbury Port Authority and the Department of Resources Development to develop some sort of regular concrete structure industry in the casting basin that is already there. There was some talk that it should become a dry dock and gates should be put in place, but the port authority now believes that the best way to go is to have some sort of sheet piling which is hammered into place and then the basin drained, and once the structure is completed, the sheet piling is pulled out, and once it floods, the concrete

structure is able to be towed out to sea. That is an economic activity that would be tailor made for Bunbury. It has a direct and comparative advantage over anywhere else in Western Australia. I would be a strong advocate of the Government's doing more to develop that industry.

The last issue I will deal with is the provision of social infrastructure in Bunbury. Some of the fastest growing suburbs in Australia are the northern suburbs of Bunbury, Eaton, Australind and Leschenault. Major problems of overcrowding are being experienced in schools there. One school built in the 1960s, the Eaton Primary School, was built to house a maximum of 400 students. It now has nearly 800 students. This Government has made a number of promises that it would build another school there, yet nothing has happened. The Government has procrastinated on this issue. In fact, the parents became so agitated about the situation that some time in March this year they took action into their own hands. They became aware that Premier Court was in town and about 250 of them protested outside the member for Mitchell's office when the Premier was there and forced his hand. As a result of that, the Government has made good its promise and has put money in this year's budget for the provision of a school at East Eaton.

I do not think the Government has gone far enough. It should also have addressed the issue of overcrowding at the Australind Senior High School. That school has nearly 1 300 students; the optimum number is closer to 1 000. It has nine transportable classrooms. Its growth has been astronomical. It is overcrowded now, and it will get even more overcrowded.

The Government should have done something about the provision of high school places in Eaton. I have had conversations with a number of people who have told me that in its 10 years of power the Labor Government built three new schools in that area.

Hon Max Evans: In 10 years?

Hon BOB THOMAS: In Eaton-Australind. We built the Australind High School, the Parkfield Primary School and the Clifton Park Primary School. This Government has been in power for six years and by the end of this term, eight years in Government, it will have built one new school; that is, if the East Eaton Primary School is built.

Hon Max Evans: But you were busy trying to retain the seat down there; that is why you put all the money in down there. We were trying to build some seats elsewhere. You were just straight out pork-barrelling down there.

The PRESIDENT: Order!

Hon Max Evans: You still lost the seat so you did something wrong there.

The PRESIDENT: Order!

Hon BOB THOMAS: Is the minister saying to me that the educational needs of those people in the Eaton-Australind area are not important enough to warrant the construction of those schools?

Hon Max Evans: I am implying that could have been the case.

Hon BOB THOMAS: Is that why the minister procrastinated on the issue of building the East Eaton Primary School for as long as he did?

Hon Max Evans: No. I am just saying that we have built a lot more schools than you have in Western Australia.

Hon BOB THOMAS: Is that why the minister has not even addressed the issue of high school places in that area? If it is, the minister should be condemned for that because it is one of the fastest growing areas in Australia, not just Western Australia, and this Government has been particularly deficient in providing the necessary social infrastructure in that area. Compared with our track record, it is pitiful that after eight years in power, this Government will have built one new school in Bunbury and redeveloped one school, if the Government lives up to its promise of redeveloping the Carey Park Primary School.

Hon E.R.J. Dermer interjected.

Hon BOB THOMAS: There will be.

Hon Max Evans: I look forward to it.

Hon BOB THOMAS: I especially look forward to it.

I previously researched some figures on the number of schools built in Western Australia. I looked at the average number of schools built per year in Western Australia during our term of government and it was seven schools per year. When I researched the figures in 1996 for this Government, it was building an average of five schools per year. However, the population growth was no less strong during this Government's first term than it was during our three terms of government. It has allowed these problems to accumulate and it will be judged on its procrastination on the very important issue of the provision of social infrastructure. Mr President, with those words I commend the Bill to the House.

HON J.A. SCOTT (South Metropolitan) [10.20 pm]: I support the Bill before the House. I want to speak on three principal matters that I believe are of great importance to this State and are very much interlinked with the economic and social future of the State. The first of those is a matter that I do not believe has been dealt with by this Government whatsoever, from my observation; that is, the introduction to this State of biotechnology. On that subject I have two areas of concern. I remember about 18 months ago there was a series of meetings in this State before the representative from the Health Department represented this State in the Australia and New Zealand Environment and Conservation Council meetings which looked at the introduction to Australia of genetically modified foods.

Each State sent representatives to this meeting. From memory, Dr Jackson represented Western Australia. The original consensus from community meetings and the representatives of the States was that Australia needed to label genetically modified foods, so that consumers had a choice about what they were buying. I see a much wider application of that technology. All products should be extensively labelled showing what they contain including chemicals that are harmful to health. Australian products are badly labelled generally. For example, some of the products which we use to remove graffiti are imported from the United States. The cans are clearly labelled in the United States to inform the purchaser of the effects of the product and whether a breathing apparatus is required. However, once it is in Australia a new label is placed over the original label which provides less information. That is a condemnation of the standards accepted in Australia and Western Australia.

I am concerned about genetically modified material. While the jury is still out on genetic foods, the clear message from the Australian population through meetings and surveys is that we are prepared to accept genetically modified food provided it is adequately labelled. Unfortunately, the pressures that have been applied by the huge corporations that are dealing in genetically modified seeds have managed to water down the resistance of Governments and have persuaded them to become excuse mongers for these genetic products. Governments will allow products containing genetically modified material to be put on our supermarket shelves until they get around to testing these products for safety. That is a bit like saying that people can use dangerous chemicals in the home, and when we are certain they are dangerous, we will ban them later. It is stupidity. It is also against every principle of the right to know and the right of consumer choice, which I would think would be foremost in Liberal Party thinking.

People have the right to know what they are buying. An article titled "Gene beans get government OK" from Acres Australia volume 5, No 103 states that the Australian Government has accepted the Monsanto-pushed position to have substantial equivalents. That is when a plant has been modified genetically and when it is substantially equivalent to an existing plant. Substantially equivalent means something has been introduced to the plant in the way I have already described which produces an insecticide or herbicide resistant plant, and the nature of the plant has not been changed much apart from that. However, other plants, which seek to change the taste of the product by making it sweeter or adding more taste introduced from another plant, are prevented from coming into Australia. I am particularly concerned about the acceptance of this substantial equivalence test. It is completely the wrong way around. The products being accepted for supermarket shelves come from plants that will be resistant to high levels of herbicide; in other words the crop can be grown and be sprayed with high levels of herbicides and insecticides, but it will be resistant to them. Of course, it means the foods we eat have much higher levels of herbicides and insecticides. That is crazy. It would be better to accept something that had the taste changed than something with a high level of insecticide and herbicide.

Although many people are concerned about those changes in the foods on supermarket shelves, I am worried not so much about the foods but about the types of genetically modified plants that are likely to be introduced and grown in this State. I have a couple of articles which suggest that this is happening very quickly and without appropriate regulation. An article in the *Countryman* of 20 May this year, under the heading "New biotech firm sets up HQ in WA" states -

> Australia's first private and fully integrated wheat breeding and biotechnology company, Grain Biotechnology Australia (GBA), has started operating from Perth.
>
> Developing new value-added wheat varieties for Australian farmers will be the main charter of GBA, a partnership between Biowest Australia Pty Ltd and AgDirect Sales Pty Ltd, which is half owned by Summit Fertilisers.

It goes on to explain the situation further. Another article in the *Countryman* on 15 April 1999 states -

> AWB Ltd, CSIRO and the Grains Research Development Corporation have joined forces to develop and commercialise Australia's own genetically modified organisms.
>
> The joint venture - Graingene - will generate plant biotechnology research and commercialisation opportunities for Australian grain, and will enhance Australia's investment capability in grain biotechnology.
>
> AWB Ltd chairman Trevor Flugge, announcing the joint venture at Grains Week in Perth, said Graingene would give Australian growers a leading position in biotechnology, rather than enabling the big multinationals to take greater control of the Australian grain industry's genetic intellectual capital.

That is all very commendable but, unfortunately, there are huge risks for Western Australia in this technology.

The first of those huge risks is a simple economic choice we must make. Will we become a State which will sell the clean green product? I know that Agriculture WA is already moving in this direction. In other words, will we supply the organically produced product which is booming on the European markets, particularly the United Kingdom, because of fears about buying technological products emanating from the United States onto supermarket shelves? We must make a choice between the two - we cannot have both. The United Kingdom has said, and the European market has fallen in line, that it will not accept genetically modified produce as being organic, whether it is grown in an organic fashion or not. This is a problem in that many of the biotechnological products and gene-altered crops now being grown around the world cannot be contained within the area in which they are grown. The pollen can spread and start creating cross-cultures with different crops and varieties outside the area. I will comment on many even more dangerous situations in a minute.

I quote *The West Australian* of Thursday, 18 February 1999 in an article entitled "Food row turns to ecology fears" which read -

> Genetically modified crops could wipe out some of Britain's most familiar farmland, birds, plants and animals, according to a suppressed report written for the Government last year.

> The report was leaked on Tuesday as Prime Minister Tony Blair's chief scientific advisor, Sir Robert May, and his leading environmental advisor, Sir Crispin Tickell, added to the controversy by raising new concerns about such crops.
>
> Unlike Mr Blair, who said he was happy to eat GM foods, Sir Crispin said he would hesitate.
>
> "It might not be bad for me - though I do not know - but it might well be bad for the environment," he said.

I will not go further into the article, which is fairly non-scientific. Many clear threats to the ecology of this planet arise from that type of technology. I will go into some of those threats in a moment. The article which really frightened me very much appeared in *New Scientist* of 25 June 1994. The article, entitled "Will the scorpion gene run wild", reads -

> The advert looked innocuous enough. A single column in the *Oxford Mail* on 5 March, next to small ads for pink lampshades, an old clock and cordless door chimes. But when George Smith read it, alarm bells rang. Smith, who lives near Wytham in Oxfordshire, was so concerned that he wrote immediately to the Department of the Environment demanding a public inquiry. By May, his action had sparked Britain's biggest row over biotechnology.
>
> The advert was a statutory public notice, informing people that the department had given scientists permission to spray a genetically modified insect virus in a field near Wytham. The virus had been armed with a scorpion gene which makes a venom lethal to insects. Although the experiment was to be carefully contained, Smith feared that the virus may escape with unpredictable results.
>
> David Bishop and his colleagues at the Natural Environment Research Council's Institute of Virology and Environmental Microbiology in Oxford were stunned by the reaction. After all, they had conducted a similar experiment last year with the same virus, and no-one complained. . . .
>
> In that experiment, Bishop and his team sprayed cabbages with either the genetically modified virus or the natural, or "wild-type", virus from which it was made. They compared their effects on caterpillars of the cabbage looper moth . . . a major pest. Wild-type virus killed the caterpillars, but virus containing the scorpion gene worked faster, preventing damage to the cabbages. Bishop says he detected no virus beyond the test site.
>
> For about eight years, Bishop has worked towards replacing chemical pesticides that not only kill their targets, but also harm other animals. He hopes to produce viruses that kill only specific pests, starting with the cabbage looper.

This would be incredibly wonderful if that were the only impact and the reality. They found in Britain that the virus had not been contained in the test sites. Where they have introduced these killer genes, which are in the form of a virus, and they have sprayed them onto crops, there is no evidence to show that these things will not spread beyond the required area. I want members to remember that if we bring into this State a single genetically modified virus which is used to spray a crop to kill insects and it escapes from that crop and gets into the wild, we could possibly see the wiping out of all insects in this State. Some members here may think that would be pretty good because they would not have to get rid of any more flies. However, if we were to get rid of all the insects in this State, we would get rid of the whole of the plant and animal kingdom and we would wipe ourselves out. This is the scenario that we are looking at with this technology. We cannot let biotechnology companies set up in this State and start making these completely new, untested strains of extremely dangerous products which are likely to wipe out humanity.

As I have said, we have already seen in the United Kingdom with canola - they call it rapeseed - instances where biotechnology has escaped from the test crop into other areas that have been planted with canola. The United Kingdom authorities have heavily fined those companies. Where is our legislation? We do not have legislation. We are allowing this biotechnology to come into this State without any legislative process whatsoever to manage it. By the time we get around to doing it, at the rate we are going it will be too damn late. I want people to think seriously about this, because it is a major issue which has been pushed by some very big companies with a great amount of power and a great deal of money.

I will quote from an article called "The Biotechnology Bubble" from the magazine called *The Ecologist*, volume No 3 of May-June 1998, which reads -

> Biotechnology crisis-management.
>
> One sign of big trouble in the biotech industry is when EuropaBio, a non-government organization representing the interests of the industry, launched its multi-million pound campaign to win over European consumers last summer by engaging the services of Burson Marsteller, the leading consultancy firm for worldwide crisis-management.
>
> Previous clientele of the firm included Babcock and Wilcox during the Three Mile Island nuclear crisis in US in 1979, Union Carbide after the Bhopal disaster in India which killed 15,000, and oppressive regimes in Indonesia, Argentina and South Korea. According to a leaked document from Burson Marsteller, plans drawn up to change perceptions on genetic engineering advised the industry to stay quiet on risks of genetically-engineered foods, as they could never win the argument, but to focus instead, on "symbols, that elicit hope, satisfaction and caring". It also advised that the best way of eliciting a favourable response to new products must be to use regulators and food producers to reassure the public.

That is exactly what is happening. Even our own regulators are being drawn into that whole process; we have sent away representatives of this State with a particular position and they have come back having had their minds changed by the big companies that are pushing biotechnology. It continues -

> And regulators have been most obliging, starting at the highest level. The Food and Agricultural Organization (FAO) and World Health Organization (WHO) issued a joint Safety Report on genetically-engineered foods, as the result of an expert consultation held in Rome in October, 1996. The Report sets international safety standards by WHO's Codex Alimentarius Commission, which will determine, not only the safety of genetically-engineered foods, but also world trade.

This is a very important point because it goes on to say -

> It will be illegal for any country to ban imports of genetically-engineered foods, so long as the Codex considers them safe.

I want members to consider what that means. We are here talking about products which can wipe out humanity. If Codex considers those particular products safe, we will not be able to ban their importation under the agreements that we are now entering into on the international scene. This is an issue of great concern for everybody in this House. It is probably more important in Canberra than it is here. However, we need to take up this issue as a matter of utmost urgency because we have already seen these companies moving into this country in a big way.

I have mixed feelings about biotechnology. I am sure that certain gains can be made from biotechnology. There is almost no doubt that there can be increases in production and so on; certain advantageous changes can be made. However, it is an industry which is fraught with incredible danger if we leave it up to the money market. We cannot leave it up to people who will just make a dollar out of it.

"The Biotechnology Bubble" goes on to say -

> According to the report, -

A report on genetically engineered foods -

> - risk assessment is to be based on the "principle of substantial equivalence". A product assessed to be substantially equivalent is regarded as safe and fit for human consumption. But, substantial equivalence can be claimed in advance, in which case, subsequent risk assessment is most perfunctory.

What sort of lunatic thinking is that? It continues -

> Furthermore, "substantial equivalence" does *not* mean equivalence to the unengineered plant or animal variety. The genetically-engineered food could be compared with any and all varieties within the species. It could have the worst characteristics of all the varieties and still be considered substantially equivalent. It could even be compared with a product from a totally unrelated species or collection of species. Worse still, there are no defined tests that products have to go through to establish substantial equivalence.
>
> The tests are so undiscriminating that unintended changes, such as toxins and allergens, could easily escape detection. For example, a genetically-engineered potato, grossly altered, with deformed tubers, was nevertheless tested and passed as substantially equivalent.
>
> Risk assessment based on the principle of substantial equivalence is the stuff of farce. It is designed to expedite product approval with little or no regard for safety. It is a case of "don't need - don't look - don't see", effectively giving biotech companies *carte blanche* to do as they please, while serving, indeed, to diffuse and allay legitimate public fears and oppositions.

This is a long article, and I do not want to go further into it, but it is extremely concerning. What is most concerning is that we in Australia, and in particular in Western Australia, have no statutory controls over these products, and if Codex decided that it was safe, we would not be able to prevent their entry into this State or anywhere else. It is time we looked at this issue with great seriousness, and I urge the Government to make it a priority, because once the biotech industry is established here, it will destroy any possibility that we will have to go into the area of clean green or organic foods, which is booming, because in the United Kingdom in particular, and also in Europe, people are getting very angry about the interference, or, more particularly, the lack of courage of Governments to look after their interests and make sure that proper regulatory processes and safeguards are in place before these products end up on our supermarket shelves.

More importantly, we need to have safeguards to ensure that genetically engineered products that could wipe out huge areas of our ecology in this country are controlled. No thought has been given to that matter at all. I take members back to the article in *New Scientist* about the scorpion gene, which had been introduced to a virus. We know how rapidly a virus can multiply in ether and how little control we have over viruses in our community. A virus is affecting me at the moment, because I have a cold. No-one has ever found a cure for the common cold, and no-one will ever wipe out the common cold. Viruses like this that move around the ecological systems in the State could wipe out the whole of our insect population - the bees and every beneficial insect, as well as the ones that we would regard as a nuisance. The whole of our plant kingdom will break down because we will have no pollinators; and when the plant kingdom breaks down, so too does the animal kingdom, because we cannot live without plants either.

This is not a playground issue; this is something that we must take very seriously. There is significant evidence in the United Kingdom of this opposition. It seems that Governments around the world, including the Australian Government, are principally concerned not about our wellbeing, our health or our long-term future on this planet, but about making a buck.

I have some articles that have been taken off the Internet. This is an article from Professor Nanjundaswamy from, I presume,

India. He makes reference to probably one of the best known of the bioengineering companies in the world, a biogeneric company called Monsanto. This company is not into the genetic engineering field in order to sell more herbicides. Its very first product was a herbicide-resistant plant on which a lot more herbicide could be sprayed, and therefore it could sell more herbicide.

Debate adjourned, pursuant to standing orders.

WORKPLACE AGREEMENTS (PROVISION OF CHOICE) AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had declined to read the Bill a second time.

House adjourned at 11.00 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MAIN ROADS WA, CONTRACTS

1172. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1693 of 1996 asked in the Legislative Assembly in relation to the Main Roads' contract with the firm Highway Construction Pty Ltd worth approximately $9.5m plus $4.5m in variations for construction Reid Highway - contract 118/92, can the Minister advise -

(1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?

(2) What was the risk rating of this project?

(3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?

(4) Was any risk monitoring carried out?

(5) If so will the Minister table the outcomes?

(6) Was the performance of this contract evaluated?

(7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

(1)-(7) Main Roads manages risk in contracts by undertaking pre-construction investigations, requiring contractors to provide appropriate indemnities and insurances and developing various project specific plans for traffic management, environmental management, safety and quality. Risk monitoring of contract performance and contractual obligations is undertaken by the Contract Superintendent and on-site supervision staff and through the contractor's quality systems. Contract and Management Services' (CAMS) risk management policy is outlined in a guide document that was released in September 1998, that is after the award date of this contract. Main Roads is currently enhancing its risk management processes to better reflect the CAMS guidelines which, where appropriate, includes calculation of a risk rating.

TAXIS, MULTI-PURPOSE LICENCES

1224. Hon J.A. SCOTT to the Minister for Transport:

(1) How many Multi Purpose Taxi ("MPT") licenses are current in Western Australia?

(2) How does this compare with the number of MPT licenses in other States?

(3) How does this compare with other States as a per capita figure?

(4) Is the Department of Transport considering issuing more MPT licenses?

(5) If not, why not?

(6) If so, how many more licenses will be issued ?

(7) If so, when will these additional MPT licenses be issued?

Hon M.J. CRIDDLE replied:

(1) 58.

(2) The number of MPT licences in other States are:

New South Wales	247
Victoria	135
Queensland	200
South Australia	65
Tasmania	17
Northern Territory	10
ACT	6

(3) The per capita figures are:

Western Australia	1 MPT for every 24 000 people.
New South Wales	1 MPT for every 25 000 people.
Victoria	1 MPT for every 28 000 people.
Queensland	1 MPT for every 17 500 people.
South Australia	1 MPT for every 18 500 people.
Tasmania	1 MPT for every 10 500 people.
Northern Territory	1 MPT for every 11 000 people.
ACT	1 MPT for every 50 000 people.

(4)-(7) Transport recently conducted an examination of the MPT service. One of the findings was that the demand on the service had significantly increased over the last few years and that, as a result, service levels had decreased. In view of this, I am pleased to advise the House that I have approved the issue of 10 additional MPT licences. Transport has commenced the process of tendering these additional licences.

MENTAL HEALTH PROGRAM

1286. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:

Further to the Transcultural Mental Health Forum of June 1998 -

(1) Have any submissions been made by community groups to establish a wide spectrum, community-based mental health program?

(2) On whose behalf were the submissions made?

(3) What were the objectives and proposed outcomes of the community-based mental health scheme submissions submitted?

(4) How much was the estimated cost of an adequately resourced program proposed by the community submissions?

(5) How adequate are the programs proposed in the submissions in addressing the needs of the Cultural and Linguistic Diverse Background communities in the Perth metropolitan area?

(6) Who will implement the proposed programs put forward in the submissions?

(7) How much has the Mental Health Section of the Health Department allocated for these proposed programs?

(8) If the funding provided is less than what was requested in the community submissions, why has the requested funding been reduced?

(9) When will the funds be allocated?

(10) When will the proposed programs begin?

Hon MAX EVANS replied:

The Mental Health Division of the Health Department of WA tendered for a program to improve access to mental health services for people from culturally and linguistically diverse backgrounds. The tender process is not yet complete and the applicants have not been advised of the outcome. Consequently the Department is unable to respond to the question at this time.

MULTICULTURAL ACCESS CONTACT OFFICERS NETWORK

1291. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:

(1) What is the budget allocation for the provision of the Multicultural Access Contact Officers Network within the Health Department?

(2) How many full-time equivalent officers or project officers are employed in this network?

Hon MAX EVANS replied:

(1) Budget allocations would rest with the individual hospital/health service. Generally, as the function is one of initial contact and advice on cross-cultural issues, it will form only part of designated staff members' duties. The network is managed and supported by a Multicultural Contact Officer (MACO) Coordinator based in the HDWA Multicultural Access Unit.

(2) The MACO Coordination function comprises 0.60fte. Five out of thirty hospital/health services have designated 1-4 hours per week for cross-cultural duties. Three teaching hospitals (Fremantle, Royal Perth and Princess Margaret Hospitals) each employ a Language Service Coordinator to assist with arranging interpreters and providing cross-cultural education.

MIGRANT HEALTH REVIEW

1292. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:

(1) When was the last Migrant Health Review conducted by the Health Department?

(2) Which groups and individuals were consulted during this review?

Hon MAX EVANS replied:

(1) A Migrant Health Review is currently being undertaken.

(2) Review not yet finalised.

MEDICAL PERSONNEL, INFORMED CONSENT FOR MEDICAL PROCEDURES

1293. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:

With regard to -

(a) medical practitioners;
(b) nursing staff;
(c) para-medical staff; and
(d) administrative staff -

(i) what steps has the Health Department taken to ensure that, within the public hospital and health system, medical personnel are made fully aware of the importance of obtaining "informed consent" from persons who have difficulties with English before any medical procedure is undertaken; and

(ii) what safeguards have been put in place to ensure that Cultural and Linguistic Diverse patients are fully informed of this legal requirement before any serious action is taken when dealing with these patients?

Hon MAX EVANS replied:

(i) Health Department of WA through the Metropolitan Health Services Board (MHSB) has established the Consent and Disclosure of Material Risk Working Party to develop a policy/guidelines on Informed Consent for clinicians and consumers in hospitals under the MHSB. The draft document is now completed and following endorsement by the Clinical Advisory Committee at their next meeting (July 1999) will be forwarded to the MHSB for approval. Once approved the policy/guidelines will be circulated to Hospital Staff.

(ii) Safeguards to ensure Cultural and Linguistic Diverse patients are fully informed of this legal requirement will be included in the proposed policy/guidelines currently being developed.

HEALTH, MESOTHELIOMA REGISTER

1532. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

In respect of question on notice 1380 of 1999, are the figures provided from the cancer register or the mesothelioma register?

Hon MAX EVANS replied:

The figures provided are from the mesothelioma register, which is one of the databases maintained within the Western Australian Cancer Registry.

DIALYSIS SERVICES, THE KIMBERLEY AND PILBARA

1536. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

(1) Will the Minister for Health table how many residents currently need kidney dialysis services in -

(a) the Kimberley; and
(b) Pilbara,

and how many of these are Aboriginal people?

(2) Will the State Government favourably consider proposals for the establishment of kidney dialysis services in the Kimberley and Pilbara regions?

(3) Can the Minister confirm that planning for dialysis services in the North West will be conducted according to the framework Agreement on Aboriginal Health, reflecting the predominantly Aboriginal patient load?

(4) Does the Government acknowledge that, subject to technical issues being satisfied, the establishment of an Aboriginal community based dialysis service in association with the Aboriginal Medical Service may provide the best opportunity for attracting Commonwealth funds and for the pooling of resources that could guarantee the training of Aboriginal health workers, community and family members in the support of the patients requiring kidney dialysis services?

Hon MAX EVANS replied:

(1) At the moment, there are approximately 40 patients who are residents of the Kimberley and Pilbara on a number of different renal dialysis modality treatments. Almost all of these patients are Aboriginal.

(2) The North West Health Service Plan identifies renal disease as a priority health issue in the Kimberley, Pilbara and Gascoyne. Discussions are currently underway with the Health Department, Kimberley and East Pilbara Health Services, Royal Perth Hospital and Aboriginal Community Controlled Health Organisations to consider the establishment of satellite renal dialysis services in Broome and Port Hedland.

(3) The North West Health Service Plan has identified the need to establish linkages with the State/Commonwealth Framework Agreement on Aboriginal Health. The Aboriginal Health Planning Process is currently being finalised and includes references to renal disease. Once the Aboriginal Regional Plan has been finalised, it along with other regional plans, will be aggregated into a Statewide Aboriginal Health Plan in accordance with the provisions of the Bilateral Agreement.

(4) Home and community-based Haemodialysis and Peritoneal Dialysis are the dominant modalities currently being used within the Pilbara and Kimberley. The proposed satellite renal dialysis services in Broome and Port Hedland will be additional to existing home and community dialysis services. Consideration is also being given to establishing Aboriginal community-based services which will be supported by the satellite services. Up-skilling of nurses in the management of renal patients has been in place for some time through Sir Charles Gairdner Hospital. This course has recently been extended by the Health Department to include Aboriginal Health Workers. Carer training programs for home modalities are current provided by the metropolitan teaching hospitals.

NUCLEAR WASTE DUMP, PANGEA RESOURCES AUSTRALIA PTY LTD

1561. Hon GIZ WATSON to the Minister for Finance representing the Minister for Lands:

With regard to the proposed international nuclear waste dump proposed for Australia by Pangea Resources Australia Pty Ltd -

(1) Has the Minister for Lands, or any of his staff, had any meetings, formal or informal with Pangea or their representatives?

(2) If yes, can the Minister advise what was the purpose of that/those meetings?

(3) Was any promotional material left by Pangea or other representatives?

(4) Will the Minister table any such promotional material presented?

(5) At whose request was/were that/those meetings convened?

(6) Who was in attendance at that/those meetings?

(7) Does the Government support the proposal of establishing an international nuclear waste facility in Australia?

Hon MAX EVANS replied:

(1) No.

(2)-(6) Not applicable.

(7) Please refer to Legislative Council question on notice 1421 of 24 March 1999.

INDUSTRIAL GAS APPLIANCES, INSPECTORS

1623. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

(1) Does the Office of Energy use non-Government inspectors to approve Type B (industrial) gas appliances?

(2) Who are the non-Government inspectors used, and did they work for gas suppliers at the time?

(3) Do these non-Government inspectors use a uniform set of forms and procedures?

(4) If not, why not?

Hon N.F. MOORE replied:

(1) Yes.

(2) See attached list which indicates those inspectors working for a gas supplier. [See paper No 1197.]

(3) Yes. The forms are covered by regulations and the procedure the inspector is to follow is to determine, so far as is practicable, that the type B appliances comply with the requirements of r.32 of the Gas Standards (Gas Fitting and Consumers Installations) Regulations 1999. How the inspector determines this compliance depends on the specific appliance.

(4) Not applicable.

INDUSTRIAL GAS APPLIANCES, CONNECTION INSPECTION CHANGES

1624. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

(1) Since April 1, 1995 what changes have been made to the inspection, approval and certification of the connection of Type B (industrial) gas appliances under the *Gas Standards Act* and regulations?

(2) On what dates did these changes take place?

(3) What was the reason for each of the changes?

Hon N.F. MOORE replied:

(1) There have been no changes to the inspection, approval and certification of the connection. The gas fitter must not leave a type B appliance permanently connected in a consumer's installation unless an inspector has issued a certificate of compliance for the appliance. The gas fitter is also required to certify the completion and safety of the pipework and other installation work making the connection.

(2)-(3) Not applicable.

GAS SUPPLIERS, SUBSECTION 13(2) EXEMPTIONS

1625. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

In respect of the *Gas Standards Act 1972* (WA) -

(1) Which gas suppliers are exempted under sub-section 13(2)?

(2) What are the details of gazetted entries for these exemptions?

(3) What are the Ministerial requirements for exemption under sub-section 13(2)?

(4) Is an "Inspection Plan or Policy" required in order to gain an exemption under sub-section 13(2)?

(5) Which gas suppliers have produced an "Inspection Plan and Policy"?

(6) Which of those in (5) rely on forms designed and issued by the gas supplier?

(7) Is the “Inspection Plan and Policy” document available to the public and where can copies be obtained?

(8) If not, why not?

(9) Has the Director of Energy Safety approved any gas supplier as a competent authority for the design and issuing of forms under the *Gas Standards Regulations 1995* or other regulations?

(10) Where a sub-section 13(2) exemption exists, who would bear the economic burden if there was a major explosion?

(11) How can the proliferation of different forms, procedures and requirements be consistent with regulatory certainty of gas safety?

Hon N.F. MOORE replied:

(1) AlintaGas, Kleenheat Gas, Boral Energy and BOC Gases Pty Ltd.

(2) Not applicable - gazettal is not required.

(3) That the gas supplier has in place an approved inspection plan and policy statement.

(4) Yes.

(5) Those exempted in (1) above.

(6) None. Forms are covered by regulations.

(7) No.

(8) The gas suppliers are required to achieve the necessary outcomes consistent with their particular system of operation and therefore are unique to each gas supplier. There may be a competitive advantage in the methods chosen by a gas supplier to achieve the safety outcomes and the plan is therefore confidential.

(9) No.

(10) Not applicable.

(11) There are no different forms as they are called up in the regulations. The requirements on gas fitting are uniform but the inspection system can be tailored to suit a gas supplier's procedures providing it achieves the same outcome of gas safety.

HOSPITAL ADMISSIONS AND MORTALITY RATES

1643. Hon NORM KELLY to the Minister for Finance representing the Minister for Health:

(1) What are the current rates of mortality and hospital admissions from respiratory illnesses in -

(a) the State; and
(b) the Swan Health Service area?

(2) What are the current rates of mortality and hospital admissions for lung cancer in -

(a) the State; and
(b) the Swan Health Service area?

(3) If the current rates in the Swan Health Service area are higher than the State average, can the Minister for Health explain the reasons for this?

(4) Have the rates in the Swan Health Service area increased in the last five years?

(5) If so, by how much?

(6) Can the Minister give an assurance that existing and proposed fluoride emissions from brickworks in the Swan Valley area will not be a threat to human health?

Hon MAX EVANS replied:

(1) (a)

Aged Standardised Mortality Rates for Respiratory Illness - Swan Health Service and Total WA, 1993-97

Area of Residence	Mortality rate per 100,000 population				
	1993	1994	1995	1996	1997
Swan Health Service	48.4	44.8	40.0	51.7	67.4*
Total WA	51.3	47.6	45.7	53	62.5*
Health Service: State Ratio	0.94	0.94	0.88	0.98	1.08

The method of coding the underlying cause of death description was changed by the Australian Bureau of Statistics (ABS) in 1997. This has resulted in an increase, in 1997, in the number of deaths coded as due to respiratory disease, especially pneumonia, with a corresponding decrease in the number of deaths attributed to chronic diseases such as cancer and cardiovascular disease. The mortality rates for Swan were not significantly higher than the WA rates from 1993 to 1997.

(1) (b)

Aged Standardised Hospitalisation Rates for Respiratory Illness - Swan Health Service and Total WA, 1993-97

Area of Residence	Hospitalisation rate per 100,000 population				
	1993	1994	1995	1996	1997
Swan Health Service	1,472	1,524	1,523	1,611	1,492
Total WA	1,832	1,875	1,777	1,816	1,853
Health Service: State Ratio	0.80	0.81	0.86	0.89	0.80

The rates of hospitalisation for respiratory illness in Swan were significantly lower than the WA rates from 1993 to 1997.

(2) (a)

Aged Standardised Mortality Rates for Lung Cancer - Swan Health Service and Total WA, 1993-97

Area of Residence	Mortality rate per 100,000 population				
	1993	1994	1995	1996	1997
Swan Health Service	37.1	34.4	37.7	38.3	27.4
Total WA	37.1	36.9	36.9	36.3	32.7
Health Service: State Ratio	1.00	0.93	1.02	1.06	0.84

The mortality rates for Swan were not significantly higher than the WA rates from 1993 to 1997.

(2) (b)

Aged Standardised Hospitalisation Rates for Lung Cancer - Swan Health Service and Total WA, 1993-97

Area of Residence	Hospitalisation rate per 100,000 population				
	1993	1994	1995	1996	1997
Swan Health Service	75.9	63.1	77.2	62.1	79.6
Total WA	63.9	67.6	74.4	77.1	82.6
Health Service: State Ratio	1.19	0.93	1.04	0.81	0.96

The rates of hospitalisation in Swan were not significantly higher than the WA rates from 1993 to 1997.

(3) Hospitalisation and mortality rates for respiratory illness and lung cancer in the Swan Health Service were not significantly higher than WA rates over the 1993-1997 period.

(4) No.

(5) Not applicable.

(6) The data available on fluoride emissions from brickworks in the Swan Valley shows that levels are well below public health limits. The data is set out in the document 'Review of ambient and cumulative studies of fluoride in the Swan Valley', published by the Department of Environmental Protection in August 1998.

LEGAL AID, FREMANTLE

1644. Hon J.A. SCOTT to the Attorney General:

Over the past 12 years, how many people have used the Legal Aid service in Fremantle?

Hon PETER FOSS replied:

The Legal Aid service in Fremantle has existed for twenty one years. During that time the range of services has been extended to now include:

Telephone information and referral
Face to face information and referral
Duty lawyer
Legal advice and minor assistance
Assessment and case management service
Legal representation

In addition, some community legal education, policy reform and community development work (eg involvement in Court diversion services) are also provided.

The information on numbers of people accessing each service over the last twelve years is not readily available. However, I am able to provide information on the number of occasions of service for each work type over the last three years.

	96/97 Full fin year	97/98 Full fin year	98/99 YTD May
Telephone information and referral	9,396*	6,714	5,282
Face to face information and referral	180	549	568
Duty lawyer	3,484	3,657	3,374
Legal advice and minor assistance	2,079	2,003	1,752
Assessment and case management services	1,100	944	954
Legal representation	543	501	532
TOTAL	18,782	16,368	14,462

*Includes some face to face statistics due to a change in March 1997 to the definition of 'information' as a service. Following this, 'information' was then considered to have been provided only where time was spent on providing quality information, in contrast to simple queries/general information.

Please note the total figure does not equate to the number of people using Legal Aid services as some people avail themselves or are encouraged to utilise more than one service. For example, attendance upon a duty lawyer may result in an application for aid and a grant of legal representation for the same person. The information provided is however thought to be a reliable indicator of the output of the Fremantle Legal Aid office over the last three years.

MANYINGEE URANIUM MINE, DISPOSAL OF WASTE

1654. Hon GIZ WATSON to the Minister for Finance representing the Minister for Health:

With reference to the disposal of uranium product left by Total Mining as a result of their solution mining trials at the Manyingee site near Onslow.

(1) What was the encapsulation method used?

(2) How was the product returned to the strata from whence it came, given that it was extracted by a solution mining method?

(3) Will the Minister for Health table any documents that identify that this product was indeed returned to the strata from whence it came?

Hon MAX EVANS replied:

I am advised that under the Commonwealth Nuclear Non-Proliferation (Safeguards) Act 1987 the physical protection measures (security) details applied to a site and the product are classified as "Safeguards-in-Confidence". These details are not released to the public.

(1) The Australian Safeguards Office, Radiological Council, Department of Environmental Protection and Department of Minerals & Energy approved the encapsulation method used at Manyingee.

(2) The Australian Safeguards Office, Radiological Council, Department of Environmental Protection and Department of Minerals & Energy approved the method of returning the encapsulated product to the strata from whence it came at Manyingee.

(3) No.

GOVERNMENT BUILDINGS, CONTRACTS IN MANJIMUP, BRIDGETOWN AND PEMBERTON

1691. Hon BOB THOMAS to the Minister for Finance representing the Minister for Works:

(1) Since January 1, 1998 how many contracts have been let for work on Government buildings in -

(a) Manjimup;
(b) Bridgetown; and
(c) Pemberton?

(2) How were those contracts awarded (eg tender) and what was their value?

(3) Who were those contracts awarded to?

Hon MAX EVANS replied:

I am advised that:

(1) There were ten (10) contracts let.

(2)-(3) The contracts were awarded as follows:

Contract Details	Contracts Awarded By	Value of Contract	Contract Awarded to
Bridgetown/Pemberton Installation of Smoke Detection & Alarm Systems (One contract)	Invited Tender Process	25,137	Knight Security Systems
Bridgetown Camp School, Pemberton Camp School and Harvey Agricultural College			
Manjimup East Manjimup Primary School Covered Assembly	Open Tender	$316,000	Best Construction
Manjimup Plant Propagation	Open Tender	$4,660,079	Broad Construction Services
Manjimup Senior High School - Stage 1	Open Tender	$2,038,983	Best Construction
Manjimup Senior High School - Stage 2	Open Tender	$1,599,288	Devaugh Pty Ltd
Manjimup SW Regional College - Multi-purpose Campus	Open Tender	$499,000	Best Construction
Manjimup Community Centre	Open Tender	$1,298,154	WS &KM Eades
Manjimup Courthouse Redevelopment Stage 1	Open Tender	$238,000	Karamfiles Builders
Manjimup Courthouse Redevelopment Stage 2	Open Tender	$328,000	PG & C Dyer
Warren-Blackwood District Education Office	Open Tender	$349,091	Quality Builders

HOMESWEST, PALM BEACH, ROCKINGHAM JOINT VENTURE

1692. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

Regarding Homeswest's joint venture in Palm Beach, Rockingham, with the Lester Group Limited -

(1) When were expressions of interest called for this joint venture?

(2) What were the names of the companies that submitted their expressions of interest for the joint venture?

(3) Who made the decision to award the joint venture to the Lester Group?

(4) What share of the joint venture does each partner hold?

(5) What are the terms of this joint venture agreement in respect to -

(a) profit sharing
(b) cost sharing, and
(c) liability in the event of failure of the project?

(6) What are the anticipated costs and profits of the project?

Hon MAX EVANS replied:

(1) Expressions of Interest were called on 29 December 1997 and closed on 3 March 1998.

(2) Australand Holdings Pty Ltd
Domain Project Development and Prodec (WA) Ltd
Deveraux Holdings Pty Ltd and Uzbeck Pty Ltd
Police and Nurses Credit Society Ltd
Home Building Society and Satterley Real Estate
Taylor Woodrow (Australia) Pty Ltd
The Sunningdale Group of Companies
Welmont Holdings Pty Ltd
Lester Group Ltd

(3) A selection committee made a recommendation to the Board of the State Housing Commission which was referred to the Minister for Housing and Cabinet and will proceed to the Governor for approval as required under Section 12A(1)(b) of the Housing Act 1980 as amended.

(4) 50% each.

(5) (a) Profits are shared on a 50/50 basis after land, development, project management and sales costs are deducted.

(b) The developer pays all development costs, the project meets marketing, selling and project management costs.

(c) In the event of default, the non-defaulting party may terminate the agreement. The Ministry of Housing retains ownership of the land until each individual lot is sold.

(6) Due to a confidentiality clause in the Joint Venture Agreement between the State Housing Commission and the joint venture partner, I am unable to provide the Member with these details.

HOMESWEST, PARKRISE ESTATE, ALBANY, JOINT VENTURE

1693. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

Regarding Homeswest's joint venture at Parkrise Estate in Albany with the Heath Development Company -

(1) When were expressions of interest called for this joint venture?

(2) What were the names of the companies that submitted their expressions of interest for the joint venture?

(3) Who made the decision to award the joint venture to the Heath Development Company?

(4) What share of the joint venture does each partner hold?

(5) What are the terms of this joint venture agreement in respect to -

(a) profit sharing;
(b) cost sharing; and
(c) liability in the event of failure of the project?

(6) What are the anticipated costs and profits of the project?

Hon MAX EVANS replied:

(1) Expressions of Interest were called on 29 December 1997 and closed on 3 March 1998.

(2) G and J Kelly Pty Ltd.
Health Development Co
Home Building Society and Satterley Real Estate

(3) A selection committee made a recommendation to the Board of the State Housing Commission which was referred to the Minister for Housing and Cabinet and will proceed to the Governor for approval as required under Section 12A(1)(b) of the Housing Act 1980 as amended.

(4) Each party has equal voting rights. The profit share is Ministry of Housing 30% and Heath Development Co 70%.

(5) (a) Profits are shared on a 30% Ministry of Housing , 70% Health Development Cobasis after development and sales costs are deducted.

(b) The developer pays all development costs, the project meets marketing and selling costs.

(c) In the event of default, the non-defaulting party may terminate the agreement. The Ministry of Housing retains ownership of the land until each individual lot is sold.

(6) Due to a confidentiality clause in the Joint Venture Agreement between the State Housing Commission and the joint venture partner, I am unable to provide the Member with these details.

HOMESWEST, SEACREST, WANDINA, JOINT VENTURE

1694. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

Regarding Homeswest's joint venture in Seacrest, Wandina, with Springdale Holdings -

(1) When were expressions of interest called for this joint venture?

(2) What were the names of the companies that submitted their expressions of interest for the joint venture?

(3) Who made the decision to award the joint venture to Springdale Holdings?

(4) What share of the joint venture does each partner hold?

(5) What are the terms of this joint venture agreement in respect to -

(a) profit sharing;
(b) cost sharing; and
(c) liability in the event of failure of the project?

(6) What are the anticipated costs and profits of the project?

Hon MAX EVANS replied:

(1) Expressions of Interest were called on 12 October 1996 and closed on 15 November 1996.

(2) Domain Project Development and Prodec (WA) Pty Ltd and Prudential Finance Holdings Ltd.

Both of the above companies withdrew, Prudential Finance Holdings Ltd on 20 March 1997 and Domain Project Development on 14 May 1997. On 24 June 1997, Homeswest was approached by a Geraldton company, Springdale Holdings Pty Ltd which expressed interest in a joint venture. An approach to State Supply Commission verified that the requirement for public advertising had been satisfied by the advertisement for expressions of interest and calling for tenders without result. Homeswest was therefore able to negotiate directly with Springdale Holdings Pty Ltd to determine if a joint venture development was feasible.

(3) A selection committee made a recommendation to the Board of the State Housing Commission which was referred to the Minister for Housing and Cabinet and will proceed to the Governor for approval as required under Section 12A(1)(b) of the Housing Act 1980 as amended.

(4) 50% each.

(a) Profits are shared on a 50/50 basis after land, development, project management and sales costs are taken out.

(b) All costs are shared on a 50/50 basis.

(c) In the event of default, the non-defaulting participant has the right to purchase the defaulting participant's individual interest. This does not relieve the defaulting participant from its obligation to discharge fully the balance of any unpaid sums and interest. Termination clauses provide for the winding up of the joint venture with payments to each participant in proportion to individual interests. The Auditor is empowered to effect this.

(6) Due to a confidentiality clause in the Joint Venture Agreement between the State Housing Commission and the joint venture partner, I am unable to provide the Member with these details.

HOMESWEST, SALE OF LAND AT BIBRA LAKE

1695. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

Regarding Homeswest's sale of land at Bibra Lake to the Satterley/Home Building Society -

(1) When were expressions of interest called for this sale?

(2) What were the names of the companies that submitted their expressions of interest for the sale?

(3) Who made the decision to award the sale to the Satterley/Home Building Society?

(4) What were the proceeds of the sale to Homeswest?

Hon MAX EVANS replied:

(1) Expressions of Interest were called on 16 July 1998 and closed on 28 August 1998.

(2) Home Building Society and Satterley Real Estate
Taylor Woodrow (Australia) Pty Ltd
Australand Holdings Ltd
Hender and Farris
Carcione Group

(3) The Board of the State Housing Commission and the Minister for Housing.

(4) $3,765,000.00 plus the return, free of cost, to Homeswest of one 3000m^2 group housing site for seniors.

HOMESWEST, SALE OF LAND AT BAYSWATER

1696. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

Regarding Homeswest's sale of land at Bayswater to the Beamish Property Group -

(1) When were expressions of interest called for this sale?

(2) What were the names of the companies that submitted their expressions of interest for the sale?

(3) Who made the decision to award the sale to the Beamish Property Group?

(4) What were the proceeds of the sale to Homeswest?

Hon MAX EVANS replied:

(1) Expressions of Interest were called on 16 July 1998 and closed on 28 August 1998.

(2) Home Building Society and Satterley Real Estate
Taylor Woodrow (Australia) Pty Ltd
Lester Bayswater Pty Ltd
Brulene Developments
Beamish Property Group
Uzbek Pty Ltd
Swan Valley Enterprises
Michael Johnson & Co

(3) The Board of the State Housing Commission and the Minister for Housing.

(4) $1,450,000.00 plus the return, free of cost, to Homeswest of four individual housing sites, plus a 50% share of any profits exceeding 29% of cost within three years.

HOMESWEST, BEELIAR HEIGHTS JOINT VENTURE

1697. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Housing:

Regarding Homeswest's joint venture in Beeliar Heights with Digby Swale and Associates/International Financing and Investment Pty Ltd -

(1) When were expressions of interest called for this joint venture?

(2) What were the names of the companies that submitted their expressions of interest for the joint venture?

(3) Who made the decision to award the joint venture to Digby Swale and Associates/International Financing and Investment Pty Ltd?

(4) What share of the joint venture does each partner hold?

(5) What are the terms of this joint venture agreement in respect to -

(a) profit sharing;
(b) cost sharing; and
(c) liability in the event of failure of the project?

(6) What are the anticipated costs and profits of the project?

Hon MAX EVANS replied:

(1) Expressions of Interest were called on 5 December 1998 and closed on 30 October 1998.

(2) Digby Swale and Associates
Futuris Corporation
Peet and Co
Police and Nurses Credit Society Ltd
Home Building Society and Satterley Real Estate
Taylor Woodrow (Australia) Pty Ltd
Towlshire Ltd
Lester Group

(3) A selection committee made a recommendation to the Board of the State Housing Commission which was referred to the Minister for Housing and Cabinet and will proceed to the Governor for approval as required under Section 12A(1)(b) of the Housing Act 1980 as amended.

(4) 50% each.

(5) (a) Profits are shared on a 50/50 basis after land, development, project management and sales costs are deducted.

(b) The developer pays all development costs, the project meets marketing, selling and project management costs.

(c) In the event of default, the non-defaulting party may terminate the agreement. The Ministry of Housing retains ownership of the land until each individual lot is sold.

(6) Due to a confidentiality clause in the Joint Venture Agreement between the State Housing Commission and the joint venture partner, I am unable to provide the Member with these details.

CARNARVON JETTY RESTORATION PROGRAM, FUNDING

1699. Hon TOM STEPHENS to the Leader of the House representing the Minister for Commerce and Trade:

What funds have been specifically allocated to the Gascoyne Development Commission for 1999/2000 for use on the Carnarvon Jetty restoration program?

Hon N.F. MOORE replied:

Nil. The Commission has facilitated grants to assist the Carnarvon jetty restoration program. These grants have been made directly to the Carnarvon Heritage Group which is managing the works program.

SEWERAGE INFILL PROGRAM, EXPENDITURE

1702. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Water Resources:

(1) Is the sewerage infill program running to schedule?

(2) If not, what areas are behind in the connection timetable?

(3) Has the sewerage infill program expenditure been within the budget estimates for each financial year from 1995?

(4) If not, for each year it was over budget what was the estimate and the actual cost?

Hon MAX EVANS replied:

(1) Yes. However, during the course of the program it is occasionally necessary to reprioritise some projects because of investigation and design issues, which affect tentative dates for construction.

(2) Not applicable.

(3) Yes.

(4) Not applicable.

GANTHEAUME POINT, BROOME, TOURIST COMPLEX

1728. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

I refer to the proposal for a tourist complex at Gantheaume Point in Broome and ask -

(1) Has Cabinet finally considered and selected the preferred developer?

(2) When will the Minister for Lands announce the preferred developer?

Hon MAX EVANS replied:

(1) No.

(2) After Cabinet has considered and selected the developer.

SACRED SITES, PYRTON

1731. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Aboriginal Affairs:

(1) Has the Minister for Aboriginal Affairs received memorandum from his departmental staff that advises there are sacred sites on Pyrton?

(2) If yes, will the Minister table these memorandums?

(3) If not, why not?

(4) Did the Minister mislead the public when he said on Liam Bartlett's program on April 8, 1999 that "the real sacred site is up on the hill, the Success Hill behind where the prison is" when in fact Pyrton does contain sacred sites?

Hon M.J. CRIDDLE replied:

(1) Yes, the Minister has been advised that there are Aboriginal sites on and in the vicinity of the Pyrton land.

(2) No.

(3) The memoranda are part of the deliberative process of Government between the Minister and his Department.

(4) No, the Minister expressed a personal point of view that the more significant Aboriginal site is at Success Hill.

GERIATRIC DAY HOSPITAL SERVICES

1738. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Health:

In relation to discussions occurring between Fremantle and Rockingham/Kwinana Health Services in relation to the introduction of jointly staffed geriatric day hospital services, as noted on page 681 of the Program Statement, would the Minister for Health provide examples of the types of services that will be carried out in such a facility?

Hon MAX EVANS replied:

Geriatric day hospital services are an integral part of health and related services for older people and are the primary source of rehabilitation services for older people living in the community. Examples of the services provided by geriatric day hospitals are:

Comprehensive medical assessments by a Geriatrician
Functional assessments and rehabilitation treatments by:

Physiotherapists (assessments and treatments improve balance and to restore body strength for normal daily living functions)

Occupational therapists (assessments and treatments to reduce the effects of disabilities in older people and to improve normal daily living functions)

Speech Therapists (assessments and treatments for people who have a condition affecting their speech, eg Stroke, Parkinson's Disease)

Nurses (assessments and treatments to assist disabled older people to manage personal care tasks.

ARMADALE COURTHOUSE, SECURITY FENCE

1742. Hon N.D. GRIFFITHS to the Minister for Justice:

(1) Are you aware of the City of Armadale's opposition to the recently built 2 metre high cyclone wire security fence around the Armadale Courthouse carpark?

(2) Are you aware that the City's opposition is based on the proposition that the fence is incompatible with the Civic/Heritage nature of the area where it is placed?

(3) Will you cause the fence to be removed and consult with the City of Armadale to reach an acceptable solution?

Hon PETER FOSS replied:

(1) Yes.

(2) The fence is now being modified to maximise compatibility with the civic/heritage nature of the area. The design allowed the mature trees and shrubs on the site to be retained while meeting the security requirements of the Court. It is also of note that the design is consistent with the fence at the rear of the City of Armadale's administration building.

(3) Considerable consultation with the City of Armadale has already taken place. As a consequence modifications to the fence are now in hand. The Ministry of Justice recently wrote to the City of Armadale asking that they reserve judgment on the fence until the modifications are complete. This is, in my view, a reasonable request and I do not intend to intervene in this matter.

TOTALISATOR AGENCY BOARD, HIGH STREET, FREMANTLE

1743. Hon J.A. COWDELL to the Minister for Racing and Gaming:

Given the recent significant expenditure by the TAB on upgrading its agency premises I ask -

Will the TAB now discharge its civic obligations by entering into discussions with the City of Fremantle with a view to reconstructing the two story facade of the shop at 91 High Street, Fremantle, that was previously demolished by the TAB?

Hon MAX EVANS replied:

The TAB believes that the facade referred to was demolished almost 30 years ago. The TAB is currently examining the feasibility of upgrading this agency. As part of the feasibility, the TAB is examining the possibility of incorporating an appropriate period facade.

QUESTIONS WITHOUT NOTICE

REGIONAL FOREST AGREEMENT, POLLING BY GOVERNMENT

1425. Hon TOM STEPHENS to the Leader of the House representing the Premier:

(1) Has the Government conducted any polling on the RFA, the forests issue or the public's perceptions of the RFA process?

(2) If yes, when, how often, and at what cost?

(3) Will the Leader of the House table that polling; and, if not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) No.

(2)-(3) Not applicable.

COMMONWEALTH-STATE HOUSING AGREEMENT

1426. Hon TOM STEPHENS to the Minister for Finance:

No notice of this question has been given. I refer to the revised intergovernmental agreement being negotiated by the Commonwealth Government and the States.

(1) Will the State Government be forced to retain another of the State's taxes previously proposed to be abolished due to inadequate compensation contained within the Commonwealth-State Housing Agreement for the impact of the GST on public housing?

(2) Is it correct that the Government will be forced to retain seven of the nine state taxes previously proposed to be abolished under a GST?

(3) Will the minister take the earliest opportunity of tabling the latest intergovernmental agreement before the Parliament rises?

Hon MAX EVANS replied:

(1)-(3) I suggest that the member put the question on notice to the Treasurer because he is handling the intergovernmental agreement.

RESOURCES SECTOR ROYALTIES

1427. Hon N.D. GRIFFITHS to the Minister for Finance:

(1) Is the statement in *Prospect*, June-August 1999, page 35, to the effect that the percentage of resources sector royalties as a percentage of state government total revenue increased from 5.3 per cent in 1987-88 to 8.4 per cent in 1997-98 correct?

(2) What is the percentage of royalties from the resources sector as a component of the State Government's total revenue in 1998-99?

(3) What is the projected percentage at the time the budget was handed down for 1999-2000, and what is the current projected percentage?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Treasury has advised that on a comparable basis, resource sector royalties as a share of total general government revenue rose from 4.4 per cent in 1987-88 to 8.9 per cent in 1997-98.

(2) An estimated 8 per cent.

(3) At the time of the budget, it was expected that 8 per cent of total general government revenue would be raised from royalties in 1999-2000. This has not been revised.

The royalties have been increasing each year - for example, from the gas in the north west - but our Grants Commission adjustments increased by consumer price index and per capita, but each year it had a certain amount taken away from it - $53m in the first year and $57m in the second year. Royalties have been reduced by $1b since we came into government. A large part of that is due to royalties which are redistributed to the other States. We retain just over 20 per cent of our royalties each year; about 78 per cent of our royalties is redistributed to the other States. As I said a few weeks ago, this year our grants reduced by $75m as part of that $1b cumulative over the period, whereas New South Wales received an extra $146m because of the redistributions. Royalties cannot be taken per se as a percentage of total revenue or as a total amount itself. The Grants Commission takes away to give to the other States. The same thing happens with financial institutions duty and bank account debits tax in New South Wales and Victoria, where the finance houses are. What they earn is redistributed to the other States. It is a big factor for us because we probably get more royalties than the rest of Australia, but it is mostly taken away from us and redistributed through the Grants Commission.

POLICE SERVICE, SEX INDUSTRY DATABASE

1428. Hon NORM KELLY to the Attorney General representing the Minister for Police:

(1) Does the Police Service have on any records database a method of identifying sex industry workers?

(2) If so, how are such persons identified?

(3) Do police officers performing general duties, such as drivers licence checks, have access to this information?

(4) Have the initials "kp" been used in any way for identifying sex industry workers in recent years?

(5) If so, how has this designation been used?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) Yes. As previously reported, the vice investigations unit keeps a voluntary register of sex workers. This register is maintained manually in a card file system, with each card being recorded electronically on the Police Service IDX database for ease of reference. While the IDX system is used throughout the Police Service, those card files entered onto the system are electronically protected and cannot be accessed by persons outside the vice investigations unit. It should be noted, however, the screens used by the vice investigations unit to electronically file or record the voluntary sex workers register have been purpose-designed and actually annex the primary IDX database.

(2) As the vice investigations unit database is used exclusively to record sex workers, it is unnecessary to reiterate this fact in the information entered. The database records basic details regarding each of the registered individuals, such as their name, address, telephone number, place of employment, type of employment within the sex industry - for example, prostitute, masseuse, single operator - and whether the person is currently active in their employment.

(3)-(4) No.

(5) Not applicable.

DIRK HARTOG PASTORAL LEASE

1429. Hon GIZ WATSON to the minister representing the Minister for Lands:

In respect of the intended future use of Dirk Hartog Island pastoral lease -

(1) Is the Government aware of the article in the newsletter "Shark Bay World Heritage Area", edition No 3, which seems to indicate that the Dirk Hartog Island pastoral lease in Shark Bay is no longer used for pastoral purposes but for tourism? It is stated that until recently the island was a pastoral lease but has now moved to tourism, providing accommodation and tours.

(2) Is this change from pastoral use to tourism consistent with the conditions for a pastoral lease?

(3) Have the leaseholders obtained relevant permission for this change of use to tourism?

(4) If yes, will the minister provide me with the conditions which were set for compliance for this change of use?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) No. Dirk Hartog Island is a pastoral lease and is used for pastoral purposes.

(2) Some tourism is conducted from the freehold land on the island which is owned by the pastoral lessee.

(3) The lessees obtained permission to operate low-key tourism from the then Pastoral Board in 1994.

(4) No change of use occurred due to the granting of this permission and no conditions were set.

THEATRE ARTS BODIES, REGIONAL PERFORMANCES

1430. Hon MURIEL PATTERSON to the Minister for the Arts:

Are any of the theatre arts bodies which receive funding from the State Government required to perform in regional areas?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

Yes, the following theatre arts companies are required to tour to regional Western Australia -

Black Swan Theatre Company
Barking Gecko Theatre Company
Spare Parts Puppet Theatre
Deckchair Theatre Company
Perth Theatre Company

In addition, the following performing arts companies are also required to undertake tours -

West Australian Symphony Orchestra
West Australian Ballet Company
West Australian Opera in partnership with Oz Opera
Buzz Dance Theatre

Funds are made available through Country Arts WA to support these tours. There is a memorandum of understanding between Country Arts, the West Australian Symphony Orchestra and the West Australian Ballet Company for touring to regional Western Australia. Similarly there is a memorandum of understanding between Country Arts and the Buzz Dance Theatre, the Spare Parts Puppet Theatre and the Barking Gecko Theatre Company for schools touring to regional Western Australia. In addition, persons seeking incentive funding receive a credit of $2 for every $1 earned in the country.

ABORIGINAL SITE, DISTURBANCE

1431. Hon TOM HELM to the minister representing the Minister for Aboriginal Affairs:

I refer to reports that a goldfields mining company disturbed an Aboriginal site between Leonora and Gwalia more than a year ago.

(1) Can the Minister for Aboriginal Affairs confirm that such a site disturbance occurred?

(2) Have Aboriginal Affairs Department officers investigated these reports?

(3) If yes, what action was taken as a result and have any prosecutions been laid against the company?

(4) If not, why not and what is the time limit for such prosecutions?

(5) What is the impact of such a site disturbance on the evidence required to establish a native title claim?

The PRESIDENT: The last part of the question, from what I heard, seems to seek a legal opinion. However, the minister may reply.

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) On 30 June 1998 the goldfields regional office of the Aboriginal Affairs Department was notified that drilling had occurred on or in the vicinity of Mt Leonora in about May 1998. Two Aboriginal sites had been recorded in the vicinity of Mt Leonora in 1977 and 1983 but the precise location and extent of those sites had not been reported or confirmed.

(2) Yes, investigations included consultation with representatives of Aboriginal native title claimants to the area, the mining company and the conduct of two further ethnographic surveys of the area.

(3) The allegation of site disturbance at Mt Leonora was considered by the Aboriginal Cultural Material Committee at its meetings held in October 1998, December 1998, April 1999 and June 1999. No prosecution action has been initiated.

(4) Despite the ethnographic surveys that have been conducted, the information on the extent of the site and site boundary has proved too imprecise for the Aboriginal Cultural Material Committee to make a formal finding that the area where the drilling occurred was an Aboriginal site within the meaning of the Aboriginal Heritage Act 1972. Accordingly, one of the essential elements required to establish a successful prosecution under the Aboriginal Heritage Act for disturbance of a site was not available. Prosecution for a breach of the provisions of the Aboriginal Heritage Act must be commenced within 12 months of the date of the alleged offence.

(5) Not known.

MUJA POWER STATION, COAL PLANT SYSTEM

1432. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Energy:

(1) Has the Government called for expressions of interest for the operation and maintenance of the coal plant handling and conveyor system at the new Muja power station?

(2) What is the estimated value of the contract?

(3) Have expressions been received for this contract? If so, from whom?

(4) Has an expression of interest been received from Integrated Power Services Pty Ltd, a joint venture company in which Western Power Corporation has a 50 per cent shareholding?

(5) When do expressions of interest close?

Hon N.F. MOORE replied:

I thank the member for some notice of this question on 25 May 1999.

(1) No. Western Power will be inviting tenders from specialist operations and maintenance contractors on 1 June 1999.

(2) This information is commercially confidential.

(3)-(5) Not applicable.

REID HIGHWAY EXTENSION, CARINE COMMUNITY CONSULTATION PROCESS

1433. Hon E.R.J. DERMER to the Minister for Transport:

I refer to the minister's advice of 29 June 1999 that a community consultation process has been undertaken to determine the most appropriate format for the Reid Highway extension through Carine, and I ask -

(1) Will the minister table the findings of this community consultation process? If not, why not?

(2) Will the minister table all responses to these findings made by either himself or Main Roads? If not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1)-(2) I can confirm that there has been extensive community consultation on the Reid Highway project over many years undertaken by Main Roads and the City of Stirling. This includes establishment of a community liaison group by Main Roads and a trial closure of Everingham Street by council. It is not possible to collate all the information related to the community consultation in such a short time. However, I would be pleased to arrange a briefing for the member and any other members who have an interest in this issue.

KERR FOREST BLOCK

1434. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:

I refer to the minister's speech in the other place on Wednesday, 16 June in which she referred to 13 per cent of Kerr forest block being protected as a formal reserve -

The PRESIDENT: Order! If Hon Christine Sharp is referring to a debate in the other House, and it seems to me that she is, that is against standing orders. If the member needs to ask another question, I will give her the call in a moment.

YANCHEP-TWO ROCKS, HIGH SCHOOL PLACES

1435. Hon RAY HALLIGAN to the Leader of the House representing the Minister for Education:

(1) Has the Education Department any projections on growth in demand for high school places in the Yanchep-Two Rocks area over the next few years?

(2) Are there any plans to close the Yanchep District High School?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Yes. The current number of secondary students enrolled at Yanchep District High School as at February 1999 is 61. It is anticipated, based on primary enrolment numbers and residential growth forecasts in the area, that the number of secondary students attending the school will fluctuate around 70 over the next few years.

(2) No, there are no plans to close the school.

WOODIE WOODIE ROAD CONTRACT

1436. Hon TOM STEPHENS to the Minister for Transport:

Will the minister table the letter sent by Main Roads to the State Supply Commission on 2 February 1998 concerning variations to the Woodie Woodie road contract? If not, why not?

Hon M.J. CRIDDLE replied:

Yes. I seek leave to table a copy of the 2 February 1998 letter from Main Roads to the State Supply Commission.

Leave granted. [See paper No 1196.]

REGIONAL FOREST AGREEMENT, KERR BLOCK

1437. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:

With reference to the Regional Forest Agreement, can the minister please table the map on Kerr forest block identifying the 13 per cent to be formally reserved?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The Minister for the Environment stated that 13 per cent of Kerr forest block is protected in the comprehensive, adequate and representative reserve system. The CAR reserve system includes formal reserves and accredited informal reserves. This area is within the CAR informal reserves and, with all informal reserves, 17 per cent is protected.

CABLE SANDS, YARLOOP TAILINGS DAMS

1438. Hon BOB THOMAS to the minister representing the Minister for the Environment:

(1) How much water is Cable Sands permitted to discharge from its Yarloop mineral sands tailing dams via the overflow pipes into the local environment?

(2) When did the Environmental Protection Authority and the Department of Environmental Protection last examine the bund walls for Cable Sands at its Yarloop minesite?

(3) Will the minister table the environmental monitoring and management program for Cable Sands' Yarloop mineral sands mine as set out in EPA bulletin 838? If not, why not?

Hon MAX EVANS replied:

(1) There is no limit on the volume of water permitted to be discharged from the tailing dams via the overflow pipes into the local environment. However, any water leaving Cable Sands' Yarloop minesite must meet the quality criteria as specified in its Environmental Protection Act 1986 licence. To meet these criteria, only treated water from the water storage dam is discharged into the environment. Overflow pipes are installed in mine tailings dams as an emergency overflow mechanism to maintain the structural integrity of the dams.

(2) It is not the role of the DEP to inspect the integrity of bund walls. This responsibility lies with the Geotechnical Services Section, Mining Operations Division of the Department of Minerals and Energy.

(3) Cable Sands' Yarloop minesite environmental monitoring and management plan is available for inspection by the public at the DEP. Copies may also be obtained direct from Cable Sands.

OCEANFAST MARINE LTD, HENDERSON FACILITY

1439. Hon JOHN HALDEN to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the closure of International Shipyards' Henderson facility and to the five tugs that the company partially completed prior to closure.

(1) Is the minister aware whether attempts are being made to have the company involved in completing the tugs offshore, possibly in Indonesia?

(2) Is the minister also aware of the number of Australian companies that have applied to complete the contract?

(3) Given that unemployment is increasing in the metal fabrication and engineering industry, will the Government take steps to secure an arrangement under which the work remains in Western Australia?

Hon N.F. MOORE replied:.

I thank the member for some notice of this question.

(1) The company is Oceanfast Marine Ltd, not International Shipyards Pty Ltd. Only three tugs had been partially completed. One tug was in the water almost complete, and two were part-built on the slipway.

(2) Yes.

(3) The administrator terminated the employment of those employees working on the Adsteam Enterprises tug contract. Adsteam has determined that it will have the tugs completed elsewhere. However, Austal Ships Pty Ltd has employed the human resources officer from Oceanfast Marine Ltd to try to place as many as possible of the former employees who have been laid off. The minister is advised that Austal has offered positions in order to minimise any hardships to those employees who have been laid off. Austal could use those workers according to their suitability for positions it has available.

At least two locally based companies have submitted a bid for the contract to complete the tugs. However, the company that owns the tugs has determined they will be completed elsewhere.

KEMERTON WATER SUPPLY, CONSULTANCY STUDIES

1440. Hon J.A. COWDELL to the minister representing the Minister for Water Resources:

(1) Is the minister aware of any consultancy studies that have been conducted on the Kemerton water supply for 1998-99?

(2) If yes, who is the consultant and by whom was the consultant appointed?

(3) When completed, will the study be tabled? If not, why not?

Hon MAX EVANS replied.

I thank the member for some notice of this question.

(1) A consultancy project was undertaken to develop a subregional groundwater model of the area between Myalup and Donnybrook. This consultancy was brought forward by the need to investigate a water supply for Kemerton.

(2) The consultant was Rockwater Pty Ltd and it was employed by the Water Corporation.

(3) The report will not be tabled as it is of a technical nature supporting business activities of the Water Corporation.

LEONORA AND GILES ROADS

1441. Hon GREG SMITH to the minister representing the Minister for Aboriginal Affairs:

(1) Are people permitted to travel along the Leonora and Giles roads?

(2) If not, what restrictions are in place?

(3) If a permit is required, what is the cost?

(4) Who administers these restrictions and what penalties exist for non-compliance?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) Yes.

(2) Under section 31 of the Aboriginal Affairs Planning Act 1972, any person wishing to enter an Aboriginal reserve must obtain a permit to carry out any activity.

(3) No charge.

(4) The Aboriginal Affairs Planning Act is administered by the Aboriginal Affairs Department. Entry permits for admission to Aboriginal areas through the Aboriginal Lands Trust in accordance with the Act and its regulations. The penalty for the first offence is $40 or up to three months' imprisonment or both; for the second offence it is up to $100 or up to six months' imprisonment or both; for the third or subsequent offence it is up to $200 or up to 12 months' imprisonment or both.

WOMEN'S PRISON, PYRTON SITE REJECTION

1442. Hon CHERYL DAVENPORT to the Minister for Justice:

I refer to the Western Australian Planning Commission's rejection of the proposal by the Ministry of Justice for a women's prison on the Pyrton site.

(1) What immediate steps will the minister take to relieve the overcrowding at Bandyup Women's Prison and Nyandi?

(2) Will the minister request the Disability Services Commission to appeal the decision? If yes, why?

(3) Would the appeal be to the Town Planning Appeal Tribunal or the Minister for Planning, and why?

Hon PETER FOSS replied:

(1)-(3) Pyrton was never intended to relieve overcrowding at Bandyup. All minimum security prisoners are out of Bandyup and are currently at Nyandi.

Hon John Halden: Nyandi is overcrowded. Its capacity is 22 and it has 36.

Hon PETER FOSS: I would like an alternative to Nyandi. I do not know what we will do with regard to the decision, because we have not been given a copy of it. Until such time as we receive a copy it is difficult for us to make any decision on whether we have a right of appeal and, if so, to whom. I have asked if we can have the decision as soon as possible so we can make those decisions.

SPORT CLUB DEVELOPMENT GRANTS

1443. Hon KEN TRAVERS to the Minister for Sport and Recreation:

(1) What has happened to the Government's election promise to provide $250 000 a year for sport club development grants?

(2) Has demand been satisfied in this area?

(3) If not, when will the next round of grants be called for?

Hon N.F. MOORE replied:

(1)-(3) That commitment has been implemented.

TOWN RESERVES, FUNDING

1444. Hon KIM CHANCE to the minister representing the Minister for Aboriginal Affairs:

I refer to the funding of town reserves in the 1999-2000 financial year.

(1) Is the Government considering a proposal to move the responsibility of funding for town reserves from the Aboriginal Affairs Department to Homeswest?

(2) When will a decision be made on this proposal?

(3) What is the rationale for the proposal?

(4) When will communities be advised whether the funding for their town reserves, for which they have applied for the 1999-2000 year, will be granted?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) Yes.

(2) No date for a decision on the matter has been established.

(3) The Aboriginal Affairs Department is consolidating its future directions as a coordinating and monitoring body of government services to Aboriginal communities and not as a provider of such services. This is consistent with the recommendations of the Taskforce on Aboriginal Social Justice which were accepted as government policy in 1994. It has also been suggested that the town reserves program may be more effective and may achieve better synergy if it were managed in conjunction with the management support and initiatives program currently administered by the Leader of the House. Currently the same communities are often funded under both programs.

(4) Communities will be notified of any changes that affect them as soon as possible after a decision is made. Funding applications will continue to be assessed based on the individual merits of the application.

ARTIFICIAL SURF REEF

1445. Hon TOM STEPHENS to the Minister for Sport and Recreation:

What is the minister's response to claims by surfers that the artificial reef has not produced, and is not producing, rideable waves?

Hon N.F. MOORE replied:

A potted history of this reef takes us back to the days when Hon Graham Edwards was Minister for Sport and Recreation. He was convinced by a surfer that we should try to enhance a reef off the metropolitan coast to provide better waves for surfers. That proposition was considered by Hon Graham Edwards over time, and a lot of work was done by a group of people who were put together for that purpose. I understand that a scale model was made at the University of Western Australia. The engineering department was involved and the proposal was that the Cables Beach area between Cottesloe and Mosman Park was an appropriate location to enhance an existing reef.

Hon E.R.J. Dermer: I want a full explanation of the hydrodynamics.

Hon N.F. MOORE: I will give it to the member.

The PRESIDENT: Order! I have the names of six members who want to ask questions. If members interject, none of them will get a chance to ask a question.

Hon N.F. MOORE: The work was done but never progressed. When this Government came to office, Hon Mike Board was given the role by the then Minister for Sport and Recreation, Doug Shave, to try to progress the project. He brought the team together and they continued to work on the project. It took a long time to reach the point to proceed with building the reef. I was criticised every second week by the Opposition for not hurrying up the project. Virtually every Sunday I would get a telephone call from the media saying, "We want to talk to you about the artificial reef. The Opposition says that you are deliberately delaying it. They say you are not going to build it. It is a myth and a lie and it will not happen." I kept saying that we were going through every possible study to make sure the thing would work and it was environmentally acceptable.

I took as long as humanly possible to get all of those reports done. I waited until I was satisfied that the project was worth proceeding with. The reef has been built but it has not been completed. Two things need to be finished; the pylons must be removed and the wings will be extended further to allow the waves to progress longer towards the beach. That cannot be done at present because of the weather and has been deferred until better weather in summer. However, the problem is people like the Leader of the Opposition, who is not a surfer; one can tell by the fact that he does not have long white hair. I do not claim to be a surfer and I know nothing about surfing. I took the advice of a range of experts, notably Nello Seragusa, the engineer in charge of this project. He did the Dawesville Cut and has strong credibility. The reef has been built but people like the Leader of the Opposition believe we should have made a wave-making machine.

Several members interjected.

Hon N.F. MOORE: Nobody ever said that at all. If members look at the press releases they will see it is a wave enhancement project designed to raise the height of the reef to enable the swells coming through to produce better waves. It was never intended to be a wave-making machine. The research showed that building the reef the way we have would increase the number of surfable days - there is a definition of that; I think it is a wave every 20 minutes - from three a year to 55 a year if my memory serves me right. Most of those surfable days will occur in June, July, August and September, probably starting more in July. There will be a significant improvement in the reef for surfing during the winter months when the swells come through. Some people expected that the day the reef was built we would suddenly have 10-foot waves and people would be able to surf there all day and all night and that the waves would be there forever. That is not the case. It is my belief that the reef will work but I am not an expert on these things. I understand from the advice I have that it is working very well when the swells are coming through and that is not every day.

Hon Tom Stephens: One surfing day so far.

Hon N.F. MOORE: That is not correct at all. The Leader of the Opposition should go down and have a good look and talk to Nello Seragusa. If I may take the House's time for a moment as this is an interesting question, one person - possibly the person who thought of the original idea - believes the rocks are not high enough and that we need to build higher on top of the reef. I am told by the engineers that at present the tides in Western Australia are abnormally high and that will affect the waves created by this reef. We will monitor the way the reef behaves and if it is necessary to put more rock on top to make it work better, that will be contemplated in the future. I am prepared to give it a go, unlike some people who want to jump on bandwagons, because I believe it will do a good job of providing better surfing facilities for surfers in Western Australia.