



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
SECOND SESSION  
1998

LEGISLATIVE COUNCIL

Tuesday, 13 October 1998

# Legislative Council

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

## STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

### *Report on Dangerous Goods (Transport) Bills*

Hon M.D. Nixon presented a report from the Standing Committee on Constitutional Affairs in relation to the Dangerous Goods (Transport) Bill and the Dangerous Goods (Transport) (Consequential Provisions) Bill, and on his motion it was resolved -

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

[See paper No 243.]

## CLOVER MEATS, WAROONA CLOSURE

### *Urgency Motion*

**THE PRESIDENT** (Hon George Cash): I have received the following letter addressed to me and dated 13 October -

Dear Mr President

At today's sitting it is my intention to move under SO72 that the House at its rising adjourn until 9am on 25th December 1998 in order to draw the attention of the House to the effect which the closure of Clover Meats will have on the town of Waroona and the inaction of the Government to provide assistance to this industry and other abattoirs in the State, while providing nearly \$8 million of assistance to the new Fletcher owned abattoirs in Narrikup.

Yours sincerely

Hon Kim Chance MLC

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

[At least four members rose in their places.]

**HON KIM CHANCE** (Agricultural) [ 3.40 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December.

We learnt last Saturday that something we feared for some time would happen had become a reality. On Friday last week, 180 workers at Clover Meats' export operations - Waroona's second-largest employer - learnt by mail that their jobs would end. Clover Meats is not alone in its predicament. Abattoirs throughout Western Australia are experiencing difficulties for a range of reasons. Without detailing those reasons, it is probably enough to say that the meat processing industry must cope with change and it is doing that in a number of ways including the adoption of new technology. However, that process of change is expensive and takes time. Time is proving to be the issue for this industry. In Waroona's case, Clover Meats and the Australian Meat Industry Employees Union met yesterday to discuss a range of issues including work practices, hours of work and shifts in an attempt to save the Waroona operation. A proposal was thrashed out yesterday, and although that process is not yet complete, all doors remain open between the AMIEU and Clover Meats.

Clover Meats may need financial assistance from the State Government to continue operations and trial the new arrangements which might be agreed in order to determine whether a solution has been reached and jobs can be saved. The question is whether Clover Meats will receive that assistance. Unless every effort is made to prove the value of the new arrangements, the people of Waroona face the certainty of the loss of a major employer in their region. If that occurs, Waroona, an otherwise vibrant country community, will join the ranks of dozens of other country towns and regional centres which have suffered the loss of employment, of opportunity, and of economic viability that has occurred throughout Western Australia since this Government took office. What makes the matter all the more deplorable is that this is happening at a time when we have learnt of a \$5.7m government carrot for the Fletcher group - a New South Wales based abattoir company - to establish a new abattoir at Narrikup on top of funding of \$2m to \$3m for road infrastructure assistance for those new works; a total of between \$7.7m and \$8.7m of taxpayers' money. A fraction of that amount would permit Clover Meats to continue operations for sufficient time to test the new proposals and possibly save those 180 jobs. If Clover Meats is not able to continue as an export works, Western Australia will be left with just one monopoly export cattle abattoir, E.G. Green and Sons. The Western Australia Farmers Federation meat section president, Mr Mike Norton, said we would have got ourselves into a helluva mess. Mike could not have summed up the issue of the abattoir industry in Western Australia any

more succinctly. The most likely outcome of the loss of Clover Meats' export operations will be even less value-adding in the beef cattle industry than we have now and even more pressure to export cattle live.

In an urgency debate on a related matter on 15 September, I made the point that despite statements to the contrary by the Minister for Primary Industry which were reported on 15 May 1997, some abattoir operators in Western Australia had sought and were denied assistance. The owner of Hillside Meats was reported on 8 May 1997 as being told by the Government that helping private enterprise was not government policy. He had sought assistance with the cost of water headworks. Ironically, I noted that one of the specific areas of assistance to the Fletcher group was water headworks, the same thing Hillside Meats had sought assistance for. There are numerous cases of abattoir operators in Western Australia seeking assistance and being refused help by this Government. The most recent incident of this was reported in the *Countryman* on 3 September 1998. I will quote a couple of statements made in that paper.

DARDANUP meat processor Mark Panizza wants to know why he missed out on financial assistance from the State Government to re-locate his abattoir.

He is angry that a \$5.2 million handout has been given to eastern States operator Fletcher International towards a major new export works at Narrikup and has accused the WA Government of playing favourites.

"Why was no assistance made available to us?" he asked.

"Why is an eastern States operator enticed to Western Australia with a handout of \$5.2 million to compete against Western Australian processors?"

Mr Panizza first wrote to Minister for Primary Industry Monty House in November 1996 asking for assistance to relocate the Dardanup Butchering Company . . .

Hon M.J. Criddle: Did he actually apply for it?

Hon KIM CHANCE: I can only quote this article. It said he -

. . . first wrote to Minister for Primary Industry Monty House in November 1996 asking for assistance to relocate the Dardanup Butchering Company . . .

The move was estimated at \$10 million, including \$4.8 million to build a new works.

"We were not able to get any firm commitment from the Government and without it the move wasn't viable," he said.

Delays in replies to his letters to Mr House and inaction by bureaucrats had eventually led to the plan being scrapped - but not before more than \$20,000 had been spent investigating the proposal, including identifying a suitable site at Brunswick.

"Mr House said recently other processors were able to apply for the same assistance that Mr Fletcher had been given and then said he had never seen any applications," Mr Panizza said.

"Well, I've got the correspondence which shows that he has."

I do not need to read the rest of the article. Mr Panizza raised other issues, including the Fletcher group's receiving payroll tax concessions. I have not heard that before in the context of this issue. I do not know whether Mr Panizza is correct in that assumption but I would like to know.

Hon B.K. Donaldson: Is that Panizza?

Hon KIM CHANCE: Yes, Mr Mark Panizza. The same as our friend, the late Senator John Panizza. The article closes with a quote from Mr Panizza -

"I want to know how they can justify spending that sort of money when WAMMCO . . .

That is the Western Australia Meat Marketing Corporation

. . . is losing money," he said.

"Why are they bringing him . . .

Presumably Mr Roger Fletcher -

. . . into a State where there is already excess capacity?"

Members might recall that I asked the same question a month ago. This is not an issue which will go away easily. Clover Meats' export operation is a cattle operation whereas Narrikup is a sheep abattoir. Clover has been badly hurt by the Asian economic downturn, probably more than any other abattoir operating in Western Australia.

While acknowledging both of those points, which have contributed to Clover Meats' difficulty, nothing can detract from the fact that the Government has poured a bucket load of taxpayers' money - between \$7.7m and \$8.7m - into Fletchers while allowing Western Australian meat processors to bleed to death.

It is not true that these processors have not sought assistance. Perhaps they have not sought it through the appropriate channels, but surely when a processing company that has upgraded its operations at a cost of about \$10m makes an approach to the Government, it should be advised of the correct format to follow in making such an application.

The brush-off which these people received and which is reported to have been received by Hillside Abattoir are astounding given the degree to which the Fletcher group was courted by the Western Australian Government, including a visit to Dubbo by the Deputy Premier. Surely the operators of local abattoirs should be treated with greater courtesy than simply being advised that the Government does not support private industry, or words to that effect.

Hon M.J. Criddle: That does not add up. You are saying the Government does not assist them. It has assisted both.

Several members interjected.

Hon KIM CHANCE: I do not know.

The PRESIDENT: Order! Members will all have a chance to speak if time permits.

Hon KIM CHANCE: I have brought to this place in the context of this debate and the earlier debate numerous examples of assistance being sought but not granted. I am asking prospectively, not retrospectively - the Government cannot do anything to fix the damage it has already done - whether members opposite will get off their backsides and offer some assistance to Clover Meats.

I raise another related issue. Mike Norton from the WA Farmers Federation said that the industry is in a mess and today we have heard further confirmation of that. Just a short time ago, the Minister for Primary Industry stated in the other place that the WA Meat Marketing Corporation's acquisition powers are to end as of 1 January 2000. On 15 September last month - less than a month ago - I asked that minister via his representative in this place whether it was his intention to remove the single desk authority from the WAMMC.

#### *Points of Order*

Hon N.F. MOORE: My reading of the motion suggests that it does not refer to this issue. Therefore, the member is out of order in discussing it.

The PRESIDENT: I have also been reading the motion very closely. Unless Hon Kim Chance can demonstrate that the issue he has now raised is directly related to the closure of Clover Meats and the other matters mentioned in his motion, he is outside the scope of the motion.

Hon KIM CHANCE: The matter I have raised is within the scope of the motion to the extent that it refers to the Government's inaction in providing assistance to the industry and to other abattoirs in the State while providing nearly \$8m of assistance -

Hon TOM STEPHENS: The member is responding to a point of order and the clock is continuing to run. Given that we are dealing with a point of order, is the member entitled to have the clock stopped?

The PRESIDENT: No. It is not usual to stop the clock on every occasion because it generally takes less than a minute to dispose of points of order. However, I am conscious that Hon Kim Chance may have lost a few seconds, and a certain discretion is available to the Chair if it is required.

#### *Debate Resumed*

Hon KIM CHANCE: Given the short time I have available I will not bother the House about the standing orders. However, I hold that the motion is sufficiently broad for me to make this comment because it relates to the viability of the meat processing industry in Western Australia. The change to the statutory nature or acquisition power of the WA Meat Marketing Corporation may appear to be technically unrelated, but it is not. Indeed, the future viability of abattoirs will be affected by this decision.

We have heard that this industry is in a mess. Two days short of a month ago I asked the Minister for Primary Industry whether it was his intention to remove the single desk authority from WAMMC or otherwise to reduce its powers. I was told with great clarity that meetings and discussions on these matters have been taking place for some time and continue to occur. In the short space of 28 days the minister has made his decision and will now remove that corporation's acquisition powers. Roger Fletcher has been pushing that issue down the throats of Western Australian sheep producers for the entire time he has been active in this State. There is no doubt in my mind that Roger Fletcher and the State Government are hand in hand on this issue.

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [3.58 pm]: No-one likes to see people in the country lose their jobs, least of all me. When something like this happens in the country it is difficult to take. However, we have an international situation of which the member is well aware. The meat industry has always suffered badly as a result of fluctuations in trading in international markets. The beef industry went through bad times with the mad cow disease and those involved obviously suffered. Those incidents led to difficulties at the abattoir stage and that is where we must implement efficiencies. I am interested to note that the local people have met and are starting the negotiations that must take place to allow their industry and abattoir to continue. That is crucial. We have gone through that process and many others.

The greenfield site at Narrikup will be established and many efficiencies will be introduced that will benefit the industry. Every industry must be profitable and, from that point of view, the Narrikup abattoir will provide the opportunity for the industry to survive for some time into the future.

While the member says that this person has received some assistance - I will cover that later - we must recognise that with the introduction of these efficiencies many more animals will be processed. The Narrikup facility will be able to process export sheep to maximise its return. There will be a substantial increase in the number of animals processed and 400 people will be employed in that abattoir. That is a great opportunity to maximise the kill in Western Australia.

In addition, the sheep meat industry is suffering. The number of sheep being killed in Western Australia is declining rapidly, as Hon Kim Chance well knows. Yesterday the General Manager of Clover Meats, Bevan Trolloy, said the company was still holding talks with the union officials - which I believe are continuing now - to work out a deal to keep the abattoir operating. He cited poor trading conditions in export markets, especially in South-East Asia, and dumping by American producers as reasons for the company's crisis. He said that if a sustainable operating plan could not be negotiated, Waroona would face big losses and the loss of its second biggest employer.

In 1991 the population of Waroona was 3 010 while at present it is 3 291. The town has 248 manufacturing jobs. The abattoir, which is a substantial employer, employs 180 people. The closure will have a detrimental effect on that town, as would frost have on towns in the wheatbelt. Although Governments are continuously asked for assistance, it does not stop those of us in the Agricultural Region from suffering downturns from time to time.

Hon Kim Chance: The difference in the analogy is that fruit growers, for example, have not received assistance. Wheat growers could say they need complementary assistance to that which has been received by other producers. In the abattoir industry a newcomer is receiving assistance and an established company is not. That is the issue.

Hon M.J. CRIDDLE: I am pleased Hon Kim Chance has led me into the next point. The Deputy Premier met with the industry to discuss headworks charges. Anyone can apply for assistance to meet power, water and waste water costs and will be assisted provided they meet the scheme's criteria. That is what the abattoir at Narrikup has done. An operation at Beaufort River also has access to those funds. It benefitted from an industry incentive scheme which is available to assist with new capital investment whether it be for boning rooms, killing chains or whatever provided it involves new high technology equipment and can increase employment. I understand E.G. Green and Sons and P.J. & D.M. Trefort have shown an interest in that scheme. However, an operation in the country turning over less than \$1m cannot access the scheme. In the metropolitan area companies must be turning over approximately \$2m. Those schemes are available to people if they wish to access them. It has been accessed by an abattoir outside Narrikup. I hope other operations take the opportunity of applying for assistance.

I remember Geraldton Meat Exports seeking, I think, \$60 000 three or four years ago to tar seal the roads into its abattoirs. That has been achieved as a result of my predecessor helping to make the funds available. This enabled the upgrading of a very bad road. This has assisted the workers who drive into the abattoir and anyone else who goes there, whether they be salespeople or stock agents. Geraldton Meat Exports seems to be operating successfully as a result of the sheep kill being complemented by the goat kill. Although substantial road funds were provided to the abattoir in Narrikup, the upgraded road is benefitting the whole community in the same way that funds made available to the Waroona abattoir would benefit that community. The benefits go much further than to just the abattoir.

Hon Kim Chance: Will you assist Clover Meats in Waroona?

Hon M.J. CRIDDLE: I do not think anyone has been asked to assist that operation. It will be interesting to see what arises from the negotiations that are taking place with the people involved. It is interesting to note that in the negotiations to establish whether the company will survive, the workers are coming to the party as well as Clover Meats itself. The two parties must resolve various issues before we begin looking at other avenues for funding. Hon Kim Chance will be aware of what occurred as a result of the drought in the Gascoyne. It was five years before that area received funding and the region was in dire straits. It must be clearly demonstrated that people are in difficulty.

If people in Waroona are made redundant, obviously they will be able to access social benefits. Assistance is available to people, which is stock-in-trade in Australia when people get into difficulty.

I referred to the funding made available to the operation at Narrikup of \$2.5m and \$2.7m. I encourage anyone who wants

to develop industry in rural or other communities to access the funds available, because we need to see these industries developed. As I said earlier, it is a tragedy to see people losing their jobs in any area let alone in the country, where we desperately need them. The situation in Waroona will have a big impact on the beef industry. It is a major abattoir in rural Western Australia. I think it handles 12 per cent of Western Australia's cattle, although I am pleased to see cattle export is commencing in the north, which is a bonus. We must maximise the opportunity for the abattoir in Waroona. I hope the parties involved come to an agreement in the near future.

**HON MURRAY MONTGOMERY** (South West) [4.06 pm]: I was interested in the comments by Hon Kim Chance about the meat industry being in a mess. He attributed those comments to Mike Norton, the president of the meat section of the WA Farmers Federation. This type of industry reformation has been occurring for many years. Abattoirs have been closed, reopened, knocked down and new ones built, if not over the past 50 or 60 years, certainly over the past 30 or 40 years.

Hon Kim Chance: I think Mark is referring to the fact that we are falling back into a monopoly situation.

Hon MURRAY MONTGOMERY: The only export cattle works in the southern part of the State, other than that of Clover Meats, is run by E.G. Green and Son. Nobody has ever complained that that company, which kills probably 80 or 90 per cent of meat exported from the State, has a monopoly. It has been here for a long time. Efforts have been made to find another abattoir to provide competition - 10 per cent is better than nothing. As Hon Murray Criddle said, the cattle kill at Clover Meats has contributed to 10 per cent of the State's cattle kill.

As well as slaughtering cattle, Clover Meats was one of the major pig slaughtering abattoirs in the State. Once it began slaughtering pigs it denied itself exports to certain sheep markets because Muslim countries do not accept sheep meats killed at a pig abattoir. I am sure Hon Kim Chance is well aware of that. Clover Meats kills probably fewer than one per cent of sheep in the State.

I can sympathise. I believe the management of the Waroona abattoir must consider how it can survive and whether that is possible. It is up to the management of the abattoir to decide whether its negotiations with the union will allow the abattoir to survive or whether it is necessary to apply to the Government for assistance. If one rushes in and offers something before negotiations start, where does one stop? Does the Government offer assistance to everybody who says, "I have a problem"? Firstly, the management of the abattoir needs to look at what is happening.

Hon Kim Chance made some comments about Mr Polly Trefort of Hillside Meats, Narrogin, applying for assistance. Approximately 12 or 15 months ago I looked over the abattoir at Narrogin along with the Deputy Premier, who offered assistance with head works and in other areas. However, it was necessary to make an application. I cannot say whether Mr Trefort has applied for assistance, but he was aware because he heard it from the mouth of the Deputy Premier that, if he applied for assistance, his application would be considered. If one says that Mr Trefort has been refused assistance, one must ask whether he applied in writing. I was part of the group that was at the abattoir, and I can assure the House that I - and others, I am sure - heard the Deputy Premier say that Mr Trefort could apply for assistance, and that funds were available in various areas, providing the abattoir met the application requirements.

Approximately three or four weeks ago this House debated the level of funds Fletcher International Exports Pty Ltd may have received from the Government. Fletchers has been smart in that it has applied for funds on the basis that it will introduce new technology to reduce costs on the kill side. Hon Kim Chance would be aware that one of the biggest bugbears that has always existed has been the cost of the kill. In whatever manner the kill has been carried out, inefficiencies have occurred. New technologies have been developed in the eastern States and in New Zealand. In Western Australia those new technologies were not used until this abattoir was constructed. A new abattoir can incorporate new technologies. Fletchers has brought those new technologies to Western Australia and they have given it a leading edge.

People who wish to export can see how this abattoir operates, and possibly Fletchers will be able to snare some of the contracts for the sheep which are now being exported live and which both the Opposition and the Government want to see killed in Western Australia. If Fletchers is able to kill those sheep here and compete against the live sheep exports, that will provide a wonderful opportunity for the industry to keep jobs here. That in itself is a good reason this new technology should be brought into this State. If Fletchers has been able to introduce this technology, that is fine. However, the other abattoirs have had the opportunity to introduce it also. Metro Meat International in Katanning and Linley Valley abattoir could have applied for grants and introduced this new technology, and that would have kept the jobs of many of their workers. That is one area where abattoir owners have fallen down or have not considered the opportunities which would be created by the lower costs those new technologies would have brought about.

Clover Meats at Waroona has reached the stage where it is looking for assistance, but had it been prepared to invest in those new technologies, it may have been possible for it to stay in the abattoir industry and continue exporting. However, as Hon Murray Criddle said, overseas export markets, particularly those in Asia and the United States, have suffered downturns, and it is unfortunate that the abattoir is in this position.

**HON KIM CHANCE** (Agricultural) [4.17 pm]: A couple of points need to be made. To take the \$8m or thereabouts which

we are told has been spent on introducing new technology and to justify it on the basis of 400 new jobs and \$100m-worth of new exports is absolute rubbish. On the matter of Fletchers being interested in converting live sheep trade into carcase sheep trade, I know the proposition was sold on that basis. I have not seen much interest in Fletchers fulfilling that promise. Fletchers is interested in dominating the lamb kill in this State and taking over the export market. We have already seen that little building block put in place as a result of the minister's announcement in the other place today. We already know that will happen. However, the justification of the 400 new jobs is rubbish. We all know those 400 jobs will be drawn from another abattoir in this State or other abattoirs in other parts of regional Australia. One by one, we will see jobs stripped out of Hillside, Merredin and Tammin. One by one, regional abattoirs will lose work, and those jobs will be located in Narrikup. However, above all, jobs will be lost in Katanning. Metro at Katanning has been on part-time shut down for 18 weeks. That indicates the extent of the surplus capacity in this industry at the moment. Meat workers in Merredin are ringing me saying, "When are we ever going to be able to go back to work?" The works has been shut down for 18 weeks. The lamb kill has just started, and fortunately these workers might be drawn back into work shortly.

However, when there is such a large amount of over-capacity in the industry, why is the Government spending \$8m of taxpayers' money to increase what is already surplus capacity? It is madness. Putting that aside, we will lose between 180 and 200 jobs in Waroona if something is not done to try to progress the new arrangements which are being negotiated at the moment between the management of Clover Meats and the Australasian Meat Industry Employees Union. It might not be the right time for the Government to say, "We will give you exactly this amount of money in order to progress that trial". However, it might be very helpful to the progress of those negotiations for those negotiators to have the comfort of knowing that, if the proposition looks right, the Government will provide a small amount of money to allow Clover Meats to continue operating under the proposed new arrangements to ascertain whether they will work. That is all I am asking. It is not a great deal. If the Government can provide \$8m for the generation of 400 jobs at Narrikup, surely it can find \$0.5m to save the existing 200 jobs.

Motion lapsed, pursuant to standing orders.

### **SPEED LIMIT TRIAL**

#### *Motion*

Resumed from 17 September on the following motion -

That -

- (1) This House supports a trial to increase the speed limit to a maximum of 130 kilometres per hour on specific roads in remote areas of the State of Western Australia.
- (2) The trial should be conducted over a 12-month period, be fully monitored by the Road Safety Council of Western Australia, and appropriate data to be compiled both prior to and during the trial.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [4.20 pm]: I will be brief. The Opposition offers qualified support for the motion. The trial should proceed, but it should be amended in the way about which we spoke; that is, that it should be a two-phased, 12-month trial of an extra 10 kmh. It should be allowed only on designated roads that have been identified in collaboration between Main Roads WA, the Road Safety Council and local authorities, and it should be restricted to daylight hours and appropriate vehicles. Such an increase in speed is inappropriate for many commercial vehicles; for example, trucks and cars towing caravans. Road trains are clearly not appropriately included within the increased speed limit.

We recognise that there has not been appropriate policing of the road traffic speed limits that currently apply within the State, and that is because the law has fallen into disrepute in reference to very safe stretches of roads no longer having what is considered to be an acceptable road speed limit. That is the view not only of the community but also of law enforcers who no longer enforce the law on some stretches of road. That is not appropriate and Parliament has a challenge to respond to it. Such a trial seems to be an appropriate response. We do not want the motion to languish on the Notice Paper for much longer.

Hon N.F. Moore: It is not languishing; we started to debate it only on Thursday.

Hon TOM STEPHENS: Hon Murray Criddle moved the motion ages ago, and Hon Greg Smith gave notice of it a long time ago. We would like it to be considered and resolved at an early opportunity. I hope that government members will be encouraged to go down that path quickly. With those remarks, I urge the House to pass the motion. We are happy to work with the Government on acceptable amendments along the lines about which we have spoken.

**HON NORM KELLY** (East Metropolitan) [4.23 pm]: The Democrats also have serious concerns about the proposed trial.

Hon Kim Chance: Not "also"; so far you are the only ones.

Hon NORM KELLY: The Australian Labor Party has expressed its concern.

Hon Tom Stephens: With qualifications.

Hon NORM KELLY: Its concern may be manifested in later amendments.

When I read the motion I tried to gauge its support in the wider community. There seems to be very little support for it. I have consulted the Democrats' extensive network of members in the country regions. Although there is some support for increased speeds, concerns about what would occur with a higher speed limit vastly outweigh the questionable benefits that such a speed limit would have for country drivers. I then decided to investigate how strong was opposition to a trial. It is easy to compile a long list of people and organisations who are opposed to the implementation of such a trial. It is interesting that the Office of Road Safety, with which the Minister for Transport has a strong connection, is deadset against such a trial. The task of the Office of Road Safety is to try to educate people and implement not only better road safety conditions but also road safety practices throughout the State. It says that such a trial would be a countermeasure to what it is trying to implement. One major symptom of crashes in remote areas of the State is the non-wearing of seat belts. The Office of Road Safety is trying to implement an education program to ensure compliance with the requirement to wear seat belts, and that will cut the number of fatalities and lessen the seriousness of crashes that occur on our roads.

Hon Greg Smith: What is the percentage?

Hon NORM KELLY: I understand that about 60 per cent of road fatalities do not wear seat belts.

Hon Greg Smith interjected.

Hon NORM KELLY: I will deal with the figures later. Obviously, when it comes to wearing seat belts, education programs that are adhered to in metropolitan areas are not adhered to by the country population. The Royal Automobile Club of WA encourages safe driving and it will respect whatever laws are in place in the State, but it has unofficial concerns about what will occur with such a speed trial. It can consider all the engineering factors that come into play with increased speeds. It is a fallacy that an increase to 130 kmh will cater for people who tend to drive at between 120 and 125 kmh. Such people drive in the knowledge that if they drive at 10 kmh above the speed limit there is little likelihood of their being caught by radar or police and that therefore they can drive at 120 kmh and not be penalised.

Hon W.N. Stretch: Don't bet on it.

Hon NORM KELLY: Recently, I was picked up just outside Dongara for doing 122 kmh.

Hon Tom Stephens: That was on his bicycle!

Hon NORM KELLY: It was probably because I was wearing a Democrats T-shirt that the police let me off. Members must be aware that if we allow a 130 kmh speed limit we will encourage or allow drivers to drive at 140 kmh.

Hon Tom Stephens: I am not encouraging or condoning that practice. The law should set a speed, people should stick to it, and it should be enforced.

Hon NORM KELLY: We would be burying our heads in the sand if we thought that the practice would not occur. We must consider that. The Police Service is opposed to such a trial being implemented. It does not condone any increase in limit and it says that it cannot be supported on any objective view.

Hon Greg Smith: Perhaps it will lead to the decriminalisation of marijuana.

Hon NORM KELLY: I am not sure how that subject is relevant to the debate, unless Hon Greg Smith has been smoking some marijuana himself.

The PRESIDENT: Order! We have limited time.

Hon NORM KELLY: I would be happy for Hon Greg Smith to move a motion in that regard.

Other important organisations which are involved in road safety in country areas are the volunteer fire brigades and the Western Australian Fire Brigade Board, whose members pull the bodies out of the wrecks and assist the ambulance drivers in dealing with the casualties that occur. They see the impact of high speed crashes in country areas, and it is only natural that they would oppose such a trial. Royal Perth Hospital is another organisation which records trauma statistics from throughout the State, so it has a good gauge of the impact of high speed crashes. It points out that people in the Kimberley region are almost twice as likely to be hospitalised as a result of road trauma than are the other residents of Western Australia.

Debate adjourned, pursuant to standing orders.

#### **METROPOLITAN REGION SCHEME AMENDMENT No 987/33 - NORTH WEST DISTRICTS OMNIBUS**

##### *Motion for Disallowance*

Pursuant to Standing Order No 152(b), the following motion by Hon J.A. Cowdell was moved pro forma -



That the Metropolitan Region Scheme Amendment No 987/33 - North West Districts Omnibus published in the *Gazette* on 9 June 1998 and tabled in the Legislative Council on 10 June 1998 be and is hereby disallowed.

**HON E.R.J. DERMER** (North Metropolitan) [4.31 pm]: I present this motion at the request of Hon John Cowdell, who is engaged in other pressing parliamentary business at this time. The Australian Labor Party seeks to disallow metropolitan region scheme amendment No 987/33, north west districts omnibus No 3, because we object to proposal 12 of the amendment, which states -

Proposal 12 - Transfer of Part Lots 1, 2 and 3 West Coast Drive and the Trigg Place Road reserve, Trigg from the Urban zone to the Parks and Recreation reservation.

We object to this proposal because two of the three properties in question are owner-occupied homes. The families which own and occupy these homes have owned them since the early 1960s. The building of one of these homes commenced in the 1930s; and in my judgment, that home has a special ambience and a significant heritage value. The effect of proposal 12 is to threaten the right of these people to continue to live in their home. I ask all members of this Chamber to consider how they would feel if they were comfortable in the home in which they lived and would like to remain in that home until a time of their choosing, but were threatened by a change of the zoning of that home from urban to another zoning which might mean that they would be driven from their home.

Hon Peter Foss: Can you deal with the substance of the problem? The land is already zoned under the local government scheme.

Hon E.R.J. DERMER: It is reserved under the local government scheme for recreation and local government purposes, but the zoning is urban. This proposal seeks to change the zoning from urban to parks and recreation. That proposal will clearly compromise the right of those people to continue to live in their home. To compromise the right of people to live in their home is a matter of utmost gravity and is not to be taken lightly.

I can envisage circumstances where the public interest is great enough to justify removing people from their home. However, in my judgment, the public interest would need to weigh very significantly on the scales of consideration to justify compromising the right of people to remain in the home that they own. We have a responsibility to weigh up those considerations and to make a responsible judgment. Fortunately, in this instance, the judgment is very straightforward: On the one hand, the proposal included in the amendment would compromise the right of these people to remain in their home, so it weighs heavily on one side of the scales. On the other side of the scales, we are offered precious little. The proposal included in the amendment does not specify an alternative use for that land. What is put forward is very broad - parks and recreation reservation - and can include any number of uses for these three lots of land.

Hon Peter Foss: It is also parks and council purposes.

Hon E.R.J. DERMER: The Attorney General seems to have difficulty comprehending this matter. We are being told that the right of these people to remain in their home will be compromised, and that the alternative use that will replace that right is so broad that it can range from public open space, to a car park, to a retail facility.

Hon Peter Foss: Yes. That is the situation currently.

Hon E.R.J. DERMER: We are not told for what purpose this land will be used if the amendment is allowed. We need to weigh up on one side of the scales the right of these people to continue to live in the home that they own, against a proposal which is so broad that it tells us precious little about what will be the alternative use of that land if the right of these home owners to remain in their home is compromised and they are required to leave their home.

The Western Australian Planning Commission has failed to demonstrate any substantial public interest or conservation value with regard to the proposal to rezone this land. The list of arguments in support of proposal 12 does not include conservation value. The main arguments against the proposal state specifically that the conservation benefits are minimal. The proposal states that the main grounds of objection were -

the land is not considered to be regionally significant and does not form an integral part of the Trigg coast. Inadequate justification was provided in the Amendment Report to support inclusion in a regional reservation.

the land has no significant conservation resources requiring protection. Reservation and public acquisition will not protect the coast and foredunes - other public land in the area has been extensively recontoured and modified . . .

The amendment that we are moving to disallow lists those two points as the main grounds for objection to this proposal.

The land in question may have parks and recreations reservations on its borders but they do not amount to a pristine park or nature reserve. The amendment states -

The lots are located to the west of West Coast Drive and south of Trigg Place, and each of the three lots contains a dwelling. Beyond Trigg Place to the north is Clarko Reserve. To the west of the lots is a pedestrian/cycle path

with the Crown foreshore reserve containing the beach beyond, and a toilet block and boat launching ramp just to the northwest. Immediately to the south is a public car park with the Trigg Island cafe and Surf Club buildings beyond.

Clearly, this is not an area of pristine environmental or conservation value, but is a highly developed recreational area. There are no specific conservation considerations in this area to justify compromising the right of these people to live in their homes. In the event that the land is resumed, which is the likely outcome of any rezoning away from urban, what is the intended use of the land? No information is provided on that. This point is also raised as a main ground for rejection of the proposal -

There are no adopted plans for the future use and development of the land, and its small area and topography make it unsuitable for a park. Car parking or commercial development are not supported by the community.

It is clear from the arguments in the document, that it is a matter of weighing up the right of people to live in their freehold title homes against rezoning land which has no special qualities. There is not sufficient public interest to justify this amendment and its effect on local home owners. It is not possible to make a balanced judgment in this matter because the proposed rezoning is of such a broad category and no information is provided about the alternative use of the land. A balanced judgment requires knowledge of the alternative use of the land. The information provided by the Planning Commission in this amendment does not allow members to make an informed judgment on this issue which is of such great importance to the people concerned. Although the Planning Commission seeks to have the lots rezoned to parks and recreation, the land has been reserved for public open space and local authority purposes under the City of Stirling district planning scheme since 1985. That is a very broad definition which gives no information about the specific alternative use of that land.

Members are asked to make a judgment but they are not given information about that alternative use. Therefore, it is not possible to make an informed decision. In the absence of information on the alternative use, my judgment, which I recommend to all members of this place, is to find in favour of the home owners. If information is not provided on the alternative use, these people should have the right to continue to live in their own homes.

The amendment lists the main arguments for reservation of the three lots. Including in the list is the following -

while the long term development and use of the land has not been finalised, reservation will provide opportunities to enhance the coastal public amenity and recreation facilities at Trigg.

Again, this description is so broad as to be useless. The amendment includes no information that could contribute to an informed judgment. It is a grave matter involving people's rights to continue to live in their homes. As I have a responsibility to make an informed judgment, as a member of Parliament, I have sought evidence of possible alternative uses for the land. Conceptual plans prepared by the City of Stirling provide the best evidence available; it indicates the land could be used for car parking, change rooms, toilets, surf club rooms and restaurants. These are the likely alternative uses of that land. How would members feel if their homes were to be taken away and their land used for car parking or public toilets? The onus is on the Planning Commission and those who support this amendment and oppose the disallowance motion to put a clear case for the alternative use of that land. I am concerned about the reason that no information has been provided about the use to which the land will be put.

Members of the Legislative Council are guided, in part, by the voice of the local community. When the views in the local community vary, members must judge what is best for that community. The community adjacent to the three lots in question indicates no enthusiasm for proposal 12. There may be a number of reasons for that. First, the local community has probably examined previous proposals by the City of Stirling and has no enthusiasm for car parks, change rooms, toilets, surf club rooms and restaurants. This amendment by the Planning Commission includes a summary of a number of submissions. In total, 78 submissions were lodged on this proposal to include three residential lots and abutting road reserves at Trigg in the parks and recreation reservation. Two of those submissions supported the proposal, and the remaining 76 opposed it. Where could there be clearer evidence of the community's response to this proposal? The local community is obviously of the view that these people should be allowed to remain in their homes and that the area should not be rezoned to provide the amenities likely to replace them. No information is provided on the alternative use and the land will be rezoned to a broad category which offers no real information.

I turn again to the main grounds of objection listed in the amendment -

the existing houses are not visually prominent, but enhance the character of the area.

better protection against unwanted commercial development exists with MRS 'Urban' and local scheme 'Residential' zoning, than with the MRS Parks and Recreation reservation and local scheme reservation.

This is a summary of the many submissions and is clearly the view of the local community. It continues -

adequate open space already exists for parks and recreation in the Trigg/North Beach area, with Clarko Reserve and the Surf Club and cafe catering for tourist and recreation demands.

private ownership of the lots and existing dwellings do not restrict beach access or the use of coastal facilities.

the high cost of acquisition for such a small area of land is not of sufficient public benefit.

Clearly, the good people in the local area anticipate that the alternative use for these home sites will be objectionable and unnecessary, and that the acquisition will be expensive and not the wisest way of expending public funds. Opposition to commercial development and car parking in the area was listed in the proposal as the main argument against the rezoning. Nearly 1 000 local residents signed a petition to this House tabled by my colleague Hon Ken Travers calling on members to oppose this amendment. On the other side of the scale, we have been offered virtually nothing - two submissions in support of the proposal - and no-one will tell us in anything but the broadest terms what is the proposed alternative use for the land. I am impressed by the local community interest and the spirit that has led these people to rally in support of their neighbours. I imagine they have considered how they would feel if their homes were threatened. I ask all members to consider that before they vote on this motion.

I am not an advocate of the absolute primacy of private property. Of course, occasionally the public interest is of such weight that the resumption of freehold land is justified. However, this instance does not go close to a reasonable justification.

Hon N.F. Moore: It is not a resumption.

Hon E.R.J. DERMER: The rezoning from urban can be for only one purpose; that is, to resume the land in question.

The balance of public and private interest must be weighed in every judgment we make. In this instance that judgment is simple because no specific or worthwhile alternative use for the land has been proposed. If there is a specific alternative use for the land, we have yet to be told what it is. If we are to make an informed judgment we must be told what is intended before we compromise the rights of these people to remain in their homes. The onus is on those who oppose this disallowance motion to put the substantial public interest argument, if they have one. We are yet to see such an argument justifying changing the zoning from urban for these three properties.

As I said previously, I am not an advocate of the absolute sanctity of private property, but the Liberal Party of Australia WA Division is. The 1998 Liberal Party conference planning and land management session of 26 July 1998 debated a motion moved by the policy committee. That motion called for the maintenance of objective (e) of the Liberal Party's constitution, which is to uphold the right of private property as the basis of economic freedom and personal liberty. As a matter of urgency it was requested that the state parliamentary rural committee in Cabinet review the impact, particularly on farming land, of cabinet decisions and the initiatives of all relevant state government agencies regarding existing and proposed land management Acts, policies and regulations so as to uphold the objective. The motion was clearly drafted so that the conference would give comprehensive support to the notion of the sanctity of private property. A further motion was submitted by the Forrest division that all state government ministers instruct their planning agencies to give priority to the protection of private property rights. The record notes that both motions were carried unanimously. As I said, it is not my position to advocate the absolute sanctity of private property, but clearly the Liberal Party did as late as July this year. It is important to note the direct reference to planning agencies, that both motions were carried unanimously and that this is not an old resolution - it was carried in July this year.

I expect every member of the Liberal Party to vote for this disallowance motion. Only by so doing will they be consistent with their party policy. To do otherwise would be not only to contravene their party's policy but also to contravene objective (e) of its constitution. Not only is it a constitutional objective, it is also a founding tenet of the Liberal Party, maintained by the Liberal Party of Australia and Liberal Parties throughout the world and over the centuries. I imagine that most Liberal Party members in this Chamber were present at that conference, and I note again that the motions were carried unanimously - there is no record of a dissenting voice. How could any member of the Liberal Party who was at that conference and who allowed those motions to be carried unanimously now vote against this disallowance motion, effectively voting for an amendment to compromise the rights of homeowners to live in their homes? What is the matter of great public interest? No-one will tell us what is the proposed alternative use of that land.

I would not expect respect for private property rights to be any less important to members of the National Party. The farming community in Western Australia, as in most parts of the world, has a very clear appreciation of the rights of freehold landowners. I am sure that those farmers would expect their National and Liberal Party members in this Chamber to appreciate that and to join members on this side in supporting this motion. I understand that the Pastoralists and Graziers Association shares that appreciation. Its members understand that what is being done to suburban homeowners in this instance could happen to them. I would be astounded to see members of either the National Party or the Liberal Party do other than support this disallowance motion.

As I said, I do not share the Liberal Party's belief in the absolute sanctity of private property. I can envisage many situations in which the public interest is so great that it justifies compromising the rights of homeowners to remain in their home. However, in this instance we are offered no proposed alternative use for that land; we have been given no skerrick, shadow

or inkling of any public interest that would justify this move. Proposal 12 fails to demonstrate substantial public interest. If such a substantial goal can be achieved by withdrawing the urban zoning applying to these three properties, we have not been told what it is. Our duty as members of this House is to make an informed judgment. The appropriate information has not been provided and that is not good enough. If there is a substantial reason for rezoning these properties, we must be told what it is before we contemplate allowing this amendment.

**[Questions without notice taken.]**

Hon E.R.J. DERMER: Some members of this Chamber may believe that substantial reason justifies the rezoning which I oppose in this disallowance motion. Nonetheless, such members should vote for the disallowance motion because the alternative land use has not been outlined to them. If such members were to vote for the disallowance motion, a clear message would be sent to the Planning Commission that it should reconsider the proposal with the benefit of the view of the House, and the alternative land uses that members may envisage. The onus would then be on the Planning Commission, if it has justification for the rezoning, to re-present a fresh proposal to spell out the alternative land use. We could then make a decision on that basis.

Members may think that the land has a worthwhile purpose other than providing homes under the urban zoning. Members may be concerned about the amendment's wide definition of possible land use and may like to see a more specific definition. The way to achieve that objective would be to vote for the disallowance motion and to make clear in debate what is regarded as appropriate land use. Therefore, if the House's intention is made clear to the Planning Commission, it will have the opportunity to present a fresh proposal. Any substantial justification for rezoning must be based on an explanation of how the land will be used. This has not been provided in the proposed amendment. Members who wish to see the land used in a manner different from urban residential have an opportunity to make their views clear in debate. In voting for the disallowance motion, members' views will be taken into account when the Planning Commission presents a fresh proposal.

Rezoning to parks and recreation involves wide parameters, yet we have no information about the proposed alternative land use. It is not good enough for the Planning Commission to propose an amendment which compromises people's right to remain in their home without outlining the alternative land use. It is our responsibility to use the instrument of disallowance to guide and discipline the Planning Commission and to guide the Minister for Planning, and to give them both the benefit of our judgment. We must send a clear message that we will not accept amendments in which alternative uses of land on which someone's home stands are not spelt out. By using the instrument of disallowance, we can make a clear statement to the Planning Commission. If it makes proposals without outlining the alternative land use, and without demonstrating substantial public interest, we will stand by the homeowner.

Members who can visualise the land having a better use and purpose, other than urban residential purposes, would be wise to vote for the disallowance motion, and during the course of this debate they should put their views and give a clear direction to the Planning Commission as to what they see as appropriate use. The Planning Commission would then have the option of presenting a fresh proposal for the further consideration of this House. As responsible members of Parliament, it is important that we demand real information from the Planning Commission and a clear and specific indication as to what the alternative use for this land would be. It is important that the Planning Commission be given a clear message that this Chamber will not be trifled with, and that we take seriously our responsibility to make informed judgments on these matters and demand from the Planning Commission the information we need to make those informed judgments. We should demand from the Planning Commission that it specify to us what the alternative use for the land would be and that it substantiate to us a public interest argument that may go some way towards justifying removing people from the land and from the home that they own. We have seen none of this so far from the Planning Commission.

I am reminded of an address some years ago to the annual general meeting of the Electoral Reform Society of Western Australia by Dr Keith Suter. Dr Suter is a prominent member of the Uniting Church. At the time he was working in Perth; he now works in Sydney. Dr Suter put forward an interesting historical perspective. He proposed that throughout the seventeenth, eighteenth and nineteenth centuries in Britain, whose parliamentary tradition we have inherited, political commentators and historians gradually shifted their focus from the Crown to the Parliament. He suggested that they shifted their focus because over the course of those three centuries the real decision making was shifting from the Crown to the Parliament. Dr Suter further developed this historical assessment when he looked to the late twentieth century. In the late twentieth century, Dr Suter identified a tendency whereby the focus of historians and political commentators was moving from the Parliament to the bureaucracy. That was not given as an absolute position, but he was picking up this tendency. Clearly, his argument was that the reason that the focus of political commentators and historians was moving from the Parliament to the bureaucracy was that the real decision making was shifting from the Parliament to the bureaucracy.

It is our duty to guard against any tendency for the bureaucracy to be driving the agenda of this House. As responsible parliamentary representatives of the people of Western Australia, we have a prime responsibility to thoroughly examine the offerings of the bureaucracy; we have a prime responsibility to deliberate and judge the bureaucratic offerings. It is our duty to give direction to the bureaucracy rather than be directed by it. Any Liberal member of this House who votes against this disallowance motion will be turning his back on centuries of party tradition at the behest of the bureaucracy.

With this metropolitan region scheme amendment, the Planning Commission has continued its unfortunate practice of combining controversial proposals with uncontroversial proposals. This practice must not be allowed to discourage this House from fulfilling its duty to make judgments. As I stated clearly at the outset, we are objecting to this amendment because of proposal 12 only. The concern is that if this amendment contains a number of worthwhile proposals, that puts us in a situation where we may feel a sense of obligation to vote for the entire amendment because the only objections we have are to proposal 12. This is not good enough. We had a clear example of this recently when Hon Jim Scott sought to amend a planning amendment by deletion of one particular proposal. That was found to be contrary to standing orders and could not proceed.

It is an unfortunate practice of the Planning Commission to present the controversial and uncontroversial proposals together. It is important that we do not allow that fact to sway our judgment and lead us to approve proposals that should be disallowed. If we disallow this amendment on the basis of the one proposal to which we object, which is the only course open to us under the current arrangements, that will give a clear message to the Planning Commission. The reason for our objection will be recorded in *Hansard*. The Planning Commission will have the benefit of understanding our reasoning, and it will have the option of re-preparing and presenting fresh amendments containing each of the proposals, except for the one that the House has objected to. A soundly judged decision by this House to disallow this amendment will discourage inappropriate combinations of proposals presented to us by way of amendment. It will have the beneficial effect of asserting the rights of the Parliament - more importantly, asserting the responsibility of the Parliament - over the bureaucracy and to act, to guide and to discipline, in this instance, the Planning Commission.

*Point of Order*

Hon PETER FOSS: The member appears to be indulging in tedious repetition. I should raise it at this stage, because it sounds like the member intends to continue in that vein.

The PRESIDENT: I have been reading Standing Order No 100, which deals with irrelevancy in debate and talks about continued irrelevance or tedious repetition. However, I have listened carefully to what the member has been saying, and his recent comments are not tedious repetition. There were times earlier in the debate when I was about to draw the member's attention to Standing Order No 100. However, the member has heard the point raised, and although I will not rule that there is a breach of Standing Order No 100, the member should bear it in mind.

*Debate Resumed*

Hon E.R.J. DERMER: I am always pleased to receive your advice, Mr President. I have endeavoured this evening to present a case based on a number of different items of evidence. The fact that that evidence from time to time leads to the same conclusion is presented for the purpose of making the simple point that we are dealing with people's rights to be in their homes. Therefore, there are different components of evidence. What they have in common, which may be mistaken for repetition, is leading to that same, important conclusion. I hope members understand that same, important conclusion.

Hon Norm Kelly has put before this House a sensible proposal in the form of the Metropolitan Region Town Planning Scheme Amendment Bill. The effect of this Bill will be to allow us -

The PRESIDENT: Order! Now the member is breaching the standing orders, because he is pre-empting debate on a matter that is on the Notice Paper. When the House gets to that standing order, it can discuss that Bill, but not at this stage. At this stage of the proceedings we are discussing whether this motion should be disallowed.

Hon E.R.J. DERMER: Thank you, Mr President. At whatever stage this Chamber may consider whatever legislation, it would be worthwhile for members to consider legislation which enabled the separate consideration of the proposals which are combined within an amendment. That is not available to us at the moment. I would recommend that consideration in the Chamber's future work. I certainly did not mean to breach any standing order. Today we can disallow the entire amendment only. Until that situation changes, the appropriate course when we object to a proposal within an amendment is to disallow that amendment and in that way give the message to the Planning Commission to come back to us with the other proposals. To do otherwise would be to abrogate our responsibility to make judgments on proposals containing elements to which we object.

It has been suggested that the three lots which are currently homes - in two instances they are owner-occupied homes - would be appropriately used, for example, as public open space. This proposal is not to use those lots for public open space, it is for parks and recreation zoning in conjunction with the public open space and local authority purposes reservation. Those two definitions do not specify the purpose to which the land will be put. If we vote against this disallowance motion, in effect, we will sign a blank cheque for the future purpose of this land, because the definition put forward in the proposal is so broad that it gives no information on what will be the alternative use. I am afraid that a car park would be a likely future purpose. Members of this House who judge that the three lots would best be resumed for a specific purpose, perhaps public open space, have the opportunity to state in this place and have it recorded in the *Hansard* what that specific purpose is and by that means make such a purpose known to the Planning Commission and all concerned. By voting for the disallowance

members will allow for the development of future metropolitan region scheme amendments based on a more specific, alternative use for the land. A vote against the disallowance would effectively abdicate responsibility to judge the most appropriate future use of this land.

Before finalising my remarks I draw the attention of the House to the conclusion on proposal 12 contained in the Planning Commission's report on submissions. It states -

On balance, it is concluded that these lots logically belong within the regional beach system, being located within a coastal activity node (comprising the surf club, cafe and Clarko Reserve) that serves a regional as well as a local population.

Three long-established residential homes do not impede any part of that service provided to the regional and the local population. The report continues -

The reservation of the land for Parks and Recreation will enable its eventual acquisition to improve public amenity, landscape and recreation opportunities at one of the most popular regional beaches in the metropolitan area.

We are not told what these improvements may be. The people in the local community have their suspicions. They are suspicious because no-one will tell them what the so-called improvements will be. The local community have made their judgment. The weight of submissions to the commission was 76 opposed and two in favour. Hon Ken Travers presented a petition to this House signed by almost 1 000 local people.

The PRESIDENT: I assume these are concluding comments, because the member has raised these issues before.

Hon E.R.J. DERMER: That is certainly the case. It is clear from submissions to the Planning Commission and petitions presented by Hon Ken Travers that the local community have made their judgment. They want those three houses to remain. They are not supportive of the alternative proposal, which remains essentially a lucky dip, because they will not be told what is the alternative use for that land. The only way we will be told is if we insist on being told by voting for this disallowance. The conclusion in the report summarises a totally inadequate argument, which is the essence of proposal 12. The argument in support of proposal 12 goes nowhere near justifying removing people from their homes, or compromising their right to remain in their homes.

**HON PETER FOSS** (East Metropolitan - Attorney General) [5.54 pm]: I intended to speak at the end of this debate and to pick up any points that were raised during debate; however, the debate has gone so far away from reality that I thought I had better clarify some of the misapprehensions that have been put forward by Hon Ed Dermer. The member has got everything 180 degrees wrong in law, and every argument that he made applies in favour of the reservation rather than against it. Everything he said that might happen if we reserve this land is the sort of thing that might happen if we do not reserve it.

Hon Ed Dermer does not understand the current situation. At the moment, and for some time, this land has been reserved under the local authority scheme. One will find two concepts in planning matters - reservation and zoning. They are found in local government schemes and in the metropolitan region scheme. The difference between local government schemes and the MRS is that local government zonings tend to have a use table. A series of uses and a series of zonings are listed on the table, and a code in that table indicates the uses permitted under certain circumstances. That usually does not apply to reservations under local government schemes, as reservations merely indicate intent. Also in the MRS both zonings and reservations are a matter of intent and do not have use tables. The MRS indicates the general style of how it is intended that land be planned and developed. However, it does not specify that it may be used for a service station or it may not be used for another purpose. The MRS is used to determine whether a local government scheme complies with the zonings under the MRS. For example, a proposal for a zoning of rural in an urban zoning under the MRS would be disallowed by the minister on the basis that it was not consistent with the MRS.

One must consider a number of statutes - the Town Planning and Development Act, the Metropolitan Region Town Planning Scheme Act, the Western Australian Planning Commission Act and the MRS. Under the MRS reservations and zonings operate in a different way. A reservation under the MRS has the effect of excluding any form of zoning or reservation by the local government authority. In fact, it refers back to the Planning Commission the decision on what usage should be applied to that land. Often, the local government scheme will copy a reservation under the MRS. It will say that it has shown a reservation on the plan so there is not a blank in the map. However, it is reserved under the MRS and not the local government scheme. Interestingly, that is exactly what is said in this scheme. Paragraph 2.1 of the scheme states that the lands shown as MRS reserves are lands reserved by the Metropolitan Region Planning Authority scheme pursuant to the MRS and are shown on the scheme map in order to comply with the metropolitan region town planning scheme, and the said lands are not reserved by the scheme. A case at issue is *Subiaco City Council v the University of Western Australia*. However, regardless of the zoning under the MRS, the local authority can have its own zonings or reservations in respect of that land, and they will go into the detail. It is possible to reserve land with an urban zoning under the MRS for some public purpose under the local government authority scheme. That is the situation in this case.

The land we are talking about is zoned urban under the MRS and has been reserved by the local government for some time. In fact, a development approval has been sought by the owner and has been rejected by the council and is currently on appeal to the minister. Because of the reservation in the local government scheme, there are limitations on what one can do with that land.

*Sitting suspended from 6.00 to 7.30 pm*

Hon PETER FOSS: Prior to the dinner break I explained the difference between local authority schemes and metropolitan region schemes, and between reservations and zoning under local authority schemes and metropolitan region schemes. I pointed out that zoning under local authority schemes is different because it refers to a particular use. It is a specific use table, whereas the others are enforced by some form of refusal of approval. For instance, the primary relationship between the two functions is that when a reservation is declared under the MRS, there is no power under the local authority scheme to do anything other than to acknowledge the reservation. Where it is zoned under the MRS, until such time as the local authority amends its scheme and brings it into line with the MRS, the local authority zoning has precedence over the MRS zoning. That makes sense because it is a filling in of detail.

Hon Ken Travers interjected.

Hon PETER FOSS: That is not correct, although many people think it is. When the local authority amends it, it must make it consistent. However, until such time as it does, the local authority zoning prevails over the MRS zoning. Of course, in a zoned area, the local authority reservation prevails. The only time an MRS amendment has immediate effect is when it involves a reservation. If it is a zoning, it has a deferred effect. The next time the local authority deals with that area of planning, it must bring it back into line with the MRS.

Hon Norm Kelly: They have three months to initiate change.

Hon PETER FOSS: They are required to look at their schemes every five years and bring them into line. A number of local authorities have been slack in doing that. Many years ago when June Craig was the minister, I had to threaten to mandamus her because a city to the north of Perth, which to this day does not do the right thing, was not bringing its schemes into line and was using that difference as a basis for extracting concessions out of developers. It was threatening not to permit a change of zoning until the developer had provided some concession. That is one of the reasons for the suggestion that there be a power for the minister to bring them into line. There has been a failure on the part of the local authority -

Hon Ken Travers interjected.

Hon PETER FOSS: The proposed legislation will overcome that problem. That was the theory, but it did not work with some councils that were not keeping their town planning schemes up to date. That is how it works.

In this case we are dealing with a local authority reservation. The City of Stirling district planning scheme No. 2 refers to local authority reservations as follows -

The lands shown as Local Authority Reservations on the Scheme Map (hereinafter referred to as "Local Authority Reservations") are lands reserved by the Scheme for Local Authority purposes or for the purposes shown on the said Map. These lands are vested in or shall be acquired by the Council.

Under this scheme, the intent is that by reserving them either they are already in the ownership of the council or it is intended that they be.

I refer members to some of the other consequences of this scheme. Clause 1.2.4 deals with development and states -

No person shall on a Local Authority Reservation, without the approval of the Council:

- (a) demolish or damage any building or works;
- (b) remove or damage any tree;
- (c) excavate, spoil or waste the land so as to destroy, affect, or impair its usefulness for the purpose for which it is reserved;
- (d) construct, extend or alter any building or structure, other than a boundary fence.

That has been the situation with this land since it was reserved and it is limited by that. Clause 1.2.4.2 states -

The Council may on the written application of the owner of a Local Authority Reservation either grant its approval to the carrying out of any of the works mentioned in the clause immediately preceding or refuse its approval or grant its approval upon such conditions as it thinks fit.

If someone wants to do those things, they can apply to the council, which can refuse it, allow it, or allow it with conditions. However, clause 1.2.4.3 states -

Where the Council refuses approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval subject to conditions that are unacceptable to the applicant the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

Therefore, the refusal gives rise to a claim for compensation. Clause 1.2.4.4 states -

Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing approval or granting it subject to conditions that are unacceptable to the applicant.

It gives a right to claim for compensation for injurious affection, but there is only six months in which to make that application for compensation. Clause 1.2.4.5 states -

In lieu of paying compensation, the Council may purchase the land affected by such decision of the Council at a price not exceeding the value of the land at the time of refusal of approval or of the grant of approval subject to conditions that are unacceptable to the applicant.

There is a right immediately, once a person makes a claim for compensation, for the council to purchase the land.

He either claims it within six months after refusal or loses that right to compensation. As soon as he claims compensation, his land becomes subject to purchase by the council.

Hon Norm Kelly: If the owner does not initiate that -

Hon PETER FOSS: He loses the right to compensation.

Hon Norm Kelly interjected.

Hon PETER FOSS: Certainly. The situation is no different under the metropolitan region scheme. We must keep in mind that the council has already acquired one of these three lots.

Hon Ken Travers: It is compulsory resumption.

Hon PETER FOSS: That is exactly the point.

Hon Norm Kelly: That is the choice of the landholder.

Hon PETER FOSS: If the council wants to resume it as a public work, and even if it does not have a public work it wants to carry out, once it has refused approval to develop, the owner has the option of claiming compensation. If he does not claim compensation within six months he loses that right. He is in a cleft stick because he cannot do anything at all with that land. He cannot develop it one little bit without getting approval from the council. All he can do is put in a boundary fence.

Hon E.R.J. Dermer: He could live in it.

Hon PETER FOSS: Certainly. I will deal with the MRS position on that issue.

Hon Norm Kelly: Under the current council zoning for these lots, if the council wished to use those lots for a public work, it could go ahead and finish a resumption of that land with or without approval of the landholder.

Hon PETER FOSS: It must have a public work in mind.

Hon Ken Travers: That could include a car park or a park.

Hon E.R.J. Dermer: Rather than the current non-specific proposal.

Hon PETER FOSS: I will get to that. Hon Ed Dermer has completely misunderstood what planning is all about. He has assumed there is a major difference between the consequences of an MRS reservation and a local government reservation. He is assuming a person will not be able to live on the land once it has been reserved under the MRS. He is wrong.

Hon E.R.J. Dermer: I am not assuming that at all. The assumption is that once the zoning moves from urban to recreation, it compromises the right of the people to live in the house in the long term.

Hon PETER FOSS: It is already compromised. Exactly the same provisions Hon Ed Dermer is complaining about are in the local government scheme. What is more serious is that the owner has made an application and has had it rejected. From that moment he has six months in which to claim compensation or lose it. The question is whether he has been injuriously affected. I suspect he has.

Hon Ken Travers: If they claim compensation, that will lead to their being offered up as a willing seller.

Hon PETER FOSS: There is no difference between the council scheme and the MRS in that respect. It requires that in lieu



of paying compensation, the council may purchase the land affected by such decision of the council at a price not exceeding the value of the land at the time of refusal of approval or on the granting of approval subject to conditions that are unacceptable to the applicant. The council can then acquire it. When people ask for injurious affection, the option exists for the council to pay the injurious affection or buy the land. It is the same under the MRS.

Under the MRS, \$900m worth of land is reserved, not in the ownership of the Crown. The Crown is not in any great hurry to acquire it. It tends to acquire that land at the rate of about \$30m a year using the metropolitan region improvement fund. Therefore the method by which it is acquired is as follows: First, it is used to acquire those pieces of land which have been reserved for a public use which is necessary to be carried out; that is, to build a highway. If the council wants to undertake a public work - it needs the land right now for that public work - it is acquired using the MRIF. For the rest, it suits the Western Australian Planning Commission to wait until a purchase is initiated by the owner. That is the way it is done.

As I said, of \$900m worth of land, the Crown has an annual allocation of \$30m to buy it. It is in no hurry to buy it. That is the way it has proceeded since 1958 when the scheme was implemented. It has proceeded with acquiring that land for which there is a purpose now and not acquiring the remainder of the land until it is initiated by the owner. There are two ways to claim compensation under the MRS. The first is exactly the same as this; that is, on being rejected on application for development. That gives rise to a right for compensation. The alternative is that the Planning Commission can initiate purchase of the land.

The other way that gives rise to compensation under the MRS is when the owner sells the land. As it is affected by reservation, there is a strong possibility that the sale price will be less than had it not been for the reservation. The owner could be injuriously affected in the price of the sale because of the reservation. At that stage again he has a right to compensation. They are the two ways in which the compensation process can normally start.

Members opposite have made statements about what can and cannot be done and referred to the amendment taking away a person's right to live in the house.

Clause 1.2.3 reads -

Local Authority Reservations until vested in the council may be used:-

- 1.2.3.1 for the purpose for which the land is reserved under the Scheme;
- 1.2.3.2 where such land is vested in a public authority for any purpose for which such land may be lawfully used by that authority;

That does not apply. To continue -

- 1.2.3.3 for the purpose for which it was used at the date upon which the Scheme came into operation unless the land shall have in the meantime become vested in a public authority, or unless such use shall have been changed with the approval of the Council;

It is a continuing use. So there is the conforming use and the non-conforming use. To continue-

- 1.2.3.4 for any purpose approved by the Council  
but shall not be used for any other purpose.

The fact is that very similar provisions are in the metropolitan region scheme. Planning approval is required for two purposes - development and change of use. A development involves construction or digging or a physical change to the land. A use is, as the word suggests, use for another purpose. If these people have a house and want to run an office from it, that is a change of use and they need approval for that. Once the reservation went on it, it could be used for the reserve purpose; that is, public and council use, or it could be used for that which it was previously available, as a house or, on approval from the council, something else. In normal planning processes, the owner would look to see whether the use would be compatible with the situation when eventually it comes into the ownership of the council; that is, what it will be ultimately used for.

Generally speaking, councils will refuse approval to develop or use if the effect of it will increase the price that it will have to pay when ultimately it acquires it, or if it believes it will affect the amenity of its use for that purpose. A classic example is when the land contains a lot of natural bushland which would be required to be maintained. It is not usual to allow any form of development that will be more valuable. The council may refuse approval for development of the land. Under clause 1.2.4.1 the owner is not allowed to demolish or damage any building or works. If a wall inside the house were taken out, that would be classified as damage. Nor can the owner remove or damage any tree, excavate, spoil or waste the land so as to destroy, affect or impair its usefulness for the purpose for which it is reserved, or for which it is being used now, or construct, extend or alter any building or structure other than a boundary fence.

It is what one can physically do in a house. One can do practically nothing except put up a boundary fence. One can either

use it for the reservation or as a non-conforming use; that is, as a house. If one applies for approval and is knocked back, one then has six months to apply for compensation or, alternatively, risk having the land resumed. What is the situation under the metropolitan region scheme? Clause 12 deals with reserved land and states -

Land that is coloured and delineated on the Scheme Map in the manner set out in Column 1 of Table 1 to this clause is deemed to be reserved under the Scheme for the Purposes set forth opposite thereto in Column 2 of that table.

The table is then set out. Clause 13 states -

Except as provided in Division 2 of this Part no person shall commence or carry out any development on reserved land, other than the erection of a boundary fence, without first applying for and obtaining the written approval of the Authority to do so.

That sounds vaguely familiar. It is not quite as restrictive. The reason for that is that over a period of years it has been interpreted and various things have got through, so the authorities have become tighter in respect of what they allow. However, clause 14 states -

No provisions of this Part shall prevent the continued use of land for the purpose for which it was being lawfully used immediately before the Scheme has the force of law.

Therefore, Hon Ed Dermer would have us believe that those people cannot use it for a home - they can.

Hon E.R.J. Dermer: They cannot maintain it. In the fullness of time, if it is rezoned away from urban, it must impede on their long-term capacity to remain there.

Hon PETER FOSS: It is reserved under the town planning scheme.

Hon E.R.J. Dermer: You are suggesting a shift from urban zoning, and that can have only one purpose.

Hon PETER FOSS: No, that is not the case. Thousands of hectares are reserved for parks and recreation, and we have never attempted to purchase that land. Does Hon Ed Dermer know what planning is about? Why was the metropolitan region plan brought into existence in 1958? It covered not only the whole of Perth as it was then but also an area which, even to this day, is not filled. It is all about planning, especially regional planning. Hon Ed Dermer has his mind absolutely stuck on the concept of the land use tables that accompany local government zoning, but it is not that. Regional planning is to set the broad-brush future use. I urged that many a time when we were in opposition. Hon Ed Dermer is dealing with land zoning as it used to be under his Government. We are seeking to try to give a 50-year, 100-year or even a 150-year horizon so that people know what the ultimate intention for the land is. The scheme was introduced in 1958, and there are still zonings and reservations which have not resulted in people having their land resumed or in their land being used for that ultimate purpose.

Hon E.R.J. Dermer: What other purpose can a rezoning from urban have if it is not to remove those people from their homes in the longer term?

Hon PETER FOSS: What does Hon Ed Dermer think was the reason for the local government scheme?

The PRESIDENT: Order! It is not question time. Let us proceed with the debate so that the House can make its decision.

Hon PETER FOSS: My problem is that for some reason Hon Ed Dermer seems to think that a zoning under the town planning reservation, which is far more specific, is somehow quite innocuous - no problem with one under town planning; it means nothing at all. It is a zoning for a specific purpose, and that is public open space and local authority purposes. One concern is that the term "local authority purposes" includes some immediate possibilities. People might recall that there was great local fuss - I am sure that if the locals were told what Hon Ed Dermer had been telling Parliament tonight, they would probably think it was a possibility - when a cafe was opened up no more than a few hundred metres away from some of those houses. Many people were upset that there was a commercial development on the beachfront. There is nothing to stop the local government authority using that land for another cafe if it wanted to do so. That is a possibility under the current reservation under the local government scheme.

Hon Norm Kelly: But under the proposed parks and recreation MRS zoning there is nothing to stop the use.

Hon PETER FOSS: There is a good reason and I will deal with it. It sounds as though Hon Ed Dermer has obtained the brief on what happens under the town planning scheme, changed it and used that instead. The term "local government purposes" allows anything that local government does. By definition, if local government is doing it, it is a local government purpose, so it allows absolutely anything. Only 400 or 500 metres away there is the Trigg Cafe. The local government authority already has purchased one of the three lots.

Hon E.R.J. Dermer: It has resumed one of the three lots. That is a significant difference because it must specify the purpose for which it is resuming the land, and that then requires it to use it for that purpose.

Hon PETER FOSS: It does not. The document goes further than that.

Hon E.R.J. Dermer: Or to offer it back to the original owner.

Hon PETER FOSS: No. I am sorry, but Hon Ed Dermer is wrong. By virtue of having reserved the land and denying a person approval to develop, it has a right to resume as an alternative to paying compensation. That has nothing to do with anything other than the making of that reservation. I will tell Hon Ed Dermer what the local authority can do on that land. Once it has it, it can do anything for local government, but one thing it cannot do is sell it to somebody else to use it for a house again, for instance.

Hon Norm Kelly: That is in conflict with what the council says. It must use it for the purpose for which it has been resumed.

Hon PETER FOSS: Yes, for local government purposes. That is what I am saying. It cannot use it for a house, because that would not be the zoning. It can use it where such land is vested in a public authority for any purpose for which such land may be lawfully used by that authority. That is not exactly highly limiting. Once it purchases it, it can use it for any purpose for which the land can be used by that local authority, including another cafe, council offices, a depot or somewhere to keep its tractors - anything that local governments can do. We must keep in mind that the local government legislation contains a broad range of things that councils can do. Once the local authority becomes the owner, it is hardly constrained in the slightest. If the land is reserved under the metropolitan region scheme, one is entitled to continue to use the land for the purpose for which it was being lawfully used immediately before the scheme has the force of the law. Let us deal now with reserved land not owned by or vested in a public authority.

Except as provided in Clause 13 no person shall commence or carry out any development on reserved land that is not owned by or invested in a public authority without the written authority of the authority to do so.

The section 13 I mentioned says one can continue to use the land for the purpose it was being used for at that time. I will give members an example of that. I had an extensive town planning practice when I was in private practice. A person I once acted for was excavating land to extract material for building. A High Court decision says that once people have land such as that where they are digging out one corner and intend digging out all the land, they are entitled to carry on that digging out even if the zoning is changed or a reservation is put on the land. Those people are currently using all of that land for that purpose. The fact that they might have dug out only the far corner has nothing to do with it; the land is being used for that purpose. We succeeded on that legal point. Members need to understand that it can have very broad consequences. The case I argued was a reservation under the metropolitan region scheme and we maintained that the authority could not make the owner apply for more approvals and it could not stop him from digging out the land. The law was plainly on his side. Section 13 is a powerful and broad section. It is a very different section from the one I read from the Town Planning Act, which says one cannot do a damned thing, not even knock down a tree. It states -

The approval of the Authority given under this Division may be subject to such conditions as the Authority considers necessary having regard to the purpose for which the land is reserved under the Scheme and made without limiting the generality of the foregoing include conditions limiting the period of the approval and relating to the type of buildings that may be built on the land and the removal of buildings from the land.

The next clause 20 (1) states -

Where the Authority refuses approval for the development of reserved land on the ground that the land is reserved for public purposes or approves subject to conditions that are unacceptable to the applicant if the land is injuriously affected thereby the owner may claim compensation for such injurious affection in accordance with the Scheme Act.

Again, that is very familiar. Subclause 2 states -

Claims for such compensation shall be in the Form 4 to this Scheme and shall be lodged at the office of the Authority not later than six months after the date of the decision of the Authority refusing approval or granting it subject to conditions that are unacceptable to the applicant.

It is identical. Subclause 3 states -

In lieu of paying compensation, the Authority may in accordance with the Scheme Act purchase the land affected by such decision of the Authority at a price not exceeding the value of the land at the time of refusal of approval or of the grant of approval subject to conditions than are unacceptable to the applicant.

That is very familiar; there are exactly the same conditions. The interesting thing is when one comes back to division 2, which deals with reserved land owned by or vested in the public authority. That is in clause 16, subclause (1) of which reads -

Reserved land owned by or vested in a public authority . . .

One then needs to know what a public authority is. It is important to know that. According to the Town Planning and Development Act -

**"public authority"** means a Minister of the Crown acting in his official capacity, a State Government department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility;

What happens when a public authority owns the land? The Act states -

Reserved land owned by or vested in the public authority may, except as provided in sub-clause (2) of this clause be used without the written approval of the Authority -

That is the State Planning Commission -

- referred to in Clause 13 if the land is used:-

a) for the purpose which it is reserved under this Scheme;

That is the same thing.

b) for any purpose for which it was lawfully any purpose before the coming into force of this Scheme; or

Non-conforming use.

c) any purpose for which the land may be lawfully used by the public authority.

This clause at least ties it to into what that public authority is able to do. Subclause (2) states -

Reserved land owned by or vested in a public authority may be used for any other purpose approved by the Authority with or without conditions.

Again, these are identical terms to those used in the town planning scheme.

Hon Ed Dermer interjected.

Hon PETER FOSS: No. It is an interesting legal point. Once this land is reserved under the metropolitan region scheme, it no longer comes under the local town planning scheme. The local town planning scheme ceases to have application. That is the Subiaco City Council and the University of Western Australia case.

Hon Ken Travers: That is not what you said five minutes ago. You said the local town planning scheme would have precedence until it was changed.

Hon PETER FOSS: Hon Ken Travers loses a couple of points for not listening properly. I made the distinction between reservations under the metropolitan region scheme and zones. Reservations have immediate effect and oust local government schemes. Both reservations and zonings are subject to the town planning scheme until the next time the scheme is amended to bring it into accord with the metropolitan region scheme. As soon as land is reserved, it is reserved under the metropolitan region scheme and ceases to be reserved under the local government scheme. That is quite interesting. It appears to indicate that the land could no longer be used for local authority purposes. It would also take away the right of the local government authority to resume the land. To an extent I am making a few legal guesses which would need to be tested in a court of law. At first blush and taking into account the Subiaco City Council case, I expect that the effect of this being reserved under the metropolitan region scheme would vacate the reservation under the town planning scheme and the reservation would cease to be subject to approval and acquisition by the local government authority. That is my understanding of the situation. It is something that needs to go the courts for resolution. The important thing is that if the current situation were to continue, where there is a development approval which has been refused by the council, there is an imminent possibility of the land being acquired compulsorily by the council. Once that is done, the council can use the land for any purpose it likes because the council is the authority which gives the approval and it can use it for local government purposes. That would include the sorts of local government purposes that stirred the neighbourhood when the cafe was built.

Hon E.R.J. Dermer: Are you suggesting that is less likely when you rezone from being urban to being recreational and park land?

Hon PETER FOSS: I am saying that, looking at the whole history of reservations in Western Australia and the way in which the Government proceeds, once the land is reserved under the metropolitan region scheme it is more likely to sit there as a house until the owner initiates a resumption than if it stays with the council. The council certainly has a piece of land that it owns and an interest in commercial developments in that area. The Opposition is saying that the Government should tell it what it will use the land for.

Hon E.R.J. Dermer: Precisely.

Hon PETER FOSS: I despair at that view. I now understand why the Labor Government acted in the way it did. I will tell Hon Ed Dermer about the previous Labor Government as he was not in Parliament during its time in office. We never had a major amendment made in the time of that Government, certainly not in the nine years I was here in opposition. Everything was done by way of section 33A of the metropolitan region scheme legislation, even though the amendments were not defined as minor amendments under the Act. Some amazing rezoning took place around Perth as minor amendments. It drove everyone mad. Most members of Parliament spent all their time fighting the reverse planning. As no major amendments were made, and nothing was done to plan for the future, people wandered around saying, "That would be a good place for a subdivision." The area may have been zoned rural under the metropolitan region scheme and under the local government zoning. However, developers persuaded councils that rezoning was a good idea, and councils decided that some rates could be generated out of the area.

Hon Ken Travers: If they were in Wanneroo, they made a donation.

Hon PETER FOSS: Quite right. The developers, together with the council, would approach the Government. The subdivision could not be rezoned for subdivision until the MRS was changed. The rezoning in the local area had to be in touch with the zoning under the MRS. They would approach the Government and a minor amendment would be put through. Under a true planning process, someone on a lofty height looks 50 to 100 years ahead and indicates what may happen in the distant future. Therefore, local governments are guided in filling in the detail as times goes by. Under such planning by local government, people can buy a suitable spot in the knowledge that it will be a rural or urban area. By looking at the zoning, people know what will happen in the future with some safety. People like to know that major changes will not be made 20 or 30 years ahead. That is the concept of planning: It is meant to guide development and allow things to take place. We had reverse planning under the previous Labor Government; namely, the last thing to happen was to change the colour on the map. Rather than guiding development in varying detail, the first step was for developers to find good spots to develop. It was like measles. People did not know where developments would break out. It was not planning, but a mockery of planning. The Labor Government did not start with a plan and follow it; it started a project, and changed the plan.

Hon Richard Lewis made great use of amendments. He would not do little amendments. Frankly, this amendment is so small that it would not fit under section 33A of the MRS Act. Therefore, if it were applied through other means, members could not speak to it; that is, public hearings would not be held and Parliament would not be involved. This Government, from the moment it assumed office, did everything through major amendments. The broad brush amendments - those not undertaken under the Labor Government - and the little changes were made by major amendment. The small ones are gathered and put through in a major omnibus amendment. Therefore, the Government listens to and deals with comments made about the proposals.

Hon Ed Dermer's argument misses the point. He is wrong. If the member's comments had any basis, they might be grounds to oppose the amendment. However, it was muddleheaded stuff and he happens to be wrong.

Hon Norm Kelly: What would you regard to be a substantial amendment?

Hon PETER FOSS: We treat everything as a substantial amendment.

Hon Norm Kelly: What would you regard as a stand-alone substantial amendment, and one worthy of an MRS amendment in its own right?

Hon PETER FOSS: This Government has never done it that way. It is missing the planning process. I do not like Hon Norm Kelly's Bill because planning should be an integrated process, and one cannot take a bit out of an overall plan.

Hon Norm Kelly: Even if it is totally amended?

The PRESIDENT: Order! The minister is anticipating debate on a matter on the Notice Paper. If members draw their comments directly to the motion before us, we might make progress.

Hon PETER FOSS: My apologies. I was distracted.

Hon Ken Travers: Why was proposal 11 taken out of the amendment, when proposal 12 was not?

Hon PETER FOSS: If one believes that genuine planning reasons exist, founded in fact, to take out an amendment, that is done. That amendment is then left to the next amendment. If one believes no logical planning reason exists for removing an amendment, it remains.

Hon Ken Travers: How is proposal 11 different from 12?

Hon PETER FOSS: I cannot remember offhand.

Hon Ken Travers: Cabinet took it out.

Hon PETER FOSS: We sit in Cabinet every Monday, sometimes from 9 o'clock to 5 o'clock -

Hon Ken Travers: You do not recall.

Hon PETER FOSS: I could look.

Hon Norm Kelly: Will you table the minutes?

Hon PETER FOSS: People also do not understand cabinet minutes.

Hon Norm Kelly: Because they are so secretive.

Hon PETER FOSS: No. I sign minutes every day. In government and civil service terms, going back many hundreds of years in the United Kingdom, a note written to somebody reporting something, usually concluding with a recommendation, is a minute. It is received and the minuted person writes a response. A minute in government terms is a piece of paper recommending or endorsing something. Cabinet minutes are the same. They are the minutes from ministers to the Premier in Cabinet making recommendations. The Cabinet can approve the minute, approve the minute with changes or disapprove the minute, which is then withdrawn. The minute is a proposal, not a verbatim record of what took place in Cabinet. I recall some of the argument on this amendment, but I do not remember the whole matter. I could refresh my mind and give some idea.

However, the mere fact that a matter is contentious is not enough reason to disallow it if one does not believe the contention has any basis. The Government has attempted to explain the matter, and believes the amendment should be made. We believe that it is better for the people involved that this amendment be passed.

Hon E.R.J. Dermer: It is certainly not their view.

Hon PETER FOSS: I know. A peculiar aspect of this matter is that this reservation will prevent the sort of development Hon Ed Dermer says will take place. Once the reservation applies, only the Planning Commission, not the council, can give approval for development. It will not be given for local authority purposes, but must be for parks and recreation. In fact, the MRS Act can be used to resume a house, as can happen under local government.

Hon E.R.J. Dermer: What restrictions apply to the definition of recreation? Surely, it is broad category.

Hon PETER FOSS: Parks and recreation, whatever they may be, are considerably more limited than local government purposes.

Hon E.R.J. Dermer: And more limited than urban zoning - is that the minister's suggestion.

Hon PETER FOSS: No, urban zoning does not have any effect because, as I told Hon Ed Dermer earlier, a zoning under the metropolitan region scheme is overruled by a local government zoning reservation. The only time an urban zoning is relevant is when a new town planning scheme is put forward. That is because the town planning scheme overrules the metropolitan region scheme on zonings. The difference is that once it is reserved it is taken out of the influence of the local government and the local government no longer has the right to resume, to use it for local government purposes or to decide what it can be used for. That right is vested in the Western Australian Planning Commission and it will have to fit in with the purpose of parks and recreation.

Hon E.R.J. Dermer: What is the breadth of purpose within the definition of parks and recreation?

Hon PETER FOSS: Again Hon Ed Dermer is getting back to the approved table of uses. The Western Australian Planning Commission deals with parks and recreation areas all over the State. People know that a park or recreation area can include a car park, as can land used for local government purposes. However, the parks and recreation zoning cannot extend to local government offices or cafes.

Hon Norm Kelly: Yes, it can. A cafe can be built on a parks and recreation reserve.

Hon PETER FOSS: Not under the local government scheme.

Hon Ken Travers: So the State Government wants the development?

Hon PETER FOSS: No, it does not. The Opposition is obsessed with the idea that by rezoning this land the State Government will resume it tomorrow. That is rubbish! We have another \$870m worth of land that has been reserved and has not been bought.

Hon E.R.J. Dermer: Whether it is tomorrow or some other time, that can be your intention when you rezone it from urban.

Hon PETER FOSS: What does Hon Ed Dermer think the local government scheme reservation is about? I cannot understand how thick Hon Ed Dermer is.

The PRESIDENT: Order! Hon Ed Dermer moved the motion, and in due course, after other members have spoken, he will get to sum up the debate and raise various issue. I do not want this debate conducted by way of question and answer. Other members have indicated that they want to speak.

Hon PETER FOSS: I cannot understand the density of thought of Hon Ed Dermer, simply because he is convinced that when the State Government proposes a reservation it means that instantly or even ultimately it will be acquired. Yes, it might be acquired in another 30, 60 or 100 years. However, reservations under the metropolitan region scheme date back to 1958 and large quantities of those reservations still have not been bought by the State Government. Those reservations have been in place for 40 years without being bought.

Hon Ken Travers: It was 1963.

Hon PETER FOSS: The Act was proclaimed in 1959. The essential point is that we have 30 years before we need to purchase even the land currently held in reserve, and there are other priorities. The history has been that except when a highway, a hospital or something of that nature is to be built, in almost every single case a resumption is initiated by the person whose land is affected. The State Government has no wish to instantly resume this land. We may be forced into it by the owner. If the owner applies and does not like the conditions and then decides to claim compensation we would normally acquire the land. Under those circumstances, because the owner has precipitated resumption, we would acquire the land.

Hon Ken Travers: You should differentiate between injurious affection and resumption.

Hon PETER FOSS: The Opposition is trying to draw some amazing difference between the reservation under the town planning scheme and the reservation under the MRS. I am saying that the only difference is that the town planning scheme has more restrictions on what can be done right now: One is not allowed to touch a tree, a bush or an internal wall, so it is more restrictive of how one lives in one's home. The local government scheme can allow a broader range of uses on that land than that which is allowed under the metropolitan region scheme reservation. The premise that Hon Ed Dermer bases this motion on is 180 degrees in the wrong direction. The Opposition is saying that the Government intends to purchase this land because it has reserved it. That is rubbish. Members should consider the history of the metropolitan region scheme. Where has the Government done that? It does not do that. It has more than enough land to acquire under the metropolitan region improvement tax fund. It has a huge amount of land available. It receives \$30m a year from that fund and it has \$900m worth of land from which to choose. It suits Western Australian Planning Commission when people defer, because even though it may pay more in time at least it does not have a drain on its purse now.

Let us consider the City of Stirling. Why does the member think that when it zones or reserves land it does not intend to acquire it? Is the member gullible? Why does he believe when the City of Stirling reserves land that it does not mean it, when down the road - virtually next door - it has resumed some land?

Hon Ken Travers: They were told to.

Hon PETER FOSS: So what? It had to do so because it had knocked back the person's application. The Opposition seems to believe that the Government wants to buy that land for some sinister reason, whereas the City of Stirling does not. The Opposition believes that when the Government reserves land it will imminently be bought, despite the fact that the evidence right across the metropolitan area is to the contrary. However, faith is an important thing and that is what the Opposition has - it certainly does not have any evidence. Somehow the Opposition believes that despite the fact that the City of Stirling reserved the land - presumably for a reason - perhaps it does not intend to use it for that purpose. That is the argument that the Opposition uses about the metropolitan region scheme. I put the same argument to the Opposition: Of course, the City of Stirling intends that at some stage in the future it will be used for council purposes or for public open space. Why would the Opposition use a different argument for the City of Stirling and the metropolitan region scheme? What is in the member's mind that causes him to make that distinction? It must be blind faith, because there is no basis for it. Why does the member think that the State will resume it immediately but the council will not? Who resumed land in the immediate vicinity recently? It was the council. Who has a habit of not resuming land? It is the State Government. Why then, as an article of faith, does the member come up with this?

Hon Ed Dermer made a speech defending people's right to live in their home! They have a right to live in their home; it is an identical right to the one under the town planning scheme. However, the member is saying that those people will be thrown out of their houses and he wants to know what the land will be used for. We do not intend to use it for anything. We are reserving it for parks and recreation, which is what planning is all about. Regional planning is not about saying, "We need a parking area here, so we will change the regional plan." Regional planning is about the future. It is putting forward plans for what will happen in planning in the future. It is not about what the Government has in mind for tomorrow. What a load of codswallop! The entire metropolitan area has been planned pursuant to an Act passed in 1959. For over 30 years land has been zoned and reserved and most of it is still not being used for the purpose for which it has been zoned or reserved. Why is that? It is because planning is all about guiding development in the future and guiding reservations in the future. Long term planning is an indication to people, for example, that they will be right next door to a large regional park,

and that will stay there. A person could move into another area which is zoned urban deferred. Urban deferred gives a warning. It is a flag that says a change to urban will not happen immediately; but if a person moves in there, he may find in his lifetime he is sitting next door to an urban area. That is what planning is about. It does not mean it will be developed tomorrow. When the Government brings in major amendments - I mean major amendments, not just these omnibus amendments - it is trying to provide 20 or 30-year horizons. It is trying to say to people that they can plan their future because they know what will ultimately happen. Ultimately that land will be used for parks and recreation. That is what planning is about. It does not mean that tomorrow we will use it. Now I know why the member's party could never plan regionally. His party does not know what it is. The Opposition is making exactly the same mistake it made when it was in government. The Labor Party has never known how to govern. It has always done things after the event. It cannot plan. It does not understand what planning is. It thinks that planning means that something will be done tomorrow. That is what the Opposition thinks planning is. That is what the Labor Government used to do. The Opposition is making the same mistakes, expressing the same views and the same tired ideas as it did when it was in Government. One reason the Opposition lost government was that it had no foresight whatsoever. Members could not see beyond their noses. All they could see were the odds on the nearest racehorse. That is the way the Labor Government used to work. The member is still thinking that way, and he thinks nobody else can think further than his nose. Therefore, the member attributes to other people the same short-sightedness and inability to plan. It is amazing to hear the same ideas.

Several members interjected.

The PRESIDENT: Order! Hon Ken Travers should not interject. Other people want to speak. Could the minister please confine his remarks to the motion before the House.

Hon PETER FOSS: This is a matter of ordinary good government.

Hon N.D. Griffiths: It is pretty ordinary, from what I have seen.

Hon PETER FOSS: The Opposition has had one speaker stand up and get everything absolutely, completely wrong.

Hon N.D. Griffiths: The minister is absolutely wrong.

Hon Bob Thomas: We have just heard an hour of mumbo jumbo from the minister.

Hon PETER FOSS: It is most interesting to hear Hon Bob Thomas refer to a clear and detailed explanation of the law as mumbo jumbo, because that is the way his Government used to work. His Government regarded legalities and following the law as mumbo jumbo. That is how the Opposition thinks. The fact that one goes through the law and can point out to people where the words are similar, how the law operates, how exactly it will affect things, and how Hon Ed Dermer is totally wrong is called mumbo jumbo, because members opposite neither understand it, nor want to understand it. That is the problem. This motion would never have been brought if Hon Ed Dermer had made the most basic inquiry to ascertain what the consequences were. The member made a statement, but he did not bother to look at the law. He did not once give us the comparison between the local government scheme and the metropolitan region. He made baseless assertions and emotional statements about taking away a person's home.

This land has already been reserved. If there was a time when something could have been done to leave them with a far more untrammelled right, it was when the local government changed the scheme. I will not go into that. However, during the time when Mr Burke was Premier, something was happening relating to some of this land. At that time some grounds may have existed for attacking the propriety of that change. I have no basis for saying that, other than what I have heard. However, if the Opposition was going to object to the land being reserved for these purposes, with a person losing the right to inhabit a house, except as a non-conforming use, that was the time to object - not now - because that has been done. The only way it can be taken out of the hands of the council and put into what is more likely to be a long-term thinking proposition is for it to be reserved and to then go to the Planning Commission. The Planning Commission would not be sympathetic to the land being used for some of the purposes that local government might use it. Therefore, despite that somewhat emotional statement, what Hon Ed Dermer said is wrong.

The motion is to disallow the amendment. I will address my remarks to the members of the Greens who are here tonight, because some important amendments contained in this amendment are beneficial to the conservation estate of Western Australia. The Greens would regard that as an important matter to support. This Government has increased the conservation estate within the metropolitan area under the metropolitan region scheme. Members of the Greens might not be aware of that, but they should look to ascertain that that has been the case. I have made statements regularly in this House to inform members of how much has gone into parks and recreation. It is quite remarkable. The reason it is remarkable is that we are doing long-term planning. When the previous Government had the reverse planning with section 33A, the only amendments that came forward were those intended to allow subdivision. Therefore, little was done to increase the conservation estate. However, with its major amendments, this Government has put large amounts into the conservation estate. With these omnibus amendments, it has also put significant amounts into the conservation estate. There are significant amounts in this particular amendment. I will not refer to those, because I am sure the members of the Greens present here have been through



it and are aware of that. The only argument that has been put against this is a muddle-headed, wrong-headed argument put forward by Hon Ed Dermer, which is wrong. The member has made these emotional statements saying people will not be allowed to live in their houses after the area has been reserved.

Hon N.D. Griffiths: The only person who has been emotional tonight has been the minister.

Hon PETER FOSS: The member was not here, unfortunately.

The PRESIDENT: Order! I do not want this to develop into a slanging match. The minister was addressing the motion.

Hon PETER FOSS: Hon Ed Dermer's statements, with his hand to his heart, about an Australian's home being his castle, and that we are taking away the right of these people to live in their castle, are wrong.

Hon E.R.J. Dermer: If the minister is going to quote me, would he quote me properly?

Hon PETER FOSS: I may have epitomised what the member said. The member was saying, "Every member of the Liberal Party and the National Party will defend the person's right to live in his home."

Hon N.D. Griffiths: Hon Ed Dermer believed that, and until he met the minister, he was probably right.

The PRESIDENT: Order! I want to progress this debate, because some members obviously have not realised that under the standing orders I will put this question at ten o'clock. Unless we make some progress, some members will not have an opportunity to speak.

Hon PETER FOSS: The important thing is that it is not a matter of saying we are going to deprive this person of his home. I have referred to the provision from the metropolitan region scheme. It is clear that non-conforming uses are protected and that the rights of development within that non-conforming use are greater under the metropolitan region scheme than they are under the local town planning scheme. Therefore, every argument the member put is not only false in that it incorrectly represents the situation under the metropolitan region scheme, but it is worse under the town planning scheme than it is under the metropolitan region scheme. Hon Ed Dermer used this particular emotional argument to get us to throw out the baby with the bath water. He said it was a matter of principle of preserving this person's home. Therefore, we should forget about all the benefits that come under this omnibus agreement because we are virtually attacking the fundamental rights of the individual in his home. If we take away his argument we are left with a wrong-headed argument intended to cause us to throw out some very important -

#### *Point of Order*

Hon N.D. GRIFFITHS: Mr President, earlier in this debate the Attorney General caused us to reflect on the meaning of Standing Order No 100 and I note his continued use of the same phrases to make the same point. It is not for me to say that it is tedious, but it is certainly repetitive.

The PRESIDENT: The standing order refers to continued irrelevance. To date I have not heard any continued irrelevance. It then refers to tedious repetition. It is true that there has been some repetition, some of it generated by interjections. Whether it is tedious or not is subjective. However, I assume at the moment that the Attorney General is raising some of the finer points that he wants to make as he concludes his comments.

#### *Debate Resumed*

Hon PETER FOSS: Mr President, you are quite correct. Unfortunately, I am being interrupted continually and having to find my place again. However, the final point I want to make is the consequences of what is being urged by Hon Ed Dermer. As I said before, he has used an emotional argument to seek to cause us to throw out a very worthy omnibus amendment. He has justified that on the ground that it is important to preserve the house. As I pointed out to the Chamber, that argument is false. It is false because it misrepresents the metropolitan scheme, a situation he obviously did not bother to examine to find out what it was about. On that basis it would be wrong and improper for this House to cast aside a very worthy planning measure because somebody has lobbied everybody incorrectly as to what the consequences are. I believe that for the individuals concerned the scheme is better than the local government one that applies to them currently.

Hon Ken Travers: All that the people lobbied want is the land returned to urban, both in the local and metropolitan schemes. Do not misrepresent them. That is all I am asking.

Hon PETER FOSS: They might want that but, unfortunately, the time has passed. That occurred when the town planning scheme was passed. They may not have wanted it then; however, the fact is that it has gone through and been passed. That is the point I was trying to make. What they are seeking to do is futile. All it will do is leave them with a more strict legislative regime with the clock already ticking, in that they have already had an approval rejected. The clock is ticking. They either make the decision to waive their compensation and not apply, or they apply for compensation and run the risk that the land will be acquired. It may yet be acquired for a public purpose if the council has some immediate need for it. I do not know that the council has a need for it; however, if it wants to use it, it could acquire it for council purposes.

Whereas, once the reservation goes through, the council is out of it. It is no longer a basis for the use of that land. If the people are afraid of the council, the council is not the body to ask for approval; it is the Planning Commission. This is one way to get the council out. This, of all ways, is the most successful way for those people to stay in that house until they precipitate the situation by wanting to require the Planning Commission to purchase it. I wonder why so much heat and emotion has been generated in trying to do something which Hon Ken Travers has said is not what the House is being asked to do. The House cannot take away the town planning scheme. The town planning scheme is there and it will not disappear until there is a reservation. The reservation will be substituted but it will at least get rid of the town planning scheme; and there will be a different authority to deal with in order to get approvals to develop or for use.

Hon Ken Travers: There is an argument; however, I will save it for my speech.

Hon PETER FOSS: They may prefer the council. Maybe they believe the devil you know is better than the devil you don't know! However, I do not believe they will get a change in the zoning or a reservation via the council, and while the present situation is in place there is a stricter regime applying to them than if this were to go under the metropolitan region scheme.

Hon Ken Travers: Once this goes through they certainly cannot.

The PRESIDENT: Order! Other members wish to speak. I have mentioned that before.

Hon PETER FOSS: I urge all of those who are prepared to look at this and to make a sensible decision, first of all to support the particular change being questioned; but far more importantly, to support all the others that are not being questioned which are very valuable and worthwhile and should not be thrown in the bin simply because someone has a wrong-headed idea about the effect of this amendment.

**HON GIZ WATSON** (North Metropolitan) [8.46 pm]: I will try to be as brief as possible given that there are a number of speakers yet to contribute and I do not want to go over old ground too much. It has been a difficult matter to consider and I have done all I can to look at the site and to meet with various people involved, including planning officers, to discuss this matter; and I have appreciated the debate so far and listening to members air the various sides of this decision.

Greens (WA) members support the intent of having the coastal zone managed for public use. The intention of this amendment would appear to achieve continuity with that. One of the problems arises in the need for clarity on what is the ultimate intent for a piece of land. That is what much of the debate has revolved around today.

Hon Ken Travers: Hear, hear!

Hon GIZ WATSON: Contrary to what Hon Ken Travers mentioned, I also understand that the people involved in this issue feel that if they had a choice they would not have a major problem in this area being zoned public use for recreation. If they could be assured that the intent is for that purpose, that would be a compromise that they could perhaps accept.

Hon Norm Kelly: Genuinely for recreation?

Hon GIZ WATSON: Yes. The concern I share is that the area will be used for a car park or another toilet block, or whatever. We are stuck with this debate on whether that will happen. In an ideal world these blocks would never have been zoned urban in the first place.

Hon Peter Foss: They should not have been sold or subdivided in the first place.

Hon GIZ WATSON: We are not dealing with that situation. The point has been raised that this is another omnibus amendment, containing 32 proposals. I have taken time to go through these proposals and by and large they are welcomed. Again, we are faced with the choice that if we support the disallowance, those worthwhile amendments will also be lost initially and would have to be resubmitted if they are to be passed. We accept also the argument that if there is a good enough reason for a resumption of areas of land, we should support that need. Each case needs to be taken on its merit and the question is: Is there a good enough reason for this rezoning? We support the notion of a holistic management for this area of the coast. It is my impression that this proposal would add to better management rather than detract from it, if we can be assured of the ultimate purpose for this rezoning.

Hon Peter Foss interjected.

Hon GIZ WATSON: I understand that. I have had the same discussion on this matter with the planning department. I have heard a genuine concern from a number of sources that the City of Stirling has not had a good history of listening to the community. People therefore have a genuine concern that if the land stays under the control of the city, they cannot be assured that the intention would be to use the land for public purposes and not for car parks or perhaps commercial ventures. On which side of the argument the Greens will fall depends on what they hear tonight. It depends on whether the option presented by Hon Peter Foss is the best or whether the argument we have heard from this side of the House will prevail.

I seek some assurances from the Government about the ultimate use of the land, as far as can be established at this stage. I realise there is a dilemma because the category is broad.

Hon Peter Foss: There are no immediate plans. Nothing would happen until the land is taken into government ownership. There is no priority use for it. It is a matter of long-term reservation, so that it is under the control of government and will ultimately be part of the foreshore reservation for public purposes.

Hon GIZ WATSON: The public purposes category is very broad.

Hon Peter Foss: In 30 or 50 years, who knows? Unfortunately, that is what planning is all about. It is stating the general purpose without necessarily the precise one. If the period involved is 30 or 40 years, it would be silly to say what its purpose would be, because one would not know. There may be no cars in 30 or 40 years.

Hon GIZ WATSON: When these cases are weighed up, it is important that we as decision makers are assured that adequate compensation will be available for people who lose their land. I again seek that assurance.

Hon Peter Foss: I give you that assurance. It is in the Act.

Hon GIZ WATSON: How long will people be able to be in the houses concerned? I take some comfort from the contents of the omnibus amendment. At page 15 the conclusions to proposal 12 state -

In general, the Commission does not initiate the purchase of land reserved under the Metropolitan Region Scheme, but responds to requests from landowners at such times as they may reasonably wish to sell and the land is needed for the purpose for which it is reserved.

That is not 100 per cent watertight but it does provide some assurance and concurs with what we have heard from Hon Peter Foss.

Hon Peter Foss: I will be quite frank. There is no guarantee about what will happen; however, I assure you there is no secret agenda which would distinguish it from any other proposition.

Hon GIZ WATSON: Members have seen examples of long-term planning for reservations being overturned. I would use as an example the Creery wetlands in Mandurah, which does not reassure me.

Hon Peter Foss: That is not in the metropolitan area and it does not come under the MRS.

Hon GIZ WATSON: I am talking more generally. A long-term planning objective can be overturned because someone decides that he or she can make more money by a subdivision.

Hon Peter Foss: That originally happened under the previous Government.

Hon GIZ WATSON: Yes, but it happens in planning decisions.

Several members interjected.

The PRESIDENT: Order! Hon Giz Watson has the floor.

Hon GIZ WATSON: Thank you, Mr President. If the Greens can be assured that the land will remain as crown land -

Hon Peter Foss: The land will not become crown land unless the process is initiated by the owner. You read that out earlier. Normally the Government does not buy the land unless the owner says that he wants it to buy the land. The Government has \$900m worth to buy. The Government buys land when people initiate it. If the Government wanted to build a highway, it would buy the land when it built the highway. In this sort of case, the Government does not do it unless someone initiates it.

Hon GIZ WATSON: I understand that the properties are currently being assessed by the Heritage Council. I seek some assurance that the process would be allowed to be completed before any decision was made on the properties.

Hon Peter Foss: The council would do that anyway. The important aspect under the Heritage of Western Australia Act, as you might recall, is that when land is in government ownership, the Government does not decide the process - the Heritage Council does. That is the difference between the Government's process for ownership and anybody else's ownership. There is no political interference in heritage issues to do with government land. This is not government land at the moment.

Hon GIZ WATSON: I do not wish to make any further comments. Both sides of the argument have been covered fairly thoroughly. I will listen with great interest to the remainder of the debate because the decision is very much in the balance. The Greens will await the remainder of the debate before they make their decision.

**HON NORM KELLY** (East Metropolitan) [8.57 pm]: I am aware that I am not allowed to refer to other matters on the Notice Paper. However, this disallowance motion really highlights the difficulty of determining the merits of an MRS amendment that contains 32 proposals when it appears that members consider only one should be disallowed. I urge members opposite to facilitate debate on other matters that are on the Notice Paper. It is obvious that what members would like to think of as substantial amendments are still being included in omnibus amendments. When members talk of major

or substantial amendments, they must consider the term "substantial" as applying to the land area or the impact on communities. Proposal 12 definitely fits into the category of substantial impact on communities. Members need look only at the amount of local debate, public meetings and the like to see the involvement of the local communities in this issue.

I am also extremely concerned about the ramifications of the disallowance of this amendment, given the lengthy process necessary to get this amendment to this point. As I have stated in previous debates on disallowance motions, if members find one proposal out of an omnibus amendment which they deem worthy of being disallowed, that proposal should be disallowed. I am well aware of the ramifications on the other worthy proposals. However, it would be a dereliction of our duty as members of Parliament to allow one bad proposal through because of the weight of the others. I am also well aware that when the Government intends to try to get through contentious proposals, it includes them in a raft of non-contentious proposals.

Hon Peter Foss: Generally we have the potential to believe there is a genuine contention.

Hon NORM KELLY: We must look at the history of this proposal. It has already been knocked out of one omnibus amendment, and was also removed from a second omnibus amendment before this current amendment which is now being put forward. Due to those previous actions we have seen a level of community debate and opposition to such a metropolitan region scheme amendment. It is wrong for the Government to say that it does not believe there is any contention with this proposal.

Hon Peter Foss: I am not saying there is no contention, but that, having examined the matters of contention, we do not believe there is any basis to them. I think I have shown that tonight.

Hon NORM KELLY: This Government is saying -

Hon Peter Foss: It has various stages it must go through.

Hon NORM KELLY: - the best place to make the decision is within government.

Hon Peter Foss: How else would you suggest?

Hon NORM KELLY: It should be through this process of tabling matters in Parliament and putting forward matters for possible disallowance so that the entire Parliament can decide the merits of the issue, rather than their being decided by the Government alone. In that way, it is more representative of what we believe should happen.

Hon Peter Foss: Who are the planners?

Hon NORM KELLY: I will get to that in a minute.

Hon Peter Foss: Planning is the responsibility of government.

Hon NORM KELLY: A number of proposals are of serious concern. We have been given the report and submissions, which is just one volume of about half a dozen, which includes transcripts and more detail. Proposal 32 has some small degree of contention associated with it. It relates to the Sun City Country Club and involves the transfer of zonings of land so that land used for the country club can be designated for that purpose and other areas can be delineated from the country club for the purpose of being placed in an urban zone for urban development. On page 20, towards the end of the summary of proposals, no mention is made of proposal 32; it has been entirely missed out in this report. Submissions were received for that proposal. The report lists every proposal, whether there be objections to it or not and gives a summary of each proposal. It is interesting that proposal 32 is not referred to. Of course, that may be a clerical oversight, but I regard it as a serious one.

Proposal 11 is another contentious issue within this omnibus amendment. It relates to the proposed transfer of four lots from rural zoning to parks and recreation. For this proposal 56 submissions were received, of which only one supported the transfer. The section on the submissions contains four pages of discussions on the merits for and against transferring that zoning. The final recommendation from the Planning Commission is that that rezoning take place. Earlier the Attorney General asked who are the planners. The people in the Planning Commission are the planners and this is what they have recommended. I refer to the debate on 1 July of this year about the previous disallowance motion concerning the contentious issue of the Kiara technical and further education site in which the Attorney General stated -

Parliament should not be the planner. Parliament should not take over the role of the WA Planning Commission and try to plan Perth. Parliament should have a say in the matter, but it should not be the planner. I do not think I will have a big argument about that. What is our role? I suggest that our role is to ask: Was the decision made according to a proper planning process?

On that occasion the Attorney General said that we should leave these matters to the planners and limit our scrutiny to the planning process; yet he was party to the interference in the work of the planners, not with the openness and accountability provided by the parliamentary forum, but in the secretive and clandestine meetings of Cabinet. I find his attitude to be totally

hypocritical: On one hand he says that it is not okay for Parliament to interfere with the planning processes and what the planners are doing, but on the other hand he says that it is okay for Cabinet to make those decisions. In doing so, it is not accountable because it does not show on what basis the decisions are made.

Hon Peter Foss: We are accountable. We are the ones who buy whatever the result is. That is the difference between being in government and not being in government. We are held responsible for the consequences of what has occurred.

Hon NORM KELLY: It goes right against the Attorney General's argument about this role. On one hand he is saying that we should respect the decisions of the planners -

Hon Peter Foss: I asked who the planners should be. I am not saying that the town planning commission and, in turn, the Government is the town planning commission -

Hon NORM KELLY: At this stage we are still left in the dark as to the basis on which the Cabinet decision is made. I do not know whether the planners are aware of that reason. Maybe they have inside information of the basis on which the recommendation was overturned; however, members of the public are meant to look to the Planning Commission for direction, yet they are left in the dark.

Hon Peter Foss: The planner is us. The planner is government. We are responsible because in the end what happens out there will be held to our account. That is a difficulty with Parliament being involved. You can come in and fiddle with the budget, start running Fisheries WA and do planning, but we are the ones who buy it when things go wrong, not you. The Government must take responsibility for planning - and it does that.

Hon NORM KELLY: I believe this is a valid point, nonetheless. The Attorney General cannot offer any suggestions about why that proposal was overturned by Cabinet. If there is a valid reason, and I am sure the people within Cabinet think there is, I ask why the public should not be aware of that decision. Now there will probably be an attempt to rezone this site again.

Hon Peter Foss: This one has been through three times.

Hon NORM KELLY: The current landowners are left up in the air. They are not too sure about what will happen next.

Hon Peter Foss: That is one reason these things happen. This one has been through three times and it is time it was dealt with. I am talking about an amendment that has come forward three times. The process is that a proposal is taken out the first time it meets with some contention and we put through those that will go ahead without any difficulty. The time will come when the proposals that are put off until the next time must eventually go through, if we believe they are appropriate. We cannot keep putting them off forever.

Hon NORM KELLY: Once again, we come back to the idea of contention. Obviously there was contention in this proposal. Surely when the weight of public opinion shows a lot of opposition and when there is a good degree of contention, it is justified to classify it as a substantial amendment to the legislation. As such, it should not be included with 31 other amendments which can be regarded as minor.

Hon Peter Foss: Perhaps these should go under section 33A which we could do and which the previous Government did. Something as small as this we would be justified in dealing with under section 33A.

Hon NORM KELLY: During this debate tonight we may be able to ascertain the minor non-contentious amendments that could go through under section 33A. If this amendment is to be disallowed, I am well aware of the ramifications of that on all of the other proposals. There is a way of facilitating a speedier process for those other non-contentious, minor amendments to proceed with their rezoning.

Hon Peter Foss: We simply would not use section 33A.

Hon NORM KELLY: That is right. I appreciate that the Government has adopted that position. I know it is difficult to refer to my private member's Bill on this matter; however, this amendment highlights the need for new legislation to install a better process to meet the Act's original intention.

We need to look at this proposal in context. Lots 1 and 2 of the proposal are contentious, and lot 3 is already decided.

Hon Peter Foss: No. It is important for lot 3 to be included as it will be taken from the control of the council to the control of the State Government. It will be a different body assigning the use of that land. Do not think it is not important to include all three lots.

Hon NORM KELLY: I take the Attorney's point. I refer more to the rights of the landowners. I appreciate from conversations with the Stirling City Council that lot 3 has been compulsorily resumed. It would strongly appear to be the intention that lot 3 be used for extending the car park immediately to the south of that area. As such, it gives an indication of the future intention of the council. We earlier discussed management plans, yet no management plan is in place for the future use of this land. The argument is that it is premature.

Hon Peter Foss: It is not done until the land is owned.

Hon NORM KELLY: When considering this matter, it is important to have an idea of the possible uses for that land, even at the conceptual stage of possible uses. A plan of the area indicates that the lots in question are part of Trigg Point. It includes a family-style restaurant or kiosk, club meeting rooms, toilets and change rooms, and City of Stirling club storage facilities. The MRS would not preclude such activity.

Hon Peter Foss: But it will change who makes the decisions. The council can do that under the scheme as it currently stands without any approval.

Hon NORM KELLY: It relates to where the stronger protection resides - with the council or the State? This is the crux of the difficulty in voting on this matter.

Hon Peter Foss: It is clearly to be with the stronger protection.

Hon NORM KELLY: Other aspects are involved. The chequered history of the Stirling council would support the Attorney General's argument.

Hon Peter Foss: It does things on the sea front.

Hon NORM KELLY: That is right. One need only look at Observation City to see how wrong local government can be. One can understand the long-term concerns of the residents of the area. Despite all the pushes by the local community, a recalcitrant council can change the uses of the land to no longer fit into local people's wishes. However, the question must be asked: Is it locally or regionally significant? In the long term, it is significant that the land be rezoned into parks and recreation reserve, but we must consider the rights and wishes of the current landholders. The Planning Commission report's arguments are not sufficiently compelling to warrant this rezoning. This area is of regional significance. Pressure will apply to the land, and the wider hinterland, to access the beach. It is similar to problems experienced along the coast, such as at Cottesloe with car parking.

Hon Peter Foss: What do you think the Stirling City Council plan would do to that ultimate use? You told us what the City of Stirling would do. Do you see the area as having regional significance?

Hon NORM KELLY: It would have the drawing effect of putting more pressure on the area by attracting more people. The onslaught will continue. We will need to take away more houses for car parks to accommodate the greater pressure on the area. It is hard to know what will happen without a conceptual plan to see the true intention of the council.

Hon Peter Foss: The best way to preserve it is to do so for regional significance.

Hon NORM KELLY: Zoning for regional significance would not preclude such development.

Hon Peter Foss: It must be looked at in regional terms. You know how the City of Stirling looks at it. The State Government says it has regional significance. The Government does not have plans to redevelop. Therefore, it reserves the area.

Hon NORM KELLY: The Attorney can understand the concerns of the local people, who are frightened by past actions. The area reserved under the MRS can be resumed, but it does not necessitate a landowner requesting resumption. In discussions with the Minister for Planning and his staff I sought some guarantee regarding the future use of the land while the current landowners are in occupation. I was unable to obtain the guarantee.

Hon Peter Foss: We can tell you the history of the city council's development on the coast. The State Government has a history of waiting and reserving such areas to make sure it does not do something inconsistent. The reservation is exactly what should be done. We cannot tell you what we intend to do as we have no intentions. I would have thought that to be reassuring.

Hon NORM KELLY: The council has plans. It will say to the commission that it needs the land as it has pressures on the area for car parks or whatever.

Hon Peter Foss: Currently, it need not go to the commission - the council can do it.

Hon NORM KELLY: I refer to the situation under the MRS parks and recreation zoning. I appreciate the Attorney's argument about where the greater protection lies. However, what is lost is the effect this protracted debate, over some years, is having on landowners. Hon Ed Dermer mentioned that the Liberal Party State Conference outlined that ministers must instruct planning agencies to give priority to the protection of private property rights. That seems to be sadly lacking in this instance.

Lot 2 is owned by Mrs Carmody, who moved onto the land in 1961. Her daughter now lives there.

They are a farming family which moved to the coast - like many farmers - and settled there. The family has owned the property for 37 years, and this issue has been going on since the 1970s.

Hon Peter Foss: If we disallow this, it will go on even longer.

Hon NORM KELLY: If we do not disallow the regulation the problem will continue. Ron and Julie Johnson have owned lot 1 since 1960. I believe they also came from the country. The property was for sale for about 18 months before they bought it. It went to public auction and nobody would buy it. They were in their late twenties when they bought the property and their dream was to live on that property, to retire there and eventually to die there. The Government is playing with people's lives. The State Government is ignoring that fact. If there had been any degree of assurance or guarantee from the Government that these people would be allowed, if they chose, to live out their lives on this land in a way that would not interfere with the longer term uses of that land, I would surely oppose this disallowance.

Hon Peter Foss: You have most of that already. What have you got from the council?

Hon NORM KELLY: I am referring to the State Government. As much as the Government talks about greater protections and, believe it or not, I am significantly swayed by the Attorney General's argument on where the greater protection is, I feel that the Government has been negligent by not looking after these people who have had no real say in this proposed rezoning. It has been initiated by the council and supported by the Planning Commission. I know that during the hearings, one of the members of the Planning Commission expressed the view that once it was rezoned to parks and recreation, the commission should end the suffering for the landowners as quickly as possible, obviously through resumption. One can understand how rezoning under the MRS would worry the landowners, because there is no assurance in that for the future of those people.

I agree that if this regulation is disallowed and the council retains control, the security of the landowners will be equally at risk. However, I still feel that the Government is negligent in not working towards some form of guarantee either from the Planning Commission, or wherever, to provide some sense of security so that these people can have a choice.

Hon Peter Foss: There is \$900m worth of land in the same situation.

Hon NORM KELLY: It is a matter of 20 or 30 years, and it would take less than 5 per cent of one year's income of the metropolitan region improvement fund to purchase these lots.

Hon Peter Foss: Do we go around giving everyone the same assurance?

The DEPUTY PRESIDENT (Hon John Cowdell): Hon Norm Kelly should address his comments to the Chair; the Attorney is easily encouraged.

Hon NORM KELLY: The Attorney General must consider both aspects. It is easy to purchase these lots through the MRIF, and the Planning Commission has stated that this issue should be resolved as quickly as possible after rezoning. If we added the two together, the result would indicate that if this land were to be rezoned from parks and recreation, it would be resumed. These people have an affinity with the area, and have seen it develop.

Hon Peter Foss: Go ahead and disallow! I will be interested in what you will say to those people when the City of Stirling resumes the land.

Hon NORM KELLY: I do not know whether the Attorney General knows this area or has considered what is possible in the area.

I feel strongly about the dangers whichever way I go. Whether this motion is supported or not, there are real dangers for the landowners. Without any level of assurance or guarantee from the Government about their future security -

Hon Peter Foss: You should decide on the basis of the record of the City of Stirling compared with our record - of whatever category of government. It is not just the coalition Government; even the Labor Party did not actively seek to purchase land. It has always been the policy that it is initiated by the person involved.

Hon NORM KELLY: I appreciate that has always been a possibility. However, this is a reasonably unique situation with privately owned land, in which the council has come over the top of landowners. I am also aware that other issues about this land could help in its future protection. One argument is that these houses will be protected because of their heritage value. Hon Giz Watson mentioned the evenness of this debate, and how the vote would go.

I have no confidence in any security for the landowners either way. In the end I am swayed by the views of the owners of the land. I believe that their wishes have been ignored largely by government, and I have not seen any action by the Government to allay the fears of those landowners. As such it is important to represent the views of those landowners and of the wider Trigg community in their opposition to this MRS amendment being allowed. The Australian Democrats support the disallowance.

**HON KEN TRAVERS** (North Metropolitan) [9.27 pm]: When the metropolitan region scheme amendment No 987/33 north west omnibus No 3 was put out for discussion, a number of proposals caused me some concern. However, proposal No 12 was not one of them, nor was the resumption of Yanchep land under proposal 11. I was concerned about proposals

2 and 4. I am pleased that proposal 4 was amended by the Planning Commission, which was a wise decision. I will return to proposal 2 and how that relates to this debate and to comments that the Attorney General made earlier.

Under proposal 12, we are not, as the Attorney General would have us believe, talking about long term planning and looking 30 or 40 years on. This area is currently well developed and utilised. The demands on Trigg Beach will not significantly increase in the foreseeable development of Perth. It is not as though we are ahead of the urban front, as in Yanchep or the east Wanneroo area. The Attorney General was quick to suggest that this Government had been a perfect angel in the planning process. I urge members to see the disaster the Government has created in east Wanneroo by deleting road plans and providing no other transport network in that area, yet allowing the land to be zoned as urban. The Government has misled the electors in that area. I agree that we do not want the road network which was originally proposed but the Government has not provided any alternative. It is not an angel in that respect. We are not talking about land 30 or 40 years down the track. If this land is required for public purpose, if it is so important that it become part of the parks and recreation reserve, the Government or the local authority should be in a position today to tell us that purpose. If it will be a car park because of the greater need for car parking, let us hear that today. If another cafe is needed, let us hear that today. The local authority, and the Attorney General tonight, have continually refused to let us know the reasons. That has been the telling thing about the debate so far: No reasons have been given for this land being needed for the public estate. Up and down the coastline land closer to the ocean has been rezoned by this Government. Unfortunately, the land in the Alkimos area, which was rezoned as urban by this Government, goes right to the fringe. It does not contain an area like the wonderful Whitfords nodes that we got as a result of the previous Labor Governments' reserving the nodes as parks and recreation. They are a wonderful section of beachfront. For 20 years the Liberals in this place wanted to turn that area into housing. They have done the same further north.

I now turn to comparing proposals 11 and 12. When I received representations from constituents in the North Metropolitan Region concerning proposals 11 and 12 I saw them in similar terms. I accept that it is hard to remember these things but it is shame that when the Attorney General was briefed by the department it was not able to give him any explanation and that he did not check on why the Executive Council of Cabinet removed proposal 11. To this day we do not have on the public record any explanation from this Government as to why proposal 11 was removed. I agree with the Government regarding proposal 11. It got it right but I have not heard any explanation. The Minister for Planning is always happy to open his mouth and tell us about the world and the great things he has done, but there has been total silence from him on this issue; we have not heard a word from the minister about why proposal 11 has been removed by the Government but proposal 12 remains. I support the deletion of proposal 11. Unfortunately, we have to delete the whole omnibus amendment to defeat proposal 12.

The Attorney General talked about the Subiaco City Council versus the University of Western Australia land, and how planning is about giving people a long-term idea of what their planning reservation is so that when they move into an area or buy land they have an idea of what might happen. It is not the first time we have heard that speech from the Attorney General. On 1 July 1998 we were dealing with the eastern omnibus amendment - as Hon Norm Kelly mentioned, it dealt with the Kiara site. At page 5018 of *Hansard* the Attorney General said-

Land which is reserved is taken out of the capacity of the local government authority to do anything with it as far as planning is concerned. Let us consider a local government planning scheme and the University of Western Australia. If as a metropolitan reservation it is shown as a university, members will also find on the local government scheme a colouring for it to be a university. However, it has no legal effect. Land which is reserved can be dealt with under the metropolitan region scheme only in terms of its town planning. Land which is reserved is taken out of the capacity of local government authorities to do anything with.

That sounds great until we turn to proposal 2. The Attorney General told us that we need long-term planning so people will have a greater understanding of what will happen to them when they move into an area. Proposal 2 seeks to change the reservation of the land around the Churchlands Primary School site, which, as far as I am aware, since 1963, when the metropolitan region scheme came into operation, has been designated as a university reservation. This proposal will change it to an urban zone. We are told not to worry and that primary schools are always in the urban zone - which is not exactly the case. The Government tells us not to panic because it does not intend to sell the land. However, if this proposal is passed, tomorrow the Minister for Education can go through and do the same sort of operation he has done on the high schools in the western suburbs. If he decides that the Churchlands land is the best prime realty to sell because it is next door to the university campus, the zoning of the land can be changed. Yet the people who bought land in and around Churchlands expected that that land would always be used for university purposes even though it is not strictly being used for that at the moment. When one remembers the history of the site and its close relationship with the old Churchlands Teachers College, the expectation of the people in that area that the land opposite them would continue to be used for education purposes is important. We need to keep those issues in mind.

It is interesting that the issue of long-term planning comes up in this same amendment. I am concerned about that. I would not have moved to disallow the whole amendment just on proposal 2 but the long-term planning use for that site should be for educational purposes. It should not be changed at the will of this Government down the track.



Hon Peter Foss: How about the narrowing of all the highway reserves when it became clear that they had been over-reserved? Do you leave it that way forever?

Hon KEN TRAVERS: This land is needed for educational purposes. There is a difference between narrowing something which is a negative and changing a positive into a negative. The people around the Churchlands university site to whom I have spoken would prefer that land be kept for education purposes rather than more housing.

Hon Peter Foss: Plans are not immutable.

Hon KEN TRAVERS: No, which brings me to my next point. The Attorney General argued that this decision will be better for local residents. By way of interjection there was an exchange about the local residents' preference. My understanding is their first preference is for the land to remain urban. However, if it is to be rezoned for parks and recreation, their second preference is to ensure it becomes a proper park and recreation area rather than another Observation City. Their preference is to live there and maintain their homes. The Attorney General said that the people will be better off if we allow this amendment to go through tonight. I appreciate his point that planning is not set in concrete but that suggests that the local town council scheme is final. It will be once this goes through. Once the land is parks and recreation at both the local and metropolitan region scheme level, the chances of reclaiming the land as urban or any other decent use are slim. It is a lot harder to take back two schemes than one. If the Attorney General had put up sound arguments why it was necessary for the public estate for parks and recreation, I and the local residents would have been willing to be convinced.

Hon Peter Foss: That is nonsense. It has all been on a wrong-headed basis. You came here not intending to be convinced by anything.

Hon KEN TRAVERS: I am deeply hurt. That reflects more on the Attorney General than it does on me.

Hon Peter Foss: You must swear to it to become a member of the party. At least we can have a conscience vote; you cannot.

Hon KEN TRAVERS: When was the last time members opposite took up that option?

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! The member will address the Chair rather than the Attorney General's less than relevant interjections.

Hon KEN TRAVERS: Members opposite kicked Paul Filing out of their party for thinking differently and then spent \$300 000 trying to win back his seat.

Several members interjected.

Hon KEN TRAVERS: I do not think the Attorney should count Kalgoorlie too soon.

If the council is the evil ogre and the State Government is the benevolent dictator that the Attorney General would have us believe, then be it on the council's head if it resumes the land tomorrow and erects a shed. We should let the local residents have that fight with the council, but let us not suggest that we are doing them a favour by allowing this amendment to be passed. If that is what the liberal councillors on the City of Stirling council want to do then be it on their heads. However, the Labor Party will oppose it in that forum and in this place.

Hon Peter Foss: They will force the council into resuming because that is what councils do.

Hon KEN TRAVERS: If the land is resumed rather than taken up under injurious affection -

Hon Peter Foss: One is compensation and the other is resumption.

Hon KEN TRAVERS: There are very different provisions. The Federal Liberal Government has attacked the Labor Party about its proposed changes to the capital gains tax. It is unbelievable behaviour on the part of a party that tried to make an issue about that in the federal election, even though it intends to slug everyone in Australia with a huge goods and services tax. There is a dramatic difference between resumption and injurious affection. First, one maintains one's capital gains benefits.

Hon Peter Foss: Once a person goes for injurious affection, the council normally decides to resume. When it does that -

Hon KEN TRAVERS: If a person goes for compensation under injurious affection, he opens himself up as a willing seller. The council can then seek to purchase the property, but it is not a resumption. The resident is treated as a willing seller. The benefits of resumption as opposed to getting compensation under injurious affection -

Hon Peter Foss: When a person applies for injurious affection, the council or the Planning Commission have the option, instead of paying compensation, to require the sale of the property. That is what normally precipitates resumption.

Hon KEN TRAVERS: There is a difference in the way in which land is purchased under a resumption order for public works and the Government's seeking to purchase the land.

Hon Peter Foss: It normally tries to do so, but it can then require the sale.

Hon KEN TRAVERS: But the resident is treated as a willing seller and does not receive benefits such as capital gains carryover, stamp duty payment and a value placed -

Hon Peter Foss: The situation is the same whether it is under the local authority scheme or the MRS.

Hon KEN TRAVERS: The resident gets the first right of refusal should the land be used for a purpose other than that for which it was resumed.

Hon Peter Foss: What is the difference between the local authority scheme and the MRS?

The DEPUTY PRESIDENT: Order! This is not question time. The member will address the Chair.

Hon KEN TRAVERS: There is a very significant difference between injurious affection and compulsory resumption. Again, the Attorney General suggests that it will be on the landowners' terms in their time frame. However, if the residents want to do anything, even of a minor nature, and the Government has decided it wants the land and soon, it is very easy for it to knock back any application.

Hon Peter Foss: They have already been knocked back by the council.

Hon KEN TRAVERS: That brings into play the only right they have or they must sit in a tattered, falling down house. The Attorney should consider the property referred to in proposal 11. The house involved is falling down as a result of a white ant infestation and the resident cannot obtain approval to renovate the property. His only option is to apply for injurious affection, which is different from compulsory resumption.

A planning authority placed a planning control order over land at Pinjar while awaiting the declaration of the reservation for the Gngangara mound. The Government told people that they would be able to live there for the rest of their lives. They wanted to do minor repairs to their properties but they were knocked back. They had only one option - to take injurious affection and have their properties purchased. The three people who sold their land in the bottom corner of Pinjar must be crying. A while later, after they had sold their land on the basis that it was under a planning control authority, they suddenly discovered that the Government had taken the land out of the area required for the catchment and that it had been rezoned urban. Who will get the windfall benefit? The Government. Perhaps the profit could be put into the metropolitan development fund and used to buy more land.

Proposal 12 is crucial. I am disappointed that no arguments have been presented. If the Attorney General thinks I am not prepared to be convinced, that is fine, but I do not think he has even tried to convince the Greens or the Democrats.

**HON E.R.J. DERMER** (North Metropolitan) [9.48 pm]: The Attorney General has suggested that my understanding of this proposal is nonsense. He has endeavoured to establish that argument by misrepresenting what I said in my earlier contribution. At no time did I argue that the present zone was a perfect protection for homeowners; clearly it is not. At no time did I argue that their land will be resumed tomorrow or in the near future; I did not. In both instances, the Attorney General misrepresented what I said.

For the Attorney to suggest that proposal 12 would enhance security of tenure is total nonsense and I will demonstrate why. Hon Ken Travers made the very sound point that in deciding these matters it is important to take account of the judgment of the landowners concerned. They are most acutely aware of the tenure over their homes and they take no comfort from proposal 12. The proposal illustrates that the Attorney's suggestion that somehow it would enhance their security rather than diminish it to be the absolute nonsense it is. It is clear, not the least from the main grounds of objection stated in proposal 12, that the City of Stirling is a major proponent of the proposal.

The Attorney General has suggested that the current zoning arrangements, which give power to the City of Stirling over the future of these properties, would diminish if proposal 12 were implemented. If that were the case why would the City of Stirling be a major proponent of proposal 12? Clearly the City of Stirling has not judged that proposal 12 will in any way diminish its control over that land.

Hon Peter Foss: What about the fact that that is the law? You are making a supposition.

Hon E.R.J. DERMER: Whatever the Attorney General says about making black appear white or white appear black, the fact is that the City of Stirling is a major proponent of proposal 12. If what the Attorney General said were true - that is, it would diminish the council's power to resume that land - that would not be the case.

Hon Peter Foss: Are you saying that the law is not the law because you do not think the council would do it?

Hon E.R.J. DERMER: Proposal 12 provides that the reservation of the land for parks and recreation will enable this eventual acquisition to improve public amenity, landscape and recreational opportunities at one of the most popular regional beaches in the metropolitan area. The conclusion of the proposal is that the reservation entailed in the proposal will enable the eventual acquisition of the land.

It is up to members to decide that the Attorney General is talking nonsense or to accept his distortion and Orwellian use of the language which suggests that this proposal somehow enhances the security of tenure for the landowners. In the words of the proposal, the reservation of the land for parks and recreation will enable its eventual acquisition to improve public amenity. Members should note the words of the proposal; they should not listen to the nonsense from the Attorney General. The proposal makes it very clear.

Hon Peter Foss interjected.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! The member is correct; the words of the Attorney General should not be listened to at this stage of Hon Ed Dermer's speech.

Hon E.R.J. DERMER: Thank you, Mr Deputy President. Clearly, as the proposal suggests, its purpose is to diminish rather than enhance the security of tenure of the home owners over their properties. I ask members to examine the proposal closely. Even if they choose not to hear my words, they should certainly not be misled by the Attorney General's words.

Question put and a division taken with the following result -

#### Ayes (11)

Hon Kim Chance  
Hon J.A. Cowdell  
Hon Cheryl Davenport

Hon E.R.J. Dermer  
Hon N.D. Griffiths  
Hon John Halden

Hon Helen Hodgson  
Hon Norm Kelly  
Hon Tom Stephens

Hon Ken Travers  
Hon Bob Thomas (*Teller*)

#### Noes (16)

Hon Dexter Davies  
Hon B.K. Donaldson  
Hon Max Evans  
Hon Peter Foss

Hon Ray Halligan  
Hon Barry House  
Hon Murray Montgomery  
Hon N.F. Moore

Hon M.D. Nixon  
Hon Simon O'Brien  
Hon J.A. Scott  
Hon Greg Smith

Hon C. Sharp  
Hon W.N. Stretch  
Hon Giz Watson  
Hon Muriel Patterson (*Teller*)

#### Pairs

Hon Tom Helm  
Hon Mark Nevill  
Hon Ljiljana Ravlich

Hon B.M. Scott  
Hon Derrick Tomlinson  
Hon Murray Criddle

Question thus negatived.

### **GAS PIPELINES ACCESS (WESTERN AUSTRALIA) BILL**

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

#### *Second Reading*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [9.58 pm]: I move -

That the Bill be now read a second time.

I have pleasure in introducing this Bill, which is to implement the national third party access regime for natural gas pipeline systems in Western Australia.

The Bill is integral to the ongoing energy reform process in Western Australia and maintains this State at the forefront of reform of Australia's natural gas industry. The reform process is aimed at creating a competitive natural gas industry, where large consumers will be able to contract directly with a gas supplier of their choice for the supply of gas and contract separately with a pipeline operator for the transportation of the gas. It will also facilitate the introduction of specialist gas trading companies to service the smaller gas consumer. This competition will stimulate the gas industry to become more efficient leading to a reduction in gas prices and improved service. Industry has strongly supported this reform process and has been actively involved in the development of the National Third Party Access Code for Natural Gas Pipeline Systems. This reform process will create opportunities for gas producers to sell more gas and opportunities for consumers to negotiate better deals for the supply of gas. It will also provide owners of gas pipelines with better utilisation of their assets.

The introduction of the Bill, as complementary legislation, enables Western Australia to retain a balance between Australia-wide consistency and the State's flexibility to deal with its unique regional differences. The Bill essentially mirrors the gas pipelines access legislation being enacted in other jurisdictions. It has, however, specific provisions to implement the Western Australian derogations and transitional arrangements agreed in-principle in November 1997 between all States, Territories and the Commonwealth.

The Bill includes the provisions that -

- make the gas pipelines access law a law of Western Australia;
- provide for regulations to be made for the purpose of that law;
- establish the Western Australian Independent Gas Pipelines Access Regulator, Gas Review Board and Gas Disputes Arbitrator;
- make consequential amendments to certain Acts which would otherwise be inconsistent or alter the effect, scope or operation of the Bill;
- provide for transitional arrangements in Western Australia; and
- give legal effect in this State to the National Third Party Access Code for Natural Gas Pipeline Systems. This regime is commonly referred to in the industry as the National Access Code or simply the Code.

This reform of gas pipeline access has its genesis in February 1994 when the Commonwealth, State and Territory Governments made a commitment to achieve free and fair trade in natural gas to enhance competition in the natural gas sector. To implement these objectives, the jurisdictions set up the Gas Reform Task Force followed by the Gas Reform Implementation Group to develop a national regulatory framework to govern third party access to natural gas pipeline systems in accordance with the provisions of the competition principles agreement made between jurisdictions in March 1995.

The Gas Reform Implementation Group is made up of representatives of all State and Territory Governments, the Commonwealth, plus industry representative bodies. The industry is represented by the Australian Gas Association, the Australian Petroleum Production and Exploration Association, the Australian Pipeline Industry Association, and the Energy Users Group of the Business Council of Australia. The Gas Reform Implementation Group consults with the National Competition Council and the Australian Competition and Consumer Commission.

The group developed the national access regime, including a third party access code and legislation to give effect to the code. The draft code was revised in the light of public consultation in July 1996 and underwent a further public consultation process conducted jointly by the Gas Reform Implementation Group and the National Competition Council in July-August 1997.

The various State Governments, Territories and the Commonwealth Government pledged their commitment through an intergovernmental agreement to legislate to implement the code. This agreement, known as the natural gas pipelines access agreement, was signed by first ministers on 7 November 1997.

The process of energy reform in Western Australia took a quantum leap on 1 January 1995 with the split of the State Energy Commission of Western Australia and the formation of AlintaGas and Western Power, providing direct competition between gas and electricity. Staged access to the then state owned Dampier to Bunbury natural gas pipeline was introduced, and with the disaggregation of the North West Shelf gas contract, large gas consumers commenced contracting directly with their producer of choice. The gas market was totally deregulated in the Pilbara, which led to an immediate halving of gas prices in the region.

The Government has continued to introduce reform at a pace which balances the needs of industry with the debt and take or pay liabilities of the state owned corporations and minimises disruptive price impacts on the community. Subsequent reforms include bringing forward gas and electricity access thresholds, the sale of the Dampier to Bunbury natural gas pipeline, and the commitment to the national access code for gas pipelines. In November 1997, along with the State's commitment to implement the code, the Minister for Energy announced an accelerated rate of access to the Dampier to Bunbury natural gas pipeline and AlintaGas' distribution system. Third party access is provided now for customers who consume more than 250 terajoules per year at a single site, and this will decline to 100 TJ per year on 1 January 2000, 1 TJ per year on 1 January 2002, and completely unrestricted access beyond 1 July 2002. On 3 March 1998, the Government announced the sale of the Dampier to Bunbury natural gas pipeline to Epic Energy at a cost of \$2.407b. The sale included the non-exclusive right for the new owner to expand the pipeline.

The transitional access regime contained in the Dampier to Bunbury Pipeline Regulations 1998 came into effect on 25 March when the Dampier to Bunbury natural gas pipeline assets were transferred to the new owner. That regime applies until 1 January 2000 or until an access arrangement is approved for that pipeline under the code. The transitional regime features negotiability of tariffs and declining capped reference tariffs. Firm full-haul tariff at 100 per cent load factor will fall from \$1.19 per gigajoule to \$1.00 per gigajoule by the year 2000. Existing transmission contracts will be grandfathered, although the new owner of the Dampier to Bunbury natural gas pipeline is obligated to offer the current declining capped tariffs to existing shippers who are not exempt contractors. In addition, beyond 1 January 2000, the owner is obligated to offer prices contained in the approved access arrangement under the code to shippers who are not exempt contractors.

Since the successful sale of the Dampier to Bunbury natural gas pipeline to Epic Energy, the Government has addressed the arrangements necessary to undertake an expression of interest process for additional transmission capacity from the north-west to the south-west of the State. This process needs to be staged, transparent and non-discriminatory, and will seek to identify credible proposals for either expansion of existing capacity or the installation of a second pipeline. The Dampier to Bunbury natural gas pipeline corridor is being expanded in width from 30 metres to 100 metres to facilitate the construction of additional pipeline capacity and to allow additional pipelines to be constructed in the future.

In addition to the above initiatives, the restrictions on the sale of LPG in the Perth metropolitan area were removed from 1 January 1998. This now allows LPG suppliers to compete directly with AlintaGas, with the benefits from this competition flowing on to small to medium businesses.

The next step for the State is to implement the code and the gas pipelines access law in a manner to have an essentially identical effect to the code and law introduced by other jurisdictions. The commitment of jurisdictions within the time frame specified under the intergovernmental agreement may be assessed by the national competition council as a commitment under the national competition policy reform package.

An adverse assessment by the National Competition Council has the potential to put at risk the State's \$1.6b competition policy payments from the Commonwealth. The payment scheduled for 1998-99 is around \$60m and for 1999-2000 is around \$100m.

Having outlined the importance of proceeding with this Bill, I now turn to the national access code and its five primary objectives which are the focus of this Bill. These objectives are -

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

To facilitate the efficient development and operation of a national market for natural gas and to safeguard against abuse of monopoly power in transmission and distribution of natural gas.

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

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

To encourage the development of an integrated pipeline network.

The jurisdictions agreed that the code should be given legal effect by a uniform gas pipelines access law. South Australia agreed to be the lead legislator and enacted this law in South Australia at the end of 1997. Jurisdictions other than Western Australia are applying the South Australian law. This approach is intended to maintain, as far as possible, the uniformity and integrity of the national access regime across all jurisdictions.

Western Australia agreed to enact the gas pipelines access law as a law of Western Australia by means of complementary legislation. This has enabled Western Australia to modify the law so that it suits Western Australia's specific circumstances. Enactment as complementary legislation was agreed to by the other jurisdictions provided the Western Australian legislation has an essentially identical effect to the South Australian law. As for all other jurisdictions, the Western Australian Government sought and received the formal approval to the Bill of each other jurisdiction prior to its introduction into Parliament.

Under the intergovernmental agreement, each participating jurisdiction has received in principle approval of derogations and transitional measures appropriate to its circumstances. The derogations and transitional arrangements for Western Australia provided for in this Bill are as follows -

A Western Australian independent gas pipelines access regulator will regulate under the code all intrastate gas transmission and distribution pipelines in Western Australia. The relevant minister in relation to the application of the code to all intrastate pipelines will be the state minister. Elsewhere in Australia, the Australian Competition and Consumer Commission will regulate transmission pipelines, and various state regulators will regulate distribution pipelines.

A Western Australian appeals body will deal with all administrative appeals under the code in respect of state bodies, including the regulator and the state minister where the minister is required to make a determination to have a gas pipeline covered under the code. Elsewhere in Australia, the Australian Competition Tribunal will conduct administrative appeals in relation to the Australian Competition and Consumer Commission dealing with transmission pipelines.

The Supreme Court of Western Australia will have exclusive jurisdiction in respect of all matters of law relating to the access regulation by the independent gas pipelines access regulator of intrastate gas transmission and

distribution pipelines. Elsewhere in Australia, the Federal Court deals with matters of law in respect of the Australian Competition and Consumer Commission regulation of transmission pipelines.

The Dampier to Bunbury natural gas pipeline is deemed to be covered under the code until 1 January 2000 by access arrangements in place under the *Dampier to Bunbury Pipeline Act 1997* and will be covered thereafter by an access arrangement developed under the code.

The goldfields gas pipeline is deemed to be covered under the code to 1 January 2000 by the access arrangements in place under the *Goldfields Gas Pipeline Agreement Act 1994*, and subject to provisions of that Act will be covered thereafter by an access arrangement developed under the code.

The AlintaGas mid and south-west gas distribution systems are deemed to be covered under the code until 1 January 2000 by arrangements under the *Gas Corporation Act 1994* and will be covered thereafter by an access arrangement developed under the code.

Ring fencing of the gas distribution and trading activities of AlintaGas is to be made consistent with the provisions of the code by 1 July 2002.

Existing gas distribution franchises and licensing arrangements are to be retained until 1 July 2002.

A gas trading franchise and a 10-year gas distribution franchise will be provided to AlintaGas for the Kalgoorlie-Boulder distribution system.

To implement the code consistent with the agreed derogations, the Bill establishes -

- the Western Australian independent gas pipelines access regulator as the regulator under the code;
- the Western Australian Gas Review Board as the appeals body under the code; and
- the Western Australian gas disputes arbitrator as the arbitrator under the code.

The establishment of an office of arbitrator under the code is a more specific step in relation to resolution of access-related disputes than has been addressed so far in other jurisdictions. The arbitrator in Western Australia will also become the gas referee under existing Western Australian legislation.

I now turn to the provisions of the Bill. The Bill has the following four elements -

- implementing legislation;
- schedule 1, containing the gas pipelines access law;
- schedule 2, containing the national third party access code for natural gas pipeline systems; and
- schedule 3, consequential amendments to other Acts.

Parts 1 to 5 of the implementing legislation deal with preliminary issues, definition of terms and some mechanical aspects. These mechanical aspects include the arrangements for the Governor to make regulations and the conferring of powers on certain code and judicial bodies to enable national administration of the code and enforcement in Western Australia.

One important difference in the Western Australian Bill from that in other jurisdictions is the extension of its application to pipelines reticulating liquefied petroleum gas and tempered liquefied petroleum gas. This extended application will, for example, allow the code to be applied for third parties to transport gas through AlintaGas' distribution system at Albany, providing for competition in supply to consumers in that regional market to be available over time as it is to consumers on the natural gas system in the south west.

Division 1 of part 6 creates the independent gas pipelines access regulator. The regulator will be appointed by the Governor and will not be a public servant. The appointment term will be for a period not less than three years and not more than five years, with eligibility for reappointment. The Governor will determine the conditions of appointment of the regulator and will be able to suspend the regulator in certain circumstances. The suspension must be confirmed by both Houses of Parliament before the regulator can be removed from office. The regulator will be independent of direction or control by the Crown or any minister or officer of the Crown in the performance of the regulator's functions and powers. The minister will be able to give directions to the regulator, but those directions may relate only to the regulator's management responsibilities and will not constrain or impair the regulator's independence in fulfilling his or her code functions. The division also provides for the regulator to be independent from industry. It requires the regulator to inform the minister of potential conflicts of interest and empowers the minister to direct the regulator to resolve a conflict of interest or, if the conflict is not resolved to the minister's satisfaction, provides for the Governor to appoint an acting regulator over the specific pipeline that is causing the conflict of interest.

The Government is well aware that the Western Australian community places a high priority on there being, wherever practical, uniform charges for water, electricity and gas at the residential and small business end of the market. Currently for gas, some price variations exist between the south west and mid west distribution systems connected to the Dampier to

Bunbury natural gas pipeline, and the stand-alone Albany system and the Kalgoorlie system. However, within these systems uniform charges exist for gas to residential and small business consumers. It is intended that when full competition in gas exists for south west and mid west residential and small business consumers, the existing “uniform tariff” approach will become a maximum delivered price approach.

The desired outcome is for all of these customers to be valued customers for the organisations competing for their business. This would be facilitated if there were a uniform cost of transporting gas via transmission and distribution systems to each of these customers. This is clearly not the case given the geographic spread of these systems. In assessing access arrangements under the code the regulator will be obliged to take into consideration these different costs as well as a variety of other factors in setting reference tariffs across each system.

For this reason clause 37 clarifies for the regulator that one of those factors to consider is the extension of effective competition in the supply of gas to domestic and small business customers. Acting independently, the regulator is therefore expected to give proper consideration to the impact that reference tariffs may have on the supply of gas to the small consumer end of the market and to seek a pipeline tariff outcome that enhances competition between suppliers of gas services to the small consumer sector. The Government envisages such an outcome to provide for small consumers a single gas distribution tariff across an individual distribution area. The regulator is permitted to delegate functions and powers. Provisions are made for the appointment of an acting regulator, and for the regulator to resign.

The regulator may employ staff under the Public Sector Management Act. Public Service employees can also be assigned, with the agreement of the regulator, to work in the office of the regulator. Government agencies can be engaged, with the agreement of the regulator, to perform administrative and support services for the office of the regulator. The regulator will open and maintain a bank account. Money may be appropriated by Parliament and the regulator may borrow money from the Treasurer for the purposes of that office. It is intended, however, for the gas industry to pay the costs of the regulator under a user pays principle.

The minister will annually set a general expenditure limit for the regulator and the regulator will be able to incur expenditure within that limit as he/she deems appropriate. The division provides for financial management by the regulator and for the provisions of the Financial Administration and Audit Act to apply in respect of the regulator’s operations. Immunity provisions are made for acts or omissions in good faith in the exercise of official powers or functions by the regulator.

Division 2 of part 6 establishes and provides for the composition of the Western Australian gas review board as the appeals body under the code. Division 2 requires the Governor to establish panels of legal practitioners and experts. The review board will constitute, from time to time as the need arises, a legal practitioner selected by the Attorney General from the panel of legal practitioners and two experts chosen by the legal practitioner from the panel of experts.

Division 2 sets out the principles governing hearings by the review board and its powers and procedures. Immunity is conferred on any member of the review board or the registrar of the review board for an act or omission, in good faith and in the exercise of official powers or functions.

Division 3 of part 6 creates the Western Australian gas disputes arbitrator. The administrative arrangements for the arbitrator will be similar to those already described for the regulator. However, it is important to note that the arbitrator will not only perform functions and powers under the gas pipelines access law but also will have the functions and powers of the gas referee established under the Gas Referee Regulations 1995. Consequently, the arbitrator will be able also to hear contractual disputes with regard to the Dampier to Bunbury natural gas pipeline and the AlintaGas distribution system under their respective legislation. This will avoid duplication and is another example of the law being modified to suit Western Australian circumstances.

The same independence, financing and immunity provisions will apply to the arbitrator as will apply to the regulator. Unlike the regulator, the arbitrator will not appoint permanent staff, but Public Service employees can be assigned, with the agreement of the arbitrator, to work in the office of the arbitrator. The arbitrator will support the gas review board and will be responsible for the financial management of the board. It should be noted that the board does not hear any appeals against the arbitrator and, therefore, its administrative accountability to the arbitrator does not constrain or impair its independence.

Division 4 of part 6 provides for regulations to be made by the Governor prescribing all matters necessary for the purposes of the Bill. The regulations may prescribe for pipeline operators to pay fees to the regulator, such fees to be determined on a non-discriminatory basis and reflecting recoupment of costs, for the funding in part or whole of the regulator on an ongoing net appropriation basis. Fees and charges may also be prescribed for the purposes of the arbitrator and the gas review board.

Part 8 contains transitional arrangements to apply in Western Australia as allowed under the natural gas pipelines access agreement. It provides for the existing deregulation timetables for the AlintaGas mid and south west distribution systems and the Kalgoorlie-Boulder system. It also exempts the AlintaGas distribution system from the ring fencing requirements under the code until 1 July 2002.

Part 8 deems the existing access regimes applying to the AlintaGas distribution systems, Dampier to Bunbury natural gas

pipeline and goldfields gas pipeline to comply with the code until 1 January 2000 and provides for the preservation of existing gas transportation contracts relating to the Dampier to Bunbury natural gas pipeline. It also protects the rights of the goldfields gas pipeline joint venturers under the Goldfields Gas Pipeline Agreement Act that otherwise may be affected by the application of the code to that pipeline. However, it allows the State to continue negotiations with the joint venturers to ensure the full application of the code to that pipeline.

Schedule 1 to the Bill contains the gas pipelines access law which has an essentially identical effect to the South Australian gas pipelines access law. Part 1 of schedule 1 contains the principal definitions of words and expressions used in the law. It sets out the jurisdictions that are scheme participants for the purposes of the law and the circumstances in which a scheme participant will cease to be a scheme participant and how such a jurisdiction may become a scheme participant again.

Part 2 of schedule 1 provides that relevant ministers may, by agreement, amend the code to make provision for any matter relevant to the subject matter of the code. An agreement to amend the code can be made by two-thirds of the relevant ministers, unless the amendment is an amendment of a core provision, extends the application of a provision relating to administrative review of decisions by code bodies, or inserts a provision in the code dealing with a matter not previously dealt with. In those cases, the unanimous agreement of relevant ministers is required.

Part 3 establishes a procedure whereby a pipeline may be classified as a transmission pipeline or a distribution pipeline. In Western Australia, an application for a classification of a pipeline will be submitted to the relevant Western Australian minister. Although part 3 provides that an application for determination of the scheme participant with which a cross-border pipeline is most closely connected may be submitted to the relevant ministers of other jurisdictions or to the commonwealth minister, the provisions will apply in Western Australia only if a distribution pipeline crosses a Western Australian border. The Bill does not specify which regulator addresses cross-border transmission pipelines. Under the natural gas pipelines access agreement, Western Australia has agreed to conduct a review as to whether a state-based regulator will continue to regulate transmission pipelines in Western Australia when a significant transmission pipeline crosses its border or after the expiry of five years, whichever is earlier. Part 3 provides also that a person must not engage in conduct for the purpose of preventing or hindering the access of another person to a service provided by means of the code pipeline.

Part 4 of schedule 1 applies if, in accordance with the code, a service provider or another person notifies the regulator that an access dispute exists and notification of the dispute is not withdrawn in accordance with the code. It provides that the regulator must appoint the person who holds the office of the arbitrator to conduct an arbitration. Part 4 sets out procedures for the arbitration of access disputes under the code. It also provides for the costs of an arbitration, including that fees and costs of the arbitrator may be recoverable from the parties to the dispute as apportioned at the discretion of the arbitrator. A party to an access dispute or to a contractual dispute referred by the parties to the arbitrator may appeal to the Supreme Court of Western Australia on a question of law from a determination of the arbitrator. The State Supreme Court will hear proceedings in respect of a matter arising under the gas pipelines access law. It also provides that all pecuniary penalties under this law in Western Australia be paid to the state minister.

Decisions made by the regulator and other code bodies will be enforced through sanctions and remedies for breaches of the code contained in the law. The regulator may bring legal action for specified breaches of the code and any other party may bring legal action for other specified breaches. The gas pipelines access law does not limit the remedies available under any other law. Among the remedies available under the national access regime will be pecuniary penalties, imprisonment, injunctions, damages, and a general remedial power.

Under part 6 of schedule 1, a person adversely affected by a decision may apply to the gas review board for a review of that decision. The decisions to which the law applies include: A decision that a pipeline or proposed pipeline is a pipeline covered by the code, or a decision that a pipeline is no longer covered by the code; a decision to add to, or waive, the requirement under the code that a service provider be a body corporate or statutory authority or not be a producer, purchaser or seller of natural gas or relating to the separation of certain activities of a service provider; and a decision not to approve a contract, arrangement or understanding between a service provider and an associate of a service provider. The gas review board may make an order confirming or setting aside or varying the decision under review.

Part 6 provides also that if the regulator decides to draft and approve an access arrangement or draft and approve revisions of an access arrangement, the service provider or a person adversely affected by the decision and who made a submission to the regulator may apply to the gas review board for a review of the decision. Such an application may, however, be made only on the grounds: Of an error in the regulator's findings of fact; that the exercise of the regulator's discretion was incorrect or was unreasonable having regard to all the circumstances; or that the occasion for exercising the discretion did not arise.

Part 7 of schedule 1 contains some general provisions, including powers of the regulator to obtain information and documents and restrictions on disclosure of confidential information. It also provides that a person who is aggrieved by a decision of the regulator to disclose information may apply to the gas review board for a review of the decision.

The appendix to schedule 1 contains uniform interpretation provisions of a kind which are usually contained in the interpretation Act of a State or Territory.



Schedule 2 contains the code and is identical throughout Australia. The code establishes the rights and obligations of pipeline operators and users in relation to third party access to natural gas transmission and distribution pipelines. It is designed to replicate competitive market outcomes where there are monopoly pipeline facilities serving a market in which regulation of third party access is necessary to ensure the competitive supply of gas.

The following are core principles of the code -

To enable third parties to negotiate access to pipeline haulage services on fair and reasonable commercial terms and conditions.

To facilitate negotiations, and to redress the imbalance in negotiating power between pipeline operators and seekers of pipeline access.

To establish tariffs known as reference tariffs for a number of standard services called reference services for third party access to pipelines. The reference tariffs will be established by a uniform process using established principles.

To provide a regulator-approved competitive bidding process to enable reference tariffs for new pipelines to be developed.

To ensure access seekers have sufficient information to determine whether the tariff proposed for access is fair and reasonable.

To provide flexibility for an access seeker to accept a reference service at the reference tariff or seek to negotiate with the pipeline operator for a different service, or for a discount for the reference service.

To allow disputes about access to be resolved in a timely manner by binding arbitration and to require the arbitrator to apply the reference tariff relevant to the reference service in a dispute over access to a reference service.

To provide a high level of discretion within the code, to enable pipeline-specific circumstances to be taken into account by the regulator.

To ensure the monopoly component of a pipeline business is ring-fenced from related but contestable components of the business. This will ensure the transportation of gas will be separated from retailing of the gas commodity or the production of the gas.

To facilitate the trading of unused pipeline capacity.

Schedule 3 contains consequential amendments to various Acts, such as the Constitution Acts Amendment Act 1899, Dampier to Bunbury Pipeline Act 1997, Energy Coordination Act 1994, Energy Corporations Powers Act 1979, Financial Administration and Audit Act 1985, Freedom of Information Act 1992, Gas Corporation Act 1994, Parliamentary Commissioner Act 1971, Petroleum Pipelines Act 1969, and the Petroleum (Submerged Lands) Act 1982.

The consequential amendments are necessary to ensure provisions contained in those Acts are not inconsistent with, or would alter the effect, scope or operation of the Bill.

When Western Australia has passed this Bill, it will submit to the National Competition Council the access regime, including the gas pipelines access law and the code, for assessment for certification as an effective access regime under part IIIA of the Trade Practices Act.

Once a regime is certified as an effective access regime, third party access to the relevant transmission and distribution pipelines will be governed by the code, and the pipelines will be protected from declaration under part IIIA of the Trade Practices Act.

In conclusion, I reiterate that with the Bill the Government is making another important step in its ongoing reform of the energy sector in Western Australia. The Government is committed to continue energy sector reform for the benefit of both the energy industry and its customers.

The Bill complements this Government's initiatives aimed at increasing competition in the gas and electricity markets leading to lower energy prices, better service and greater customer choice.

The ultimate gains of Western Australian energy reform are reflected in increased economic activity and value adding by industry, particularly our mineral export industries, and creation of more employment and greater wealth for all Western Australians.

The process of gas reform has already delivered considerable benefits and with the implementation of the code it will continue to deliver those benefits. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

*Referral to Standing Committee on Constitutional Affairs*

**THE PRESIDENT** (Hon George Cash): This Bill gives effect to a multilateral intergovernmental agreement, and in accordance with Standing Order No 230(c) stands referred to the Standing Committee on Constitutional Affairs.

**TAXI AMENDMENT BILL**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon N.F. Moore (Leader of the House), read a first time.

*Second Reading*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [10.27 pm]: I move -

That the Bill be now read a second time.

I need hardly remind members of the considerable community and industry disquiet over unprovoked attacks on taxi drivers, many cases of which result from disputes over non-payment of fares. Taxi drivers provide a vital community service and often operate under difficult and trying circumstances in which their safety and income is jeopardised by those in our community who are not law abiding citizens.

The taxi industry has been frustrated about the inability of the law to properly deal with fare evasion. Currently, the Taxi Act does not make fare evasion an offence and the Police Service is forced to rely on the general fraud provisions of the Criminal Code to secure a conviction. This requires the prosecution to establish "intent" to defraud in order to procure a conviction. This is invariably difficult to prove and has resulted in a number of unsuccessful prosecutions.

This Bill empowers the making of regulations which will provide for the control of fare evasion in the taxi industry and an effective deterrent to would-be offenders. It is intended that the regulations will require the hirer of a taxi, on termination of a journey and on demand of the driver, to pay the appropriate fare for the journey. Government was pleased to support the amendment moved by the Opposition in the other place, which will lead to the offender being required to also pay the unpaid portion of the fare as part of the penalty. The fare will be collected as part of the "fines enforcement process" and paid directly to the driver.

This Bill demonstrates this Government's commitment to protect taxi drivers from violent attacks and loss of income resulting from fare evasion. To ensure the effective application of fare evasion legislation, the Police Service has given an undertaking that it will investigate and where appropriate prosecute complaints from drivers of fare evasion. This Bill also addresses an anomaly in the provisions of the Taxi Act, which relates to the taxi industry development fund. This fund consists entirely of moneys paid by the taxi industry to fund promotional, research and development projects intended to benefit the taxi industry. This Bill will enable interest obtained from industry funds held in the taxi industry development fund to be credited to the fund and will allow interest payment and the calculation of interest to be applied retrospectively to the date of commencement of the fund. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

*House adjourned at 10.30 pm*

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**QUESTIONS ON NOTICE****FORESTS AND FORESTRY***Remoteness and Naturalness Assessment*

2. Hon J.A. COWDELL to the Minister for Finance representing the Minister for the Environment:
- (1) With respect to the Comprehensive Regional Assessment Report, how much forest did not meet the nationally agreed size threshold for wilderness due to road building by the Department of Conservation and Land Management ("CALM"), but was found to fulfil the requirements of remoteness and biophysical naturalness?
  - (2) As there were only 3 pages on the National Estate in the Comprehensive Regional Assessment document, and the document on National Estate Identification and Assessment has not been released for public review, can the Minister for the Environment explain how remoteness and naturalness were incorporated in national estate assessment?
  - (3) If not, why not?
  - (4) Given the RFA consultation paper admits that the long term sustainable yield of first and second grade jarrah sawlogs is 300 000 cubic metres per annum and that this will be the sawlog yield in the region from the year 2004 but then goes on to make employment calculations for the impacts of the three different approaches based on a sawlog yield of 490 000 cubic metres, is this employment analysis grossly misleading?
  - (5) If not, why not?
  - (6) Given that the consultation paper states that a decline in supplies of first and second grade jarrah logs would be expected to lead to significant adjustment in the jarrah sawmilling sector, why has this reduction in log supply after the year 2003 not been factored into the employment impacts of the future industry by Approaches A, B or C so that valid comparisons of existing downward employment pressures on the industry could be made with the impact of the three approaches?
  - (7) What is the result of the overestimation of first and second grade jarrah sawlogs by 190 000 cubic metres on direct and indirect employment impacts over 20 years for each of the consultation paper options?
  - (8) Given that the consultation paper identifies existing downward employment pressure on the industry, what steps have been taken by the Government to negotiate a restructuring package for the industry to provide long term employment prospects for timber workers?
  - (9) In attempting to provide an analysis of the impact of the three approaches on forest industry employment, why has no extensive and detailed analysis of the impact of plantation production on forest industry employment been included?
  - (10) Is it correct that without an analysis of how employment in the timber industry can be transferred from native forests to plantation forests the employment outlook for timber workers is made to appear much worse than what it potentially could be?
  - (11) If not, why not?
  - (12) Why does the employment analysis contained in the consultation paper contain no discussion of the employment and other economic benefits of protecting old growth forests?

Hon MAX EVANS replied:

- (1) The National Wilderness Inventory measures wilderness quality on a class scale by adding scores derived from four standard indicators:
  - \* remoteness from settlement;
  - \* remoteness from access;
  - \* apparent naturalness; and
  - \* biophysical naturalness

It is not possible to answer the question asked because the National Wilderness Inventory model combines all of the standard indicators before a size threshold is applied.
- (2) The National Estate Identification and Assessment report was released to the public on 2 July 1998. The incorporation of remoteness and naturalness in the national estate assessment is described in Chapter 3 of the report.
- (3) Not applicable.

- (4) No. The RFA Public Consultation Paper presents information on the possible impacts of decisions that could be made as a part of the Regional Forest Agreement. The impacts on employment of existing projected changes in log supply are independent of Regional Forest Agreement decisions and are therefore not presented. The Public Consultation Paper points out on page 31 that the RFA impacts on employment will be in addition to the underlying adjustments which may occur in some sectors of the industry. The Paper also states in paragraph 4 on page 17 that:
- It is anticipated, however, that the forecast decline in availability of first and second grade jarrah sawlogs may be partially offset by an increase in the uptake of lower grade jarrah logs and the future adoption of whole tree-bole logging methods, together with the further refinement of sawlog technologies to enable lower grade logs to be sawn.
- (5) Not applicable.
- (6) The indicative impact analysis tables for Approaches A, B and C in the Public Consultation Paper contain percentage changes in log supply. These indicative impacts are based on reductions in log supply applied to 490 000 cubic metres of jarrah sawlogs to 2003 and 300 000 cubic metres thereafter.
- (7) Answered by (4).
- (8) Until final decisions on RFA outcomes are made the effects of these decisions on employment are unknown. The State and Commonwealth governments will consider a range of employment and industry adjustment and development strategies in the development of the final RFA agreement.
- (9) The indicative impact analysis tables in the Public Consultation Paper were designed to show the impact of three reservation approaches on the native forest timber industry. Another RFA report "Review of Value Adding Development Opportunities for the Western Australia Hardwood Industry" identified employment opportunities related to scenarios for industry developments which included plantation resources. A summary of these development opportunities was included in Appendix 3 of the Public Consultation Paper.
- (10) No.
- (11) Under current government policy, particularly the Salinity Action Plan, areas of plantation will continue to increase, with a corresponding increase in employment in coming decades. Much of this growth will be centred in agricultural regions as opposed to the traditional native forest regions of the south-west. At the same time, the government favours the continuation of a strong and enhanced native forest timber industry focussed on high-value products. Both native forest and plantation based sectors can contribute to employment and the economy of this State.
- (12) There is no data for Western Australia which supports the contention that protection of old growth forests will provide quantifiable employment and economic benefits.

#### GOVERNMENT DEPARTMENTS AND AGENCIES

##### *Expenditure Estimates*

32. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

Will the Minister for Education provide for each agency and department, within the Minister's portfolio responsibilities, the estimated current expenditure levels to date, and over the forward estimate period of the current budget statements for -

- (a) testing both equipment and procedures for Millennium Bug policy compliance;
- (b) replacing or purchasing equipment as part of agency strategies to avoid or control the Millennium Bug issue; and
- (c) adjusting or developing new procedures for the delivery of existing services?

Hon N.F. MOORE replied:

Department of Education Services:

- (a) Estimated expenditure for testing equipment and procedures for the Department of Education Services is as follows:
- |         |         |         |         |
|---------|---------|---------|---------|
| 1997/98 | 1998/99 | 1999/00 | 2000/01 |
| \$2 500 | \$7 500 | \$5 500 | \$1 000 |
- (b) Approximately \$75 000 is to be spent in 1998/99 (from carry over funds from 1997/98) for replacing or purchasing new computer hardware and software. Estimated expenditure in 1999/00 is \$35 000 and in 2000/01 is \$5 000. All new equipment will be Millennium Bug compliant.
- (c) Expenditure for adjusting or developing new procedures are included within the figures given in (a) above.

## Curriculum Council:

- (a) Total amount spent to date is \$87 000 (this amount is mainly salaries). Forward estimates for 1998/99 - \$20 000; 1999/00 - \$20 000.
- (b) Total amount spent to date is \$55 000 (this is capital only). Forward estimates for 1998/99 - \$20 000; 1999/00 - \$58 000.
- (c) Total amount spent to date is \$62 000 (this includes salaries). Forward estimate for 1998/99 - \$10 000; 1999/00 - \$10 000.

The Year 2000 Ready Plan is currently being funded from the Curriculum Council's operational budget.

## Education Department of WA:

- (a) Over the forward estimate period the Education Department estimates a budget requirement for testing corporate business-critical systems within Central Office to be approximately \$350 000. Additional to this amount will be the expenditure required by schools and Districts in the course of testing their business systems and applications for Year 2000 compliance.
- (b) Replacing or purchasing additional equipment for Year 2000 compliance, is estimated at \$1 million.
- (c) As the development of new and revised procedures has not been finalised, there is no estimate at this point.

## GOVERNMENT DEPARTMENTS AND AGENCIES

*Expenditure Estimates*

## 33. Hon LJILJANNA RAVLICH to the Minister for Transport:

Will the Minister provide for each agency and department, within the Minister's portfolio responsibilities, the estimated current expenditure levels to date, and over the forward estimate period of the current budget statements for -

- (a) testing both equipment and procedures for Millennium Bug policy compliance;
- (b) replacing or purchasing equipment as part of agency strategies to avoid or control the Millennium Bug issue; and
- (c) adjusting or developing new procedures for the delivery of existing services?

Hon M.J. CRIDDLE replied:

## Department of Transport

Transport has adopted a policy of addressing Year 2000 issues as an integral part of ongoing systems improvement and systems replacement. As a result, testing, replacement and adjustment of processes is occurring continually with expenditure on Year 2000 specific project kept to a minimum.

- |     |  |            |
|-----|--|------------|
| (a) | Estimated current expenditure levels             | Nil.       |
|     | Estimated forward estimate period of expenditure | \$300 000. |
| (b) | Estimated current expenditure levels             | Nil.       |
|     | Estimated forward estimate period of expenditure | Nil.       |
| (c) | Estimated current expenditure levels             | Nil.       |
|     | Estimated forward estimate period of expenditure | \$200 000. |

## Main Roads Western Australia

Main Roads has been progressively eliminating the Year 2000 issue as part of upgrades and replacement of hardware and systems, when these have occurred since 1989. The costs are not separable. In addition, work has been undertaken specifically or predominantly to remedy Year 2000 problems and those costs inclusive of in-house labour are:

- |       |                 |           |   |           |
|-------|-----------------|-----------|---|-----------|
| (a)   | To 30 June 1998 | \$ 55 000 | ) |           |
|       | Planned         | \$ 70 000 | ) | \$125 000 |
| (b)   | To 30 June 1998 | \$345 000 | ) |           |
|       | Planned         | \$466 000 | ) | \$811 000 |
| (c)   | To 30 June 1998 | \$ 5 000  | ) |           |
|       | Planned         | Nil       | ) | \$ 5 000  |
| TOTAL |                 |           |   | \$941 000 |

## Westrail

Estimated current expenditure levels as at 18 June 1998:

- (a) \$ 48 000.
- (b) \$ 80 000.
- (c) \$ 600.

Estimated expenditure levels across the forward estimate period of the current budget statements:

- (a) \$ 35 000.
- (b) Between \$300 000 and \$635 000.
- (c) \$ 2 000.

## Geraldton Port Authority

- (a) Estimated cost to date \$ 5 000.  
Current Budget estimate \$ 5 000.
- (b) Estimated cost to date Nil.  
Current Budget estimate \$34 000.
- (c) Estimated cost to date Nil.  
Current Budget estimate \$ 2 000.

## Esperance Port Authority

Expenditure to date is estimated at \$1 500. No additional expenditure is anticipated.

## Albany Port Authority

Expenditure to date:

- (a)-(c) Nil.

Proposed expenditure 1998/99:

- (a) Nil.
- (b) \$40 000 to \$70 000.
- (c) Nil.

## Eastern Goldfields Transport Board

- (a) Computer (no cost).
- (b)-(c) Not applicable.

## Port Hedland Port Authority

- (a) Current expenditure to date Nil.  
Forward estimate period \$ 20 000.
- (b) Current expenditure to date Nil.  
Forward estimate period \$ 12 000.
- (c) Current expenditure to date Nil.  
Forward estimate period Nil.

## Dampier Port Authority

Dampier Port Authority have spent \$27 000 on new computer hardware. However, this expenditure would have probably occurred in any event.

Operational equipment (radar, wave/tide systems, etc) will be reviewed in 1998/99 but no specific amount within our consulting budget has been identified.

## Bunbury Port Authority

- (a) Current expenditure to date \$ 12 000.  
Forward estimate period \$ 11 350.
- (b) Purchase of equipment to date \$ 29 170.  
Forward estimate period \$ 20 000.

- (c) Current expenditure to date Nil.  
Forward estimate period Nil.

Fremantle Port Authority

- (a) \$ 150 000.  
(b) \$ 25 000.  
(c) \$ 50 000.

ROTTNEST ISLAND AUTHORITY

*Contract with P.D.C. & C. Wilson Pty Ltd*

90. Hon LJILJANNA RAVLICH to the Minister for Tourism:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of Rottnest Island Authority and the successful tenderer, PDC & C Wilson Pty Ltd for Rottnest Island Holiday Home Upgrade to the value of \$1 071 999 -

- (1) Was a business case conducted?  
(2) Did it include a comprehensive cost benefit analysis?  
(3) If not, why not?  
(4) If yes, will the Minister table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

- (1) As the Rottnest Island holiday homes were refurbished for maintenance reasons as part of the Rottnest Island upgrade program, a business case was not conducted.  
(2)-(4) Not applicable.

BEST CONSTRUCTION PTY LTD'S CONTRACT

92. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the Education Department and the successful tenderer, Best Construction Pty Ltd for East Manjimup Primary School alterations and additions to the value of \$1 038 500 -

- (1) Was a business case conducted?  
(2) Did it include a comprehensive cost benefit analysis?  
(3) If not, why not?  
(4) If yes, will the Minister for Education table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

- (1)-(4) When making decisions on additions and upgrades of school facilities, the Education Department takes into account educational, facilities and demographic information. In this instance an examination of the situation at East Manjimup Primary School revealed that there had been a trend of increasing enrolments at the school for some time and five classes were accommodated in transportable classrooms. Additionally, the library was accommodated in a double transportable classroom. On this basis, a decision was taken to construct a new block of five classrooms and a library/resource centre. Funds for the project were appropriated in the 1996 State Budget.

MERYM CONSTRUCTIONS' CONTRACT

93. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the Education Department and the successful tenderer, Merym Constructions for Esperance Residential College alterations and additions to the value of \$1 241 000 -

- (1) Was a business case conducted?  
(2) Did it include a comprehensive cost benefit analysis?

- (3) If not, why not?
- (4) If yes, will the Minister for Education table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

Please note that the tender was called by the Department of Contract and Management Services on behalf of the Country High School Hostels Authority not the Education Department.

- (1) Yes.
- (2) To the extent required for project justification.
- (3) Not applicable.
- (4) Yes. I table the attached statement which outlines the cost benefit and risk analyses. [See paper No 251.]

#### JAXON CONSTRUCTION PTY LTD'S CONTRACT

94. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the Education Department and the successful tenderer, Jaxon Construction Pty Ltd for Esperance Senior High School alterations and additions re-tender to the value of \$1 361 427 -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If not, why not?
- (4) If yes, will the Minister for Education table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

- (1)-(4) When making decisions on additions and upgrades of school facilities, the Education Department takes into account educational, facilities and demographic information. In this instance an assessment of the facilities at Esperance Senior High School revealed the need for upgrading to allow the school to meet current curriculum requirements. Accordingly, a decision was taken to undertake an additions and alterations project at the school. Funds for the project were appropriated in the 1996 State Budget.

#### HOMESTYLE PTY LTD'S CONTRACT

95. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the Education Department and the successful tenderer, Homestyle Pty Ltd for Hollywood Senior High School alterations and additions to the value of \$1 794 000 -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If not, why not?
- (4) If yes, will the Minister for Education table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

- (1)-(4) When making decisions on additions and upgrades of school facilities, the Education Department takes into account educational, facilities and demographic information. In this instance, in terms of the effective delivery of curriculum requirements, a number of facilities including those for administration and staff were considered to be inadequate. On this basis, a decision was taken to undertake an alterations and additions project at the school. Funds for the project were appropriated in the 1996 State Budget.

#### M. & J. WAUTERS NOMINEES PTY LTD'S CONTRACT

97. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the



Education Department and the successful tenderer, M & J Wauters Nominees Pty Ltd for Mt Barker Senior High School alterations and additions to the value of \$2 252 600 -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If not, why not?
- (4) If yes, will the Minister for Education table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

- (1)-(4) When making decisions on additions and upgrades of school facilities, the Education Department takes into account educational, facilities and demographic information. In this instance the school did not have a sports hall, and the administration and staff facilities were considered to be inadequate. On this basis, a decision was taken to construct a school/community recreation centre on a shared cost arrangement with the Shire of Plantagenet, and to provide improved administration and staff facilities. Funds for the project were appropriated in the 1996 State Budget.

#### PINDAN CONSTRUCTIONS' CONTRACT

98. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the Education Department and the successful tenderer, Pindan Constructions for Ballajura Community College Stage 3A - Middle School to the value of \$1 924 700 -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If not, why not?
- (4) If yes, will the Minister for Education table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

- (1)-(4) When making decisions on additions and upgrades of school facilities, the Education Department takes into account educational, facilities and demographic information. In this instance a planning report was prepared which indicated, at the time, the projected enrolments at the school for the years 1999, 2000 and 2001 were 1 970, 2 140 and 2 200 students respectively. After taking into consideration the level of the projected enrolments, and the extent of existing accommodation at the school, a decision was taken to fund the Stage 3A additions. Funds for the project were appropriated in the 1997 State Budget.

#### UNIVERSAL CONSTRUCTION PTY LTD'S CONTRACT

100. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the Education Department and the successful tenderer, Universal Construction Pty Ltd for Cloverdale Primary School demolition of existing school and construction of new school to the value of \$3 450 000 -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If not, why not?
- (4) If yes, will the Minister for Education table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

- (1) As this project involved the merger of two existing schools, a business case was conducted.

- (2)-(4) Projected cost of new school \$3 600 000

Projected Income

Sale of Whiteside Primary	\$1 000 000 (Valuer General's valuation)
Excision from Cloverdale Primary	\$ 800 000

The Department was committed to capital works and maintenance expenditure at the schools totalling \$669 500. In 1996 a decision was taken to replace both schools with a replacement school on the Cloverdale site. The new school has a focus on technology and is designed to meet modern pedagogy. Funds for the project were appropriated from the 1997 State Budget. A copy of the business case is attached. [See paper No 252.]

#### GERALDTON BUILDING CO PTY LTD'S CONTRACT

103. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the Education Department and the successful tenderer, Geraldton Building Co Pty Ltd for Port Hedland Primary School Cooke Point to the value of \$6 142 683 -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If not, why not?
- (4) If yes, will the Minister for Education table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

- (1) As this project involved the merger of two existing schools, a business case was conducted.

(2)-(4) Projected cost of new school \$6 000 000

Projected Income

Sale of Port Hedland school site and part of Cooke Point Site \$ 133 000  
(Government Property Office valuations)

The buildings at the existing Port Hedland and Cooke Point Primary Schools had reached a marked stage of deterioration and required significant maintenance expenditure in the foreseeable future. Additionally, the student numbers at Port Hedland Primary School had declined to a relatively low level. Consequently, in 1996, a decision was taken to amalgamate the two schools and to construct a modern replacement school at Cooke Point. The new school has a focus on technology and is designed to meet modern pedagogy. Funds for the project were appropriated from the 1996 State Budget. A copy of the business case is attached. [See paper No 253.]

#### COOPER & OXLEY BUILDERS PTY LTD'S CONTRACT

110. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the Education Department and the successful tenderer, Cooper & Oxley Builders Pty Ltd for Ballajura Community College Stage 3B to the value of \$7 285 000 -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If not, why not?
- (4) If yes, will the Minister for Education table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

- (1)-(4) When making decisions on additions and upgrades of school facilities, the Education Department takes into account educational, facilities and demographic information. In this instance, a planning report was prepared which indicated, at the time, the projected enrolments at the school for the years 1999, 2000 and 2001 were 1 970, 2 140 and 2 200 students respectively. After taking into consideration the level of the projected enrolments, and the extent of existing accommodation at the school, a decision was taken to fund the Stage 3B additions. Funds for the project were appropriated in the 1997 State Budget.

#### KINHILL ENGINEERS PTY LTD'S CONTRACT

111. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the

Education Department and the successful tenderer, Kinhill Engineers Pty Ltd for Various Early Childhood Programs to the value of \$1 489 064 -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If not, why not?
- (4) If yes, will the Minister for Education table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

- (1)-(4) When making decisions on additions and upgrades of school facilities, the Education Department takes into account educational, facilities and demographic information. In this instance it is Government policy to provide facilities to enable four and five year old children to access early childhood programs. Accordingly, a decision was taken to fund the procurement of these facilities.

#### GEO A. ESSLEMONT & SON'S CONTRACT

112. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the Education Department and the successful tenderer, Geo A Esslemont & Son for Clarkson Community High School stage 2 to the value of \$5 267 863 -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If not, why not?
- (4) If yes, will the Minister for Education table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon N.F. MOORE replied:

- (1)-(4) When making decisions on additions and upgrades of school facilities, the Education Department takes into account educational, facilities and demographic information. In this instance a planning report was prepared which indicated the projected enrolments at the school for the years 1999, 2000 and 2001 were 1 110, 1 460 and 1 680 students respectively. After taking into consideration the level of the projected enrolments, and the extent of existing accommodation at the school, a decision was taken to fund the Stage 2 additions.

#### ABORIGINAL DRIVER TRAINING PROGRAM

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

- (1) Will the Department of Aboriginal Affairs assist the Aboriginal Driver Training Program with the funds needed to cover the cost of the audit of their organisation that was requested by the Minister for Aboriginal Affairs?
- (2) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) No.
- (2) Whenever funds have been provided, an amount has been set aside to cover audit costs.

#### WATER AND RIVERS COMMISSION

##### *Report on Ground Water Supplies*

141. Hon NORM KELLY to the Minister for Finance representing the Minister for Water Resources:

- (1) Is the Minister for Water Resources aware of a letter from Tim McAuliffe, Director, Policy and Planning, Water and Rivers Commission, to Mr Mike Fantasia, dated May 18, 1998?
- (2) In the letter, Mr McAuliffe states that a consolidated report would be available to residents "around the end of May". Can the Minister explain why that report was not made available until early August?
- (3) Given that the results were available to the commission in early May, is this an acceptable time frame for residents to obtain results on their properties' groundwater supplies?

- (4) If not, what action will the Minister take to correct these delays in information being released from the Water and Rivers Commission?

Hon MAX EVANS replied:

- (1) Yes.
- (2) The final analysis of data, editorial work associated quality control, internal approval process within the Commission, printing and distribution took longer than anticipated when the letter dated 18 May, was sent to Mr Fantasia.
- (3) I agree that the time to deliver the final report was longer than anticipated. However, data included in the report on soil and groundwater quality at the Warton Road Banjup site was sent to Mr Fantasia as it became available. Mr Fantasia was also informed by telephone of progress of the investigation. Mr Fantasia agreed in late 1997 to liaise with the Water and Rivers Commission on behalf of Banjup residents.
- (4) The Water and Rivers Commission has reviewed its process for delivery of technical reports with the aim of minimising the time taken between preparation of the draft report and its final release.

#### BUSES

##### *Expert Reference Group's Report*

142. Hon NORM KELLY to the Minister for Transport:

- (1) Who are the members of the expert reference group, established to assess the most appropriate fuel for Perth's bus fleet?
- (2) What qualifications do they possess for membership of such a group?
- (3) What remuneration will they be paid for work done?
- (4) What is the reporting deadline for this group's assessment?
- (5) Can the Minister guarantee that after the initial order of 133 buses, there will be no further purchases of buses prior to the reference group's assessment has been presented to the Minister?

Hon M.J. CRIDDLE replied:

- (1) Mr Brian Bult (Chairman) Managing Director - Voith Australia Pty Ltd.  
 Mr Alan Bray Managing Director - PATH Transit.  
 Mr John Stanley Environmental Economist.  
 Mr Kevin Bishop Manager Corporate Sales - AlintaGas.  
 Dr Phillip Morgan Assistant Director - Air Quality Management - Department of Environmental Protection.  
 Mr Greg Martin Executive Director Metropolitan Division-Department of Transport.
- (2) Each member of this group is currently occupying senior positions within their respective organisations and all are suitably qualified.
- (3) The Chairman, Mr Brian Bult is to be paid \$1 000 per month plus 'out of pocket' expenses.  
 Mr John Stanley is to be paid his normal consulting fee of \$1 200 per day plus 'out of pocket' expenses and has provided an estimate of \$13 200 for the completion of the work.  
 Mr Alan Bray, the bus operator representative, is providing his time within his normal duties and will claim 'out of pocket' expenses only.  
 Three members of the group are Public Servants and as such their expertise is available to this group within their normal duties.
- (4) Group is to report monthly with the final report due in December 1998.
- (5) Yes.

#### MINING

##### *Mr Eric Stein*

153. Hon TOM HELM to the Minister for Mines:

I refer to a letter from the Department of Minerals and Energy dated January 24, 1995 to Mr Eric Stein signed by Mr Hugh Jones, and ask -

- (1) Can the Minister state why Mr Stein must comply with what he had stated in his “NOIs and the additional conditions referred to”?
- (2) If not, can the Minister explain why not?
- (3) Does Mr Stein need to apply for a miscellaneous licence to construct a new access track outside the boundaries of his tenements to satisfy and comply with departmental legislation?
- (4) If yes, can the Minister explain why?
- (5) If not, can the Minister explain why?
- (6) Can the Minister state under the *Mining Act* the “specific section relating to interception of water drainage”?
- (7) Can the Minister state why Mr Stein should ensure he does “not affect the rights and privileges that may exist for other persons outside” of his mining tenements?
- (8) If not, can the Minister explain why not?
- (9) Can the Minister state why “Departmental approval is not required for drilling on” his mining tenements?
- (10) If not, can the Minister explain why?

Hon N.F. MOORE replied:

- (1)-(2) It is a requirement of the Mining Act that all tenement holders comply with the tenement conditions. As stated in the letter referred to, the “mining operations are subject to Notices of Intent referred to in conditions 6 and 9 for the respective leases.”
- (3)-(5) If the track is solely for access purposes on Crown Land, the Mining Act does not require a miscellaneous licence to be obtained. However, if the track was for the purpose of ore haulage, a miscellaneous licence is required. As was pointed out in the letter referred to in the Member’s question, applying for a miscellaneous licence would afford the holder protection against future mining activities by an underlying tenement holder.
- (6) Section 85(1)(c).
- (7) A holder of a mining lease is permitted to take and divert water subject to the Rights in Water and Irrigation Act 1914. The sentence partially quoted in the Member’s question related to the interception of water and the rights and privileges that persons may have to that water.
- (8) Not applicable.
- (9)-(10) Drilling is considered to be a normal part of mining operations and departmental approval is only required when, as stated in the balance of the sentence quoted in the Member’s question, more than one hectare of the tenement would be cleared as part of the drilling operations.

## MINING

### *Gold Exemption Order Requirements*

154. Hon TOM HELM to the Minister for Mines:

I refer to a Department of Minerals and Energy facsimile transmission cover sheet addressed to Mr Stephen Watson, DEP from Allan Bradley dated April 11, 1996 titled Kintore Operation M16/16 and M16/215 -

- (1) Can the Minister explain why “the operation above does meet the Gold Exemption Order requirements”?
- (2) Can the Minister state the Gold Exemption Order requirement and how Mr Steins operations meet these requirements?
- (3) If not, can the Minister explain why not?

Hon N.F. MOORE replied:

- (1)-(2) Based on the information available at the time, the Kintore operation satisfied the conditions specified in Schedule 1 of the Environmental Protection (Gold Extraction Operations) Exemption Order 1993. For the Member’s information, I table a copy of the relevant pages of the Government Gazette, WA, dated 29 January 1993, containing the Exemption Order. [See paper No 254.]
- (3) Not applicable.

HON CLIVE GRIFFITHS

*Agent General, London*

168. Hon KEN TRAVERS to the Leader of the House representing the Premier:

With regards to former Liberal MLC Hon Clive Griffiths -

- (1) What date was Hon Clive Griffiths appointed Agent General to London?
- (2) What is the term of his appointment?
- (3) What is his remuneration for this position?
- (4) Does this include a car and/or expenses?
- (5) What specific skills and background does Hon Clive Griffiths possess in relation to the position of Agent General?

Hon N.F. MOORE replied:

- (1) 2 June 1997.
- (2) The initial appointment was for 2 years. The term has now been extended until 30 June 2000.
- (3)-(4) Mr Griffiths' annual salary is \$89 666 and he is also provided with a car, Representation Allowance to cover hospitality and out of pocket expenses, and an Overseas Living Allowance in accordance with the Australian Government's Overseas Conditions of Service Manual.
- (5) Mr Griffiths has an extensive knowledge of Western Australia and the issues, both economic and social, that are relevant to our State in a global context. In addition, through his long and varied parliamentary career he has developed an ability to discuss at the highest level of government, internationally, matters of mutual interest.

Mr Griffiths was a successful businessman in his own right prior to entering Parliament and he has continued to be involved in international trading opportunities with and on behalf of private companies and individuals from Western Australia. He was actively engaged in promoting and leading an all-party visit to India on behalf of the State Government which culminated in the establishment of the Government Trade and Investment Office in India. Prior to taking up his appointment in London, he was also the President of the Australia/India Chamber of Commerce. The Government had no hesitation in determining that Mr Griffiths possessed the attributes necessary to carry out the duties of Agent General on behalf of the State. His performance in the year that he has been in this position suggests that the Government's view was not misplaced.

MINISTRY OF PREMIER AND CABINET

*Fringe Benefits Tax Liabilities*

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

- (1) What procedures apply in the Office of the Premier to ensure officers comply with Commonwealth legislation in respect of the State's liability to pay fringe benefits tax for entertainment and similar benefits provided to staff?
- (2) Will the Premier table a copy of those procedures and any forms staff are required to complete to record any circumstances which may give rise to any fringe benefits tax liability for these benefits?

Hon N.F. MOORE replied:

- (1)-(2) The Ministry of the Premier and Cabinet relies on guidelines issued by the Australian Taxation Office for use by public sector agencies to determine their obligations under Commonwealth fringe benefit taxation legislation. The Ministry uses the guidelines in conjunction with Australian Taxation Office rulings, the CCH Master Tax Guide and advice given by the Treasury Department to ensure the correct fringe benefit tax is calculated in relation to expenditure on motor vehicles, parking, entertainment and any other benefits. A copy of the Australian Taxation Office guidelines and the Fringe Benefits Tax Return Form is tabled for the Member's information. [See paper No 255.]

POLICE FACILITIES IN REMOTE ABORIGINAL COMMUNITIES

187. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) In which remote Aboriginal communities are police stations, police posts or other similar police facilities currently located?
- (2) What is the nature of each facility and when did each commence operation?

- (3) What was the cost of construction of each facility?
- (4) Who paid for the construction of each facility?
- (5) Who pays for the operating cost of each facility?
- (6) If any other person, other than the Police Service, has met the whole or part of the cost of construction or operation, on what basis was that cost met?
- (7) If any agreements to meet these costs were entered into, will the Minister for Police table copies?

Hon PETER FOSS replied:

- (1) In remote Aboriginal communities in the Northern Police Region, Police Posts are established in:
  - a) Balgo - via Halls Creek, and
  - b) Bidyadanga - via Broome
- (2) Each facility is a 'Police Post' which provides for basic policing operations and accommodation. Operations commenced:
  - (a) Balgo was officially opened on 2 December 1993.
  - (b) Bidyadanga - April 1998
- (3)
  - (a) Cost of construction was \$297,000.
  - (b) Not known by the Western Australia Police Service.
- (4)
  - (a) Balgo - \$283,000 was jointly funded by the Aboriginal Affairs Planning Authority and the Aboriginal Torres Strait Islanders Commission. The shortfall of \$14,000 was funded from the General Loan and Capital Works fund allocated to the Police Department.
  - (b) Bidyadanga - 'The Bidyadanga Aboriginal Community La Grange Incorporated'.
- (5)
  - (a) Balgo - Power and water are supplied by the local community (Wirrimanu Aboriginal Corporation (Balgo)), whilst phone costs are the responsibility of the Western Australia Police Service. Maintenance of the Police Post is subject to ongoing discussion with the local community. Currently the Police Service has been funding faults as they occur.
  - (b) Bidyadanga - 'The Bidyadanga Aboriginal Community La Grange Incorporated'.
- (6)
  - (a) Balgo - please refer to (4).
  - (b) Bidyadanga - 'The Bidyadanga Aboriginal Community La Grange Incorporated' has met the whole cost of construction and ongoing operating costs.
- (7) It is understood that an exchange of letters occurred for the construction of the Police Post however all the files pertaining to this time frame have been archived and would require to be retrieved to confirm this.

#### COMMITTEES AND BOARDS

##### *Membership*

188. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Regional Development:

In relation to appointments to the governing board of each of the following bodies -

- (a) Kimberley Development Commission;
- (b) Gascoyne Development Commission
- (c) Wheatbelt Development Commission;
- (d) South West Development Commission;
- (e) Mid West Development Commission;
- (f) Peel Development Commission;
- (g) Pilbara Development Commission;
- (h) Great Southern Development Commission; and
- (i) Goldfields Esperance Development Commission -
  - (i) what are the criteria for appointments;
  - (ii) who is responsible for appointments;
  - (iii) what are the full names and ages of the current members;
  - (iv) when was each member appointed;
  - (v) what are the educational or professional qualifications of each member;
  - (vi) when does the term of each member expire; and
  - (vii) to what fees or other payments are board members entitled for performing their roles on the board?

**The answer was tabled. [See paper No 256.]**

## WATER AND RIVERS COMMISSION AND WATER CORPORATION

*Membership*

200. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Water Resources:

In relation to appointments to each of the governing boards of the Water and Rivers Commission and the Water Corporation-

- (1) What are the criteria for appointments?
- (2) Who is responsible for appointments?
- (3) What are the full names and ages of the current members?
- (4) When was each member appointed?
- (5) What are the educational or professional qualifications of each member?
- (6) When does the term of each member expire?
- (7) To what fees or other payments are board members entitled for performing their roles on the board?

Hon MAX EVANS replied:

Water and Rivers Commission:-

- (1) "The Minister is to ensure that each person so appointed has expertise that in the Minister's opinion is relevant to the functions of the Commission" - (Section 7, *Water and Rivers Commission Act 1995*).
- (2) The Minister is responsible for administration of the *Water and Rivers Commission Act, 1995*.
- (3)-(6) [See paper No 246.]
- (7) Chairman \$27,900 per annum, Members \$10,300 per annum.

Water Corporation:-

- (1) Appointments are made under the Water Corporation Act, 1995 which specifies that the Corporation is to have a Board of Directors comprising the Chief Executive Officer for the time being and not less than 5 nor more than 6 other persons appointed as non-executive directors. The Act does not give criteria as to the qualifications or experience of directors, but in practice emphasis has been placed on commercial skills and experience in the selection of candidates.
- (2) Non-executive members of the Board are appointed by the Governor on the nomination of the Minister. The Chief Executive Officer, who is an ex-officio member of the Board, is appointed by the Board with the concurrence of the Minister.
- (3)-(6) [See paper No 246.]
- (7) Chairman: \$75,000 per annum  
Other non-executive members: \$34,000 per annum

Plus a superannuation contribution by the Water Corporation to the benefit of the Board member, to a maximum of 9% per annum of the fees paid.

## WATER AND RIVERS COMMISSION AND WATER CORPORATION

*Meetings and Code of Conduct*

201. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Water Resources:

In relation to appointments to each of the governing boards of the Water and Rivers Commission and the Water Corporation -

- (1) What is the attendance record at meetings of the board of each member in the last financial year?
- (2) How frequently is the board required to meet?
- (3) How frequently did the board meet in the last financial year?
- (4) What procedures govern the conduct of the business of the board?
- (5) Are these procedures in written form?



- (6) Are minutes taken of each board meeting?
- (7) To whom are those minutes distributed?
- (8) Has the board a "code of conduct" or "code of ethics" to govern the conduct of either members of the board or staff of the organisation?
- (9) Has the board a register or record of the directorships or other positions held by members which the board uses to determine likely conflicts of interest between members and the organisation?
- (10) Has any member of the board declared any conflict of interest or pecuniary interest during the last financial year?
- (11) What procedures apply if a member of the board declared such an interest or if the board determines a member has such an interest?
- (12) What induction or other procedures exist to acquaint incoming board members with their statutory obligations and other duties as board members?
- (13) Are these induction or other procedures contained in any document or manual?
- (14) If yes, will the Minister for Water Resources table the relevant document?

Hon MAX EVANS replied:

Water and Rivers Commission:-

- (1) Twelve meetings were conducted in the last financial year.
 

Attendance	I Burston	9
	K Webster	12
	D Gee	11
	G Slessar	9
	J Chatfield	11
	N Robins	12
	R Payne	12
- (2) The Board determines its own meeting timetable. (Schedule 1, *Water and Rivers Commission Act, 1995, refers*).
- (3) Monthly.
- (4) The "Constitution and Procedures of the Board - 1996", in conjunction with Schedule 1 of the *Water and Rivers Commission Act, 1995*.
- (5)-(6) Yes.
- (7) Members of the Board and the Water and Rivers Commission's Corporate Executive.
- (8)-(10) No.
- (11) A declaration of pecuniary interests is recorded in the minutes. At the discretion of the Chairman, the member may be permitted to participate in debate, but abstain from voting. Alternatively, the member may be requested to leave the room during debate and voting if the Chairman deems the pecuniary interest to be significant. (Schedule 1 of the *Water and Rivers Commission Act, 1995*).
- (12) A briefing is provided by the Chairman and the Chief Executive, based on contents of the Water and Rivers Commission Constitution and Procedures of the Board - 1996.
- (13)-(14) Yes.

Water Corporation:-

- (1) Hon P V Jones  
Mr I C Kuba  
Dr J I Gill  
Ms M I Dolin  
Dr P F Hopwood  
Mr C N Hyder  
Mr D F Young
- (2) The frequency of meetings is not specified by the Water Corporation Act, but the Board's practice is to meet once each month of the year.

- (3) The Board met on 12 occasions.
- (4)-(5) A procedural framework is provided within the main parts of the Water Corporation Act and the Schedules to the Act.
- (6) Yes.
- (7) To members of the Board only.
- (8) The Board has adopted a code of conduct for the Corporation, in accordance with the Water Corporation Act.
- (9)-(10) Yes.
- (11) The interest is recorded in the minutes of the meeting at which it is declared, and published in the corporation's annual report.
- (12) There are no formal induction procedures. Information in various forms is provided to a new member for the purpose of gaining background to the Corporation.
- (13) No.
- (14) Not applicable.

#### WATER AND RIVERS COMMISSION AND WATER CORPORATION

##### *Stakeholders*

203. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Water Resources:

In relation to appointments to each of the governing boards of the Water and Rivers Commission and the Water Corporation -

- (1) Has the organisation determined who its stakeholders are?
- (2) If yes, who are they?

Hon MAX EVANS replied:

Water and Rivers Commission:-

- (1) Yes.
- (2) [See paper No 247.]

Water Corporation:-

- (1) Yes.
- (2) The Corporation's stakeholders include the Minister for Water Resources, as the representative shareholder; customers; employees; regulators; contractors and suppliers.

#### HOMESWEST

##### *Insurance Policies for Members of Governing Board*

214. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

In relation to appointments to the governing board of Homeswest -

- (1) Are members of the board the subject of any policies of insurance arranged by the board including indemnity insurance?
- (2) If yes -
  - (a) what is the nature of the policy and the liabilities covered by the policy;
  - (b) who is the insurer;
  - (c) what is the maximum liability of the insurer under the policy;
  - (d) what is the annual premium for the policy;
  - (e) who is responsible for disclosing any material matters to the insurer which might affect the obligations of the insurer to meet its liability under the policy; and

- (f) has the board or any of its members made any such disclosures during the currency of any insurance policy?
- (3) Has the Government or the board provided any of its members with any indemnity other than through a policy of insurance?
- (4) If yes, when was the indemnity provided and why?
- (5) Who are the board's solicitors?
- (6) How does the board choose its solicitors?
- (7) What payment for legal advice and representation were made by the board in the last financial year?
- (8) Is the board or organisation required to publish an annual report?
- (9) When was its last report due?
- (10) When was its last report published?
- (11) When will its next report be published?

Hon MAX EVANS replied:

- (1) Yes.
- (2) (a)-(f) The policy has a confidentiality clause not to disclose the details of the insurance.
- (3) Yes.
- (4) (i) Section 69 (1) of Housing Act 1980 assented to 24 November 1980.  
(ii) Deed of Indemnity, August 1997.
- (5) The board's solicitors are selected at the time required.
- (6) Homeswest has a panel of solicitors appointed through a process of public registration. In special circumstances solicitors not on the panel are used.
- (7) Nil by the board. However Homeswest with the knowledge of the board and in the normal course of business, sought legal advice on a range of issues during the year.
- (8) Yes.
- (9) Tabled in both houses of the Western Australian Parliament by 16 October 1997.
- (10) October 1997.
- (11) October 1998.

#### HOMESWEST

##### *Stakeholders of Governing Board*

215. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

In relation to appointments to the governing board of Homeswest -

- (1) Has the organisation determined who its stakeholders are?
- (2) If yes, who are they?

Hon MAX EVANS replied:

- (1) Yes.
- (2) All those people requiring, or associated with, the provision of housing in Western Australia. Without limiting stakeholders the following groups are identified:-
- . Federal and State Parliament
  - . The Housing Industry
  - . Community organisations
  - . Low and moderate income earners
  - . Aboriginal people

## TOURISM COMMISSION AND ROTTNEST ISLAND AUTHORITY

*Membership*

216. Hon LJILJANNA RAVLICH to the Minister for Tourism:

In relation to appointments to each of the governing boards of the Western Australian Tourism Commission and the Rottnest Island Authority -

- (1) What are the criteria for appointments?
- (2) Who is responsible for appointments?
- (3) What are the full names and ages of the current members?
- (4) When was each member appointed?
- (5) What are the educational or professional qualifications of each member?
- (6) When does the term of each member expire?
- (7) To what fees or other payments are board members entitled for performing their roles on the board?

Hon N.F. MOORE replied:

## ROTTNEST ISLAND AUTHORITY

- (1) According to section 6 (2) of the *Rottnest Island Authority Act 1987*:

- 'one member is a person who in the opinion of the Minister has practical knowledge of and experience in the conservation of the environment';
- 'one member is a person who in the opinion of the Minister has practical knowledge of and experience in the preservation of buildings of historic value';
- 'one member is a person who in the opinion of the Minister is a person of sound commercial experience'; and
- 'one member is a person who in the opinion of the Minister is a regular user of the Island for recreational purposes'.

- (2) The Minister for Tourism makes recommendations to Cabinet.

- (3) Ross Allen Hughes  
James Snooks  
Guy Geoffrey Leyland  
Claire Ruth Huston  
Celia Alison Searle  
Joseph Merillo

- |     |                      |                  |               |
|-----|----------------------|------------------|---------------|
| (4) | Ross Allen Hughes    | 1 September 1994 | (reappointed) |
|     | James Snooks         | 1 June 1991      | (reappointed) |
|     | Guy Geoffrey Leyland | 1 September 1994 | (reappointed) |
|     | Claire Ruth Huston   | 1 September 1994 | (reappointed) |
|     | Celia Alison Searle  | 1 October 1997   |               |
|     | Joseph Merillo       | 1 October 1997   |               |

- (5) Ross Allen Hughes
  - . Licensed Valuer and Property consultant
  - . Chairman of Landcorp
  - . Member WATC
  - . Former Senator Murdoch University
- James Snooks
  - . Member State Supply Commission
  - . Diploma Civil Engineering
  - . Former Chairman of the building and Construction Industry Training Fund
- Guy Geoffrey Leyland
  - . Bachelor of Science
  - . Executive Officer, West Australian Fishing Industry Council
  - . Member Recreational Fisheries Advisory Committee
- Claire Ruth Huston
  - . Bachelor of Architecture (Hons)
  - . Operates own design practice
- Celia Alison Searle
  - . B.A Dip Ed
  - . B Juris (Hons)
  - . L.L.B (Hons)

Joseph Merillo  
Businessman

- (6) Ross Allen Hughes 30 May 1999  
James Snooks 30 May 1999  
Guy Geoffrey Leyland 30 September 1998  
Claire Ruth Huston 30 September 1998  
Celia Alison Searle 30 September 1998  
Joseph Merillo 30 September 1998
- (7) Board sitting fees as set by the State Government for attendance at board meetings, including sub-committees; and fares and as required.

#### WESTERN AUSTRALIAN TOURISM COMMISSION

- (1) Generally, the criteria for appointment to the WATC Board would include a reference to that proposed member's background, qualifications, work and management experience; experience in legal or commercial matters; experience in, or a member of the tourism industry.
- (2) The Governor appoints Members to the WATC Board after recommendation to Cabinet by the Minister for Tourism.

#### (3)-(6) WATC Board Members at 30 June 1998

Member	Appointment	Expiry Date
Kevin Meredith Carton	April 1995	April 1999
Rodney Darold Warren	April 1997	April 1999
Ross Allen Hughes	February 1998	April 1999
Annette Grace Knight	April 1995	April 1999
Ronald Gilbert Buckley	April 1995	April 1999
Shane Robert Crockett	February 1996	February 2000

- (5) This information is contained in the Western Australian Tourism Commission's 1997 Annual Report which I table. [See paper No 257.]
- (7) Fees.

Members	Fees Paid per Annum
Kevin Carton	\$40 000
Rodney Warren	\$ 9 800
Ross Hughes	\$ 9 800
Annette Knight	\$ 9 800
Ronald Buckley	\$ 9 800
Shane Crockett	* Nil

\*As Chief Executive Officer, Mr Crockett is paid a salary but no component of the salary is paid in respect to performing the role on the Board.

#### TOURISM COMMISSION AND ROTTNEST ISLAND AUTHORITY

##### *Meetings and Code of Conduct*

217. Hon LJILJANNA RAVLICH to the Minister for Tourism:

In relation to appointments to each of the governing boards of the Western Australian Tourism Commission and the Rottneest Island Authority -

- (1) What is the attendance record at meetings of the board of each member in the last financial year?
- (2) How frequently is the board required to meet?
- (3) How frequently did the board meet in the last financial year?
- (4) What procedures govern the conduct of the business of the board?
- (5) Are these procedures in written form?
- (6) Are minutes taken of each board meeting?
- (7) To whom are those minutes distributed?

- (8) Has the board a “code of conduct” or “code of ethics” to govern the conduct of either members of the board or staff of the organisation?
- (9) Has the board a register or record of the directorships or other positions held by members which the board uses to determine likely conflicts of interest between members and the organisation?
- (10) Has any member of the board declared any conflict of interest or pecuniary interest during the last financial year?
- (11) What procedures apply if a member of the board declared such an interest or if the board determines a member has such an interest?
- (12) What induction or other procedures exist to acquaint incoming board members with their statutory obligations and other duties as board members?
- (13) Are these induction or other procedures contained in any document or manual?
- (14) If yes, will the Minister table the relevant document?

Hon N.F. MOORE replied:

#### ROTTNEST ISLAND AUTHORITY

(1)	Board Member	Eligible to attend	Attended
	Ross Hughes	11	10
	James Snooks	11	7
	Craig Lawrence		
	(term expired 31 August 1997)	2	2
	Celia Searle	9	9
	Guy Leyland	11	11
	Claire Huston	11	10
	Robert Murrie		
	(term expired 31 August 1997)	2	2
	Joseph Merillo	9	8

- (2) As determined by Authority members.
- (3) 11 times.
- (4) Meeting procedures as set out in the Rottnest Island Authority Member’s Handbook.
- (5)-(6) Yes.
- (7) Authority members and senior management of the Rottnest Island Authority.
- (8) Yes.
- (9) No.
- (10) Yes.
- (11) Disclosures of conflicts of interest or pecuniary interest are recorded in the minutes of the meeting. Members do not participate in discussion or resolutions and/or leave the room.
- (12) Rottnest Island Authority Member’s Handbook.
- (13) Yes.
- (14) Rottnest Island Authority Member’s Handbook attached. [See paper No 250.]

#### WESTERN AUSTRALIAN TOURISM COMMISSION

- (1) Attendance record for year ended 30/6/1998 (Inclusive of Extraordinary Meetings)

Board Member	Eligible to Attend	Attended
Kevin Carton	16	14
Rodney Warren	16	16
Ross Hughes*	7	5
Annette Knight	16	13
Ronald Buckley	16	15
Shane Crockett	16	16
Kevin Harrison	9	9
George Booth*	12	12
Ruth Harrison*	6	5

\*Appointed or resigned during the year.

- (2) WATC Board meetings are held every month, with the exception of January.
- (3) The WATC Board met on 16 occasions during the year ended 30 June 1998, including 5 extraordinary meetings.
- (4)-(5) The business of the Board is conducted along normal corporate governance procedures with meeting procedures determined by Section 8 of the Western Australian Tourism Commission Amendment Act 1994.
- (6) Yes.
- (7) To all Board Members, Divisional General Managers and to the Minister for Tourism. A permanent record is also kept at WATC premises.
- (8)-(10) Yes.
- (11) The Member would absent himself/herself from the meeting and would be precluded from speaking (unless requested to) or voting on the matter in which the Member has an interest.
- (12) New Board Members are issued with an induction kit, which includes:
- . WATC Amendment Act 1994
  - . The Role of the Commissioners
  - . Declaration of Interests by Commissioners
  - . Code of Conduct
  - . Operational Plan
  - . Annual Report
  - . Cooperative Marketing Guide (Partnership to Success)
  - . Corporate Plan
  - . WATC Newsletter (Journeys)
- In addition, the Chief Executive Officer provides a detailed one-on-one induction briefing to new Board Members prior to their first Board Meeting, where ample opportunity is given for any questions to be answered.
- (13) Yes.
- (14) WATC Induction Kit attached. [See Paper No 250.]

#### TOURISM COMMISSION AND ROTTNEST ISLAND AUTHORITY

##### *Insurance Policies for Members*

218. Hon LJILJANNA RAVLICH to the Minister for Tourism:

In relation to appointments to each of the governing boards of the Western Australian Tourism Commission and the Rottneest Island Authority -

- (1) Are members of the board the subject of any policies of insurance arranged by the board including indemnity insurance?
- (2) If yes -
- (a) what is the nature of the policy and the liabilities covered by the policy;
  - (b) who is the insurer;
  - (c) what is the maximum liability of the insurer under the policy;
  - (d) what is the annual premium for the policy;
  - (e) who is responsible for disclosing any material matters to the insurer which might affect the obligations of the insurer to meet its liability under the policy; and
  - (f) has the board or any of its members made any such disclosures during the currency of any insurance policy?
- (3) Has the Government or the board provided any of its members with any indemnity other than through a policy of insurance?
- (4) If yes, when was the indemnity provided and why?
- (5) Who are the board's solicitors?
- (6) How does the board choose its solicitors?

- (7) What payment for legal advice and representation were made by the board in the last financial year?
- (8) Is the board or organisation required to publish an annual report?
- (9) When was its last report due?
- (10) When was its last report published?
- (11) When will its next report be published?

Hon N.F. MOORE replied:

#### ROTTNEST ISLAND AUTHORITY

- (1) Yes.
- (2) (a) Members are covered by Directors and Officers Liability. This insurance is designed to insure members as follows:
  - (i) against a liability (including legal costs) incurred by him or her under Section 13 or 14 of the Statutory Corporations (Liability of Directors) Act 1996 where the liability arises from conduct (actually or allegedly committed or attempted) involving a breach of section 9 or 10 of the Act unless it is a 'wilful breach'; and
  - (ii) in relation to the costs of defending an allegation by a third party which, if successful, would prevent a member from relying on any statutory protection that would otherwise relieve the member of personal liability.
- (b) AMP General Insurance.
- (c) \$20 million.
- (d) \$16,500.00 exclusive of charges such as brokerage and stamp duty.
- (e) Members of the Rottnest Island Authority.
- (f) No disclosures have been made by members during the currency of any policy.
- (3) No other indemnity has been provided to members of the Rottnest Island Authority.
- (4) Not applicable.
- (5) The Rottnest Island Authority is provided general legal advice from Phillips Fox.
- (6) Phillips Fox has provided general legal advice to the current and past boards for 15 years. Specialist legal advice sought from other solicitors as required.
- (7) \$4,814.21 was paid by the Rottnest Island Authority for legal advice and representation made by the board in the last financial year
- (8) The Rottnest Island Authority is required to publish an annual report in accordance with the *Rottnest Island Authority Act 1987*.
- (9) The last annual report for the Rottnest Island Authority was due on 31 August 1998.
- (10) The last annual report for the Rottnest Island Authority was published on 18 December 1997.
- (11) The office of the Auditor General is currently auditing the Authority's 1997/98 performance. The next report will be published within 21 days of receipt of the opinion of the office of the Auditor General.

#### WESTERN AUSTRALIAN TOURISM COMMISSION

- (1) Yes.
- (2) (a) Personal Accident, General Liability, Professional Liability and Travel Cover (taken out in conjunction with, and being part of policies taken to insure, employees of the Commission).
- (b) Risk Cover.
- (c) Maximum Liability of Insurer:
 

Personal Accident	\$103,717 Capital Sum
General Liability	\$200 million
Professional Liability	\$100 million
Travel (Personal Liability)	\$1 million



- (d) Annual premium paid by WATC to Risk Cover for the year ended 30 June, 1998 in respect to cover provided for all policies taken out by the Commission: \$154,963.
- (e) The staff of the Commission.
- (f) No.
- (3)-(4) Clause 10 of the WATC Amendment Act 1994 provides an indemnity against personal liability to its members against any claims made against them where such members act in good faith in connection with the exercise, or purported exercise, of any power conferred, or the carrying out of any duty imposed, on the Board by or under the Act. The WATC has not been called upon to exercise this indemnity.
- (5)-(6) The Board seeks legal advice from various solicitors, dependent on the requirements of each particular action. The WATC uses normal tender processes for such appointments.
- (7) The WATC has made payments for legal advice and representation during the year ended 30 June 1998 amounting to \$159,373.
- (8) Yes.
- (9)-(10) The Annual Report for the year ended 30 June 1997 was due to be tabled, and was tabled, in Parliament in December 1997.
- (11) The Annual Report for the year ended 30 June 1998 is scheduled to be tabled in Parliament in December 1998.

#### TOURISM COMMISSION AND ROTTNEST ISLAND AUTHORITY

##### *Stakeholders*

258. Hon LJILJANNA RAVLICH to the Minister for Tourism:

In relation to appointments to each of the governing boards of the Western Australian Tourism Commission and the Rottnest Island Authority -

- (1) Has the organisation determined who its stakeholders are?
- (2) If yes, who are they?

Hon N.F. MOORE replied:

#### WESTERN AUSTRALIAN TOURISM COMMISSION

- (1) Yes.
- (2) The major stakeholders are considered to be:
  - . The Tourism Industry of Western Australia.
  - . The Government of Western Australia

#### ROTTNEST ISLAND AUTHORITY

- (1) Yes.
- (2) Key stakeholder groups include:
  - Public of Western Australia
  - Visitors to Rottnest Island – local; interstate and overseas
  - Rottnest Island Business Community
  - Winnit Club
  - Rottnest Island Voluntary Guides
  - Rottnest Island Foundation
  - Rottnest Society
  - Military Restoration Committee
  - Rottnest Island Railway Trust
  - Environmental Advisory Committee
  - The Boating community of Western Australia

#### DISABILITY SERVICES

##### *Education Support Centres*

259. Hon NORM KELLY to the Leader of the House representing the Minister for Education:

In relation to education support centres for the disabled -

- (1) How many education support centres are there in Western Australia for -
- (a) primary school children; and  
(b) high school children?
- (2) Will the Minister for Disability Services table a list of the suburbs where these centres are located?
- (3) What number of students are required for an education support centre to be provided at a -
- (a) primary school; and  
(b) high school?

Hon N.F. MOORE replied:

- (1) (a) There are 30 primary education support centres in Western Australia.  
(b) There are 10 secondary education support centres in Western Australia.

- (2) Primary Education Support Centres
- | Centre             | Suburb             |
|--------------------|--------------------|
| Avonvale           | Northam            |
| Beldon             | Beldon             |
| Canning Vale       | Canning Vale       |
| Cassia             | Cassia             |
| Cloverdale         | Cloverdale         |
| Creaney            | Creaney            |
| East Victoria Park | East Victoria Park |
| Gwynne Park        | Gwynne Park        |
| Jandakot           | Jandakot           |
| Joondalup          | Joondalup          |
| Kalamunda          | Kalamunda          |
| Karratha           | Karratha           |
| Koorana            | Koorana            |
| Koorilla           | Koorilla           |
| Langford           | Langford           |
| Leda               | Leda               |
| Maddington         | Maddington         |
| Merriwa            | Merriwa            |
| Montrose           | Montrose           |
| Mount Hawthorn     | Mount Hawthorn     |
| North Beach        | North Beach        |
| North Mandurah     | North Mandurah     |
| O'Connor           | O'Connor           |
| Riverside          | Riverside          |
| Rockingham         | Rockingham         |
| South Ballajura    | South Ballajura    |
| South Bunbury      | South Bunbury      |
| Spencer Park       | Spencer Park       |
| Westminster        | Westminster        |
| Wirrabirra         | Wirrabirra         |

Secondary Education Support Centres	
Centre	Suburb
Armadale	Armadale
Belridge	Belridge
Cannington	Cannington
Cyril Jackson	Ashfield
Eastern Goldfields	Kalgoorlie
Leeming	Leeming
Mandurah	Mandurah
Mirrabooka	Mirrabooka
Newton Moore	Bunbury
Rockingham	Rockingham

- (a)-(b) The establishment of primary and secondary education support centres is determined at the district level as part of the Education Support Local Area Education Planning process. Traditionally, an education support centre will be established if the student enrolments are between 25 to 30 students. This applies to both primary and secondary centres. For smaller groups of students (ie approximately ten), education support units are established in mainstream schools.

#### MARITIME PINE PLANTING PROGRAM

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

In relation to the maritime pine planting program being undertaken by the Department of Conservation and Land Management ("CALM") -

- (1) What area of land is it estimated will eventually be planted to maritime pine?
- (2) Will the Minister for the Environment provide a map showing the region in which maritime pine will be planted?
- (3) How many hectares have been planted to date?
- (4) What is the estimated cost of the entire project and where will the funds come from?
- (5) How much has been spent to date and where have the funds come from?
- (6) What research has been conducted into -
  - (a) the effectiveness of maritime pine in lowering the watertable; and
  - (b) the relative effectiveness of maritime pine in lowering the watertable as compared with -
    - (i) native vegetation; and
    - (ii) other crops ( please identify the crops with which the comparison has been made)?
- (7) How many hectares of experimental plots have been planted to ascertain the soil types and rainfall requirements for the project and its landcare benefits?
- (8) Will the Minister provide the location and establishment dates of all experimental plots?
- (9) What annual growth increment in m3 per hectare per year is anticipated?
- (10) What is the anticipated contribution of the project to -
  - (a) the maintenance or restoration of biodiversity; and
  - (b) the amelioration of salinity?

Hon MAX EVANS replied:

- (1) An area of potentially suitable land of approximately 500 000 hectares has been identified throughout the agricultural region [Salinity Action Plan, 1996]. At this stage the Government is committed to the establishment of 150 000 hectares over the next 10 years, however the extent of planting will depend on the ongoing commitment of both the private and public sectors to plantation establishment.
- (2) The main target area for maritime pine is indicated as figure 2 on page 12 of the Salinity Action Plan. A copy of this document has been provided to the honourable member.
- (3) 4 064.1 hectares of maritime pine have been planted under Timber Sharefarming Agreements including plantings in winter 1998.
- (4) The commitment of the State Government to the project is indicated on p34 and in the appendix of the Salinity Action Plan. This indicates expenditure growing to \$18 million per annum for the establishment of new plantations. The total cost of the project will depend on the final scale of planting. The extent of Government funds committed to the project will also be related to the level of private investment in the establishment of maritime pine plantations. At the scale of 150 000 hectares of maritime pine plantations it is estimated that approximately \$200 million of combined public and private investment will be required. Government funds are being sourced from a restructured debt repayment strategy and the sale of land and plantation assets managed by the Department of Conservation and Land Management. Some Commonwealth funding has been provided to support the research program which underpins this project.
- (5) A total of \$4 525 043 has been spent on the project to the end of July 1998. These funds have come from the CALM fund predominantly through the sale of land assets and the reduced interest payments achieved through the lower level of debt.
- (6) (a) Extensive studies have been undertaken on the impact of maritime pine on ground water and water tables on the Swan Coastal plain. Work by CSIRO, Water Authority and CALM has resulted in the development of hydrological models that are capable of predicting the impact of plantation management, bore water extraction and other land uses on the water tables in this area. For example plantations managed at a basal area of between 15-20m<sup>2</sup> ha<sup>-1</sup> were predicted to lower water tables over an area of at least three times the plantation area. These models predicted that relative to native vegetation, water tables would be lowered by up to 3.5m. The most comprehensive analysis of this body of work is found in the 'Gnangara Mound Groundwater Resources Environmental Review and Management Program' Water Authority of Western Australia 1986.

In 1997 CALM, in collaboration with The University of WA, established a series of trials in the

400-600 mm rainfall zone to evaluate the impact of plantation density on the water use and tree growth in this zone. It is too early to provide any useful information from these trials.

- (b) (i) One of the central conclusions of the modelling study outlined above was that the maritime pine plantations were far more effective than the existing native vegetation in using groundwater. To maintain water tables at levels that maintained the lakes and wetlands on the coastal plain and allowed recharge of the Gnangara mound aquifer, the plantations have to be thinned to low densities. This extensive body of work provides confidence that maritime pine provides a good option for increasing the water use in the agricultural areas.
  - (ii) Few direct comparisons of water use of maritime pine and other species have been made. One exception is the recent study of the relative water use by maritime pine and Monterey pine (*Pinus radiata*) on the coastal plain west of Harvey. This study has demonstrated that the water use by both these species is similar with both able to consume all incoming rainfall (870mm). There are few other direct comparisons of water use by maritime pine relative to other deep rooted perennial crop species. However, there has been considerable work on the water use by other deep rooted perennial vegetation throughout the South West, for example re-vegetation in bauxite pits, tree plantings in the Wellington Catchment. This provides an unequivocal view that the re-establishment of deep rooted perennial vegetation has a major role in reducing water tables in areas cleared for agriculture and mining
  - (7) No plantings have been established specifically to evaluate soil types and rainfall requirements because it generally takes at least 10 years to obtain meaningful results. Stands must be grown for at least one rotation (around 30 years for Maritime pine) to obtain conclusive results. Therefore it is more useful to study existing plantings.
- CALM has commenced a maritime pine yield study for the 400 to 600mm rainfall zone. To date 180 study plots have been established in existing planting to evaluate soil types, rainfall requirements and other site and management factors affecting the growth and yield of maritime pine on previously cleared land. These plots are located in an area from Binu (approximately 100 km north of Geraldton) to Howick (approximately 120 km east of Esperance). They were selected to cover the range of site conditions and planting layouts judged likely to affect maritime pine growth.
- (8) As most of these sites are on private property it is considered inappropriate to provide that information without considering the wishes of the individuals concerned.
  - (9) Project assessments have been done on the basis of a range of growth rates between 8 and 16 cubic metres per hectare per annum. The measurement of existing plots as outlined in question 7 will, when completed, provide better guidance as to the range of growth rates likely to be achieved.
  - (10) (a)-(b) This project will contribute to each of these objectives as one of a raft of measures as outlined in the Salinity Action Plan. Revegetation, including maritime pine, is a large part of the Plan, hence its contribution is expected to be significant.

#### UNIVERSITY OF WESTERN AUSTRALIA

##### *Archaeology Courses*

269. Hon MARK NEVILL to the Leader of the House representing the Minister for Education:

What plans does the University of Western Australia have for archaeology courses in 1999?

Hon N.F. MOORE replied:

Archeology courses will continue to be taught at the University of Western Australia in 1999. Subject to the availability of appropriate resources it is proposed to run the same program of Archaeology courses in 1999 as is being taught in the current academic year, with the addition of one new unit entitled 'Viking Archaeology'.

#### UNIVERSITY OF WESTERN AUSTRALIA

##### *Archaeology Courses*

270. Hon MARK NEVILL to the Leader of the House representing the Minister for Education:

In respect of Archaeology courses at the University of Western Australia -

- (1) What are the names of the academics currently teaching archaeology?
- (2) What is the average weekly teaching level of each academic during 1998?

Hon N.F. MOORE replied:

- (1) Members of the academic staff who are currently teaching on the Archaeology programs are:

Professor Sandra Bowdler  
Dr Jane Balme

In accordance with established practice, postgraduate students who are not members of the academic staff run some tutorials and practical classes for undergraduate students.

- (2) During the course of 1998 Professor Bowdler has an average of 11.9 contact hours teaching per week; Dr Balme has 12.3 contact hours teaching per week.

#### UNIVERSITY OF WESTERN AUSTRALIA

##### *Archaeology Courses*

273. Hon MARK NEVILL to the Leader of the House representing the Minister for Education:

In respect of the Archaeology courses at the University of Western Australia -

- (1) How many students have completed a PhD in Archaeology at the University of Western Australia since 1985?  
(2) How many students are currently studying for their PhD at the University of Western Australia?  
(3) How many students have failed to complete their PhD's at the University of Western Australia since 1985?

Hon N.F. MOORE replied:

- (1) Eight students have successfully completed a PhD degree in Archaeology at The University of Western Australia since 1985.  
(2) Nine students are currently enrolled for a PhD in Archaeology at The University of Western Australia.  
(3) Eight students have withdrawn from their PhD enrolment at The University of Western Australia since 1985.

#### ABORIGINAL HERITAGE ACT AMENDMENTS

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

- (1) Is the Government intending to amend the *Aboriginal Heritage Act 1972* in the current session of Parliament?  
(2) If yes, what is the purpose and intent of any amendment proposals?  
(3) What consultation has occurred, or is planned, in regard to any amendments with the Aboriginal community of Western Australia?

Hon M.J. CRIDDLE replied:

- (1) No.  
(2) Not applicable.  
(3) A draft Aboriginal Heritage Bill is currently being prepared by Parliamentary Counsel. It is intended that the Bill will be released for public comment. Details of proposed public consultation have yet to be determined.

#### MINING

##### *Ground Conditions in Winter Months*

280. Hon TOM HELM to the Minister for Mines:

I refer to a file note to the Minister dated August 18, 1997 reference, 83694, 83719, 83951, 83933 signed by Mr L C Ranford, Acting Director General -

- (1) Can the Minister state what specific evidence the department has "which suggests that ground conditions could be difficult in the winter months" and the reasons why this evidence suggests ground conditions could be difficult in the winter months?  
(2) If not, why not?

Hon N.F. MOORE replied:

The Hon Member has raised issues which have been extensively investigated and dealt with in the past. I consider

that further expenditure of resources in re-visiting these matters cannot be justified. Any residual concerns that may exist regarding these matters should be referred to the Ombudsman for investigation as this avenue has been established by the Government to address such matters.

## MINING

### *Optimum Resources Tenements*

281. Hon TOM HELM to the Minister for Mines:

I refer to a memorandum dated August 8, 1997 to Mr Bill Biggs, Manager Environmental and Rehabilitation, titled "Subject - Site inspection prospecting Licences 26/1848 and 26/1858 (Optimum Resources Pty Ltd) undertaken on July 31, 1997 by Environmental and Rehabilitation Officer, Eugene Bouwhuis and District Mining Engineer, Alan Holmes" signed by Mr Eugene Bouwhuis -

- (1) Did Mr Eugene Bouwhuis specifically verbally state to agents and representatives of Optimum Resources on July 29, 1997 that "I will not go onsite of P26/1848 and P26/1858 without you, and you will get your opportunity to show all of your evidence including documents, and specific areas onsite of P26/1848 and P26/1858 to demonstrate how you are being inconvenienced by Kalgoorlie Consolidated Gold Mines ("KCGM")"?
- (2) If so, why did Mr Eugene Bouwhuis visit the site of P26/1848 and P26/1858 on July 31, 1997 without agents and representatives of Optimum Resources who did not get the opportunity to show evidence with documentation and other evidence including specific areas onsite of P26/1848 and P26/1858 to prove how they were being inconvenienced by KCGM?
- (3) Can the Minister explain why Mr Eugene Bouwhuis and Mr Alan Holmes did visit the sites on July 31, 1997 without agents and representative from Optimum Resources who did not get the opportunity to show further evidence to both of these officers onsite, including documents, and show specific areas on the sites to prove how they were being inconvenienced by KCGM?
- (4) If not, why not?
- (5) Can the Minister state each of the list of "numerous inconveniences resulting from elevated groundwater levels in the vicinity of P26/1848 and P26/1858" that were verbally stated to Mr Eugene Bouwhuis on July 23, 1997 by agents/representatives of Optimum Resources?
- (6) If not, why not?
- (7) Can the Minister state why for each inconvenience that was stated by agents/representatives of Optimum Resources on July 23, 1997, why the department does not consider it a breach of Regulation 98 of the *Mining Act 1978* and Regulations?
- (8) If not, why not?
- (9) Can the Minister explain why Mr Eugene Bouwhuis and Mr Alan Holmes when they visited the sites on July 31, 1997, did not give agents/representatives of Optimum Resources the opportunity to come on site of P26/1848 and P26/1858 to show specific areas on the tenements, and other evidence along with further documentation to support their complaints of KCGM breaching the *Mining Act 1978* and Regulations?
- (10) If not, why not?

Hon N.F. MOORE replied:

The honourable member has raised issues which have been extensively investigated and dealt with in the past. I consider that further expenditure of resources in re-visiting these matters cannot be justified. Any residual concerns that may exist regarding these matters should be referred to the Ombudsman for investigation as this avenue has been established by the Government to address such matters.

## GOODS AND SERVICES TAX

### *Impact on Salary Packaging*

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

With proposed tax changes under a GST requiring employers to include details of fringe benefits on group certificates and the Australian Taxation Office then including those benefits in its calculation of a taxpayer's assessable income -

- (1) What impact will these changes have on salary packaging arrangements for employees in the 40 public sector agencies that have taken up salary packaging schemes?

- (2) What impact will these changes have on the Government's strategy of enticing public servants onto workplace agreements through salary packaging - and will workplace agreements need to be rewritten in light of their reduced benefit to public sector workers?
- (3) In light of reduced benefits of salary packaging under a GST will the 3 200 State public servants, currently on workplace agreements and benefiting from salary packaging be given a choice of returning to the award system?
- (4) If so what is the likely cost implication of this for the State Government?

Hon MAX EVANS replied:

- (1)-(4) I refer the honourable member to the answer given in Parliament to Question Without Notice 77 on Wednesday 19 August 1998.

## GOVERNMENT DEPARTMENTS AND AGENCIES

### *Use of Recycled Products*

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

- (1) Does the Government monitor the use of recycled products by Government departments and agencies?
- (2) Are Government agencies required to use recycled paper products for any specific purposes (eg toilet paper, hand towels, note paper, envelopes) ?
- (3) If yes, for what purposes?
- (4) If not, why not?
- (5) Can the Minister for the Environment provide details of the use of recycled paper products by Government departments and agencies for recent years?
- (6) Are Government departments required to collect office paper for recycling?
- (7) If yes, what was the total amount collected over each of the last three years and what proportion of waste does this represent?
- (8) What steps are taken to ensure office machinery used in Government departments are compatible with recycled paper?

Hon MAX EVANS replied:

- (1) Agencies are audited on the use of recycled products as part of the administration of the Government Waste Paper Contract.
- (2)-(4) The Supply Commission's Recycled/Recyclable Goods policy encourages public authorities to purchase recycled alternatives where they are offered and all other evaluation criteria are considered equal. If the alternatives are more expensive, then the purchase shall be progressed in accordance with value for money. The Commission and the Department of Environmental Protection are reviewing this current policy to see how it can be more effectively implemented.
- (5) A survey was conducted in 1994 and included the percentage of agencies using recycled paper. Of those agencies which responded to the survey, 49.3% said they were using recycled products. However, the quantity of recycled paper products as a proportion of the total quantity is quite small.
- (6) The Government Waste Paper Contract is a mandatory contract which was implemented to provide a paper collection service to agencies free of charge. The paper collected is recycled.
- (7)

Financial year	tonnes recycled	% of paper used in government agencies which is collected for recycling (based on an estimated 5000 tonnes/annum)
1997/98	464.3 tonnes	9.3%
1996/97	no data available because the Contract Expired in 1996/97 (financial year). The new Contract was awarded in July 1997. Although paper was collected during the period of lapse in the Contract, statistics of collection were not recorded.	
1995/96	477.6 tonnes	9.6%
- (8) There is currently no common-use contract (CUC) for the purchase of office machines. The previous CUC expired in late 1997 and at this stage, there are no immediate plans to establish a new arrangement. A central reason for

this is that technology is rapidly changing in this area, making it difficult to have a common-use arrangement which keeps pace (the previous CUCs have specified particular models of photocopier, faxes).

#### ROTTNEST ISLAND MOORINGS

293. Hon J.A. SCOTT to the Minister for Tourism:

- (1) What type of mooring systems are permitted for current use in Rottnest waters, and does this include wagon wheel moorings?
- (2) Who licences or accredits moorings on Rottnest?
- (3) What certification has been obtained for permitted mooring systems at Rottnest Island, and when was it obtained?
- (4) What were the qualifications of those who certified those mooring systems?
- (5) What future changes to the list of permitted moorings are planned for the protection of seabed flora and fauna in the bays of the island?
- (6) What is the policy regarding present and future environmentally friendly mooring systems at Rottnest Island?
- (7) Was it ever formal or informal policy that environmentally friendly mooring systems would be the only mooring systems permitted from the year 2000?
- (8) Was it specified that these be single point moorings?
- (9) Was there ever a formal or informal policy that a new lessee for a mooring site where a single point mooring was already installed would be required to pay the former lessee for the additional cost of the single point mooring or forfeit his/her place in the queue for a mooring in that particular bay?
- (10) What is the current policy on payment from one mooring lessee to the next for an existing mooring?
- (11) What is the current policy on payment to an outgoing mooring lessee by the Rottnest Island Authority when he/she hands in his mooring for subsequent use by the authority as a rental mooring?
- (12) How is a mooring valued for payment to the outgoing lessee in both cases?
- (13) Does the Rottnest Island Authority have environmentally friendly moorings installed at all of its rental mooring sites?
- (14) Has the authority paid to have any single point mooring systems inserted at any of its rental mooring sites?
- (15) What has the authority done to encourage the installation of environmentally friendly mooring systems by lessees?
- (16) What has the authority done to encourage the installation of single point environmentally friendly mooring systems by lessees?
- (17) Is there a tenure of lease incentives to encourage the installation of single point mooring systems at their higher cost of installation?
- (18) How does the Rottnest Island Authority ensure that all commercial mooring contract work is carried out in accordance with ASA 2299-1992 "Australian Standard; Occupational Diving"?

Hon N.F. MOORE replied:

- (1) A number of mooring systems are permitted for current use in Rottnest waters including wagon wheel, cyclone style and fixed single point moorings. Moorings must adhere to guidelines as determined by the Rottnest Island Authority.
- (2) The Rottnest Island Authority.
- (3) Certification of specific mooring systems is not required by the Rottnest Island Authority. Installation and maintenance of moorings is the responsibility of the mooring site contractors who have approval to work within Rottnest waters. A yearly inspection report for each mooring by a mooring site contractor is required by the Rottnest Island Authority to ensure continuation of the mooring licence.
- (4) Not applicable.
- (5) Guidelines for low impact moorings have been developed by the Rottnest Island Authority and will be gazetted in the near future.



(6) The Rottneest Island Authority's *Moorings Policy - 1 July 1997* states that -

By July 2000 all mooring apparatus must be of an environmentally friendly low-impact type approved by the Authority... The mooring licensee will be responsible for any upgrade required.

(7) Yes - formal policy as above.

(8)-(9) No.

(10) The allocation of a mooring site is not finalised until proof is provided that negotiations regarding the apparatus have been satisfactorily completed with the outgoing licensee.

(11) The mooring equipment is the property of the outgoing licensee and may be purchased by the Rottneest Island Authority if it is required.

(12) As determined by the relinquishing mooring licensee and the applicant.

(13)-(14) Yes.

(15) Licensees were notified of the year 2000 deadline for the installation of environmentally friendly mooring systems.

(16) Literature is available to all licensees.

(17) No.

(18) Annual mooring apparatus inspection reports must be submitted by all mooring licensees through a Rottneest Island Authority approved contractor.

#### SIMSMETAL WASTE SCRAP METAL YARD

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

(1) Does the Department of Environmental Protection or Simsmetal carry out regular monitoring of dust and groundwater at Simsmetal Waste Scrap Metal yard in Barrington Street?

(2) If not, why not?

(3) If yes, are these results available to the public?

(4) Is the Minister for the Environment aware that during crushing operations brake fluids, sump oil, petrol and possibly PCBs escape into the groundwater?

(5) Can the Minister provide an assurance that Simsmetal Waste Scrap Metal yard in Barrington Street is not a contaminated site and that the operations of this firm are not a threat to the groundwater or to the health of its employees or those of neighbouring firms?

(6) What is the width of the buffer zone between Simsmetal and neighbouring properties?

(7) Is the Minister aware of serious complaints from business proprietors in Spearwood about the operations of Simsmetal Ltd, waste scrap metal yard in Barrington Street?

(8) Is the Minister aware that neighbours of Simsmetal are often showered with fragments of metal, rubber and dust containing asbestos, organic compounds and heavy metals and subject to violent explosions during crushing of old motor vehicles?

Hon MAX EVANS replied:

(1) Neither the Department of Environmental Protection (DEP) nor Simsmetal carry out regular monitoring of dust or groundwater at Simsmetal Waste Scrap Metal yard in Barrington Street. However, an audit of operations is currently underway.

(2) Dust and groundwater management is achieved by operational controls.

(3) Not applicable.

(4) Operational controls and procedures are in place to prevent escape of contaminants from the crushing operations to groundwater.

(5) The nature of materials deposited which have been on the ground at the Simsmetal site is not considered likely to result in groundwater contamination. Simsmetal is currently conducting an environmental audit of their operations which includes testing of soils and water from the stormwater soaks on site. The objective of this work is to

determine whether any soil or groundwater problems exist or are likely to develop, and to serve as a basis for further investigations and monitoring should this be required. WorkSafe Western Australia believes the removal of components such as batteries, radiators and fire extinguishers prior to crushing greatly reduces the risk of exposure to hazardous substances by employees of Simsmetal and neighbouring firms. WorkSafe Western Australia's last inspection of the plant was in July 1998 and no health concerns were noted. However a further inspection will be conducted by an occupational hygienist to ascertain if there is any risks to employees' health.

- (6) Simsmetal is part of an industrial zone so there is no buffer to adjacent industries.
- (7) I am aware that since 1 October 1991 the DEP has received 138 complaints, 63 of which were from the owner of an adjacent property. Since July 1997, 22 complaints have been received, all of which were from the owner of that adjacent property.
- (8) I am aware that on an infrequent basis, single fragments of metal have been thrown from the shredder onto adjacent premises.

#### CITY OF ALBANY

296. Hon BOB THOMAS to the Minister for Transport representing the Minister for Local Government:

Has the Government given any money to the City of Albany in relation to the formation of that new local government authority?

Hon M.J. CRIDDLE replied:

The State Government has not given the City of Albany any money in relation to its formation as a new local government authority.

#### GOODS AND SERVICES TAX, LOCAL GOVERNMENT

297. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Local Government:

Given the Federal Government's commitment that shire rates are exempt from a GST -

- (1) Where council's charge an annual security service fee, will this fee be exempt from GST?
- (2) Will the State Government landfill levy be exempt from GST?
- (3) Will the rubbish removal levy be exempt from GST?
- (4) If yes to (3) above, will there be any increase of this levy due to local government authorities incurring greater costs in their inputs for rubbish removal?

Hon M.J. CRIDDLE replied:

- (1) The Minister has been advised by the Federal Government that compulsory local government charges will be GST-free. Consequently, security service fees levied by local governments should not attract the GST.
- (2) This question should be directed to the Minister for the Environment.
- (3) Where a garbage collection service is compulsory, and therefore a component of general rates, it will not attract the GST as proposed by the Federal Government.
- (4) This question should be directed to the Minister for the Environment.

#### THE STATE OF THE NORTHERN RIVERS REPORT

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

I refer to the document "The State of the Northern Rivers Report" -

- (1) Has the supplementary document been prepared to correct the factual errors of the original report?
- (2) If not, why not?
- (3) Has the supplementary document been provided to everyone who received copies of the original report?
- (4) If not, why not?
- (5) What was the total cost to -
  - (a) research;

- (b) draft;
- (c) produce; and
- (d) distribute,

the supplementary document?

- (6) Will the Minister for Water Resources table a copy of the supplementary document?

Hon MAX EVANS replied:

- (1)-(2) A supplementary document is being prepared to provide more guidance on the use of the State of the Northern Rivers report and correct a small number of factual errors. A draft has been prepared and stakeholder comment is being sought before finalising the supplementary document.
- (3)-(4) The supplementary document will be provided to those who received copies of the report as far as possible.
- (5) Less than \$2,000.
- (6) Yes, when the supplementary document is available.

#### MR DARREL DUKE, POLICE CLEARANCE

303. Hon TOM HELM to the Attorney General representing the Minister for Police:

- (1) Can the Minister for Police advise the Parliament why Mr Darrel Duke can pass a Federal Police clearance to work in the mining industry in the Northern Territory but is unable to pass a Western Australian Police clearance to work in the mining industry in this State?
- (2) Can the Minister advise if it is part of police operational procedure to offer indemnity to people who implicate others in alleged offences?
- (3) Will the Minister advise the Parliament whether the police officer(s) involved in the release of the personal details and photographs of Darrel Duke, while under police investigation to the media, which was referred to by Magistrate Kieran Boothman in the Kalgoorlie Court of Petty Sessions as being “in contempt of Court”, are to be disciplined?
- (4) Why is Darrel Duke being presumed guilty and subjected to financial penalty through the loss of his employment before he has been given an opportunity to test the alleged evidence and defend himself in Court?

Hon PETER FOSS replied:

- (1) A police clearance certificate, whether issued by the Australian Federal Police, or the Western Australia Police Service, does not clear a person to work in the mining industry. The police clearance certificate merely states matters of fact relating to the criminal history of the applicant. The decision whether to employ a person is the sole responsibility of the employer. No comment or recommendation is made by the police.
- (2) The issue of indemnity is a determination that can only be made by the Director of Public Prosecutions, not police officers.
- (3) The Commander of the Central Police Region was briefed by the Officer In Charge of the Gold Stealing Detection Unit immediately the comments were made by Magistrate Kieran Boothman. An internal investigation was commenced at that time. The investigation is ongoing and a decision is yet to be made in relation to whether the officer concerned is to be disciplined.
- (4) The decision to not employ the person in question is made by the employer without any comment or recommendation by police. Police are not aware of the reason why his employment was terminated and acknowledge the presumption of innocence and the opportunity to test the alleged evidence in judicial proceedings.

#### PRISON OFFICERS, TRAINING

305. Hon LJILJANNA RAVLICH to the Minister for Justice:

- (1) What funding has been spent by your Ministry on the training of prison officers in areas other than management and the emergency support groups in 1993?
- (2) What was the participation rate and cost for each prison in Western Australia?
- (3) What was the duration of these programs?
- (4) Since WorkSafe issued orders against your Ministry some time ago, what resources and funding has been allocated to rectify the lack of safety and relevant training?

- (5) If none, how does the Minister satisfy the requirements of duty of care as per the State *Occupational Safety and Health Act*?
- (6) Does the Minister intend to conduct regular training need assessments in the future?
- (7) If not, why not?

Hon PETER FOSS replied:

- (1)-(3) The Ministry of Justice informs me that gathering the information sought over the period of the past five years may take some time. I will provide the information as soon as it is available.
- (4) The Ministry of Justice implemented a process to ensure all prison staff are assessed for competency in critical occupational health and safety issues and where appropriate, training has been and will continue to be provided. \$220,000 has been directed towards the development of training packages and workplace trainers and assessors.
- (5) Not applicable.
- (6) Yes.
- (7) Not applicable.

#### PRISON MUSTER RATES

306. Hon LJILJANNA RAVLICH to the Minister for Justice:

- (1) What strategies, other than the re-opening of Riverbank, has the Minister put into effect to manage further increases in the muster rates?
- (2) Given the evidence of breaches provided by the Government's own safety inspectors, what precautionary steps has the Ministry of Justice taken to ensure prisoners or their family are not instigating legal proceedings against the Minister and the ministry for failing in the duty of care owed as per safety legislation?

Hon PETER FOSS replied:

- (1) Additional 249 temporary and permanent beds at various sites (including the re-opening of Riverbank between 1998 and 2000) and an additional 750 beds at Wooroloo South by July 2000.
- (2) I refer the Hon Member to Part (4) of my answer to Question on Notice 305.

#### LEGAL AID COMMISSION OF WA, BUDGET

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

- (1) What is the Commonwealth's contribution to the Legal Aid Commission of Western Australia ("Legal Aid WA") budget for each of the financial years ending -
  - (a) June 30, 1995;
  - (b) June 30, 1996
  - (c) June 30, 1997; and
  - (d) June 30, 1998,
 excluding funding for special purposes and community legal centres?
- (2) What is the Commonwealth's contribution to the Legal Aid WA budget for each of the financial years ending -
  - (a) June 30, 1995;
  - (b) June 30, 1996
  - (c) June 30, 1997; and
  - (d) June 30, 1998,
 including funding for special purposes and community legal centres?

Hon PETER FOSS replied:

- (1)
  - (a) \$11,148,296
  - (b) \$11,561,869
  - (c) \$11,906,962
  - (d) \$8,250,000
- (2)
  - (a) \$12,103,562
  - (b) \$13,948,256
  - (c) \$14,353,137
  - (d) \$10,156,748

## ABORTION COUNSELLING

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

With respect to answer to question on notice 147 what was the timing and the nature of the counselling given to the complainant, in particular -

- (a) when did the counselling commence and when did it cease;
- (b) was there any break in the counselling;
- (c) did the councillor have any financial relationship with either of the two medical practitioners;
- (d) what expertise is it alleged the councillor had;
- (e) what process was undertaken by the councillor;
- (f) is it alleged that “both medical practitioners” were of the knowledge that the complainant underwent the operation due to mental stress, and unwanted pregnancy and socio economic grounds on the basis of information provided by the councillor; and
- (g) was such information provided merely by the counselling notes or did the councillor make other observations verbal to Dr Chan and the other medical practitioner, and if so -
  - (i) what was the alleged mental stress and who diagnosed it; and
  - (ii) what were the alleged socio economic grounds?

Hon PETER FOSS replied:

- (a)-(g) The information sought by the Hon Member’s question is not detailed in the prosecution brief.

## TOXIC WASTE SITE, TOODYAY

313. Hon B.K. DONALDSON to the Minister for Finance representing the Minister for the Environment:

- (1) Is there a Government or departmental policy in place that indicates a preferred option for the establishment of a Class 4 toxic waste site within 100kms of Perth?
- (2) Have representations been made to the Department of Environmental Protection for approval to establish a Class 4 toxic waste dump in the Shire of Toodyay?
- (3) Is the Minister for the Environment aware that the proposed toxic waste site is -
  - (a) on a school bus route;
  - (b) over a water catchment area; and
  - (c) within close proximity to local residents?
- (4) Is the Minister also aware that the operation of the proposed site will result in an additional 70 trucks per day each carrying up to 70 tonnes along an already crowded Toodyay Road?
- (5) Will the Minister provide a list of all those toxins in the Class 4 category?

Hon MAX EVANS replied:

- (1) The July 1996 “Western Australian Government’s Response to the Select Committee on Recycling and Waste Management (1995)” supported a recommendation that a disposal facility for low level hazardous wastes should be established within 100 km of the Perth metropolitan area. Neither the Government nor the department has identified a preferred site for locating such a disposal facility.
- (2)-(4) No representations for Department of Environmental Protection (DEP) approval have been made for a Class IV facility. A proposal to develop a disposal facility for Class IV wastes was received by the Environmental Protection Authority (EPA) from the owners of the Wunda-Y farm in the Shire of Toodyay and, for a time, the proposal was being considered under public EPA processes. These processes have been discontinued in the light of the refusal by the Shire of Toodyay to initiate the necessary rezoning for the proposal.
- (5) Class IV wastes which may be accepted at a Class IV secure landfill are defined according to the WA Department of Environmental Protection Landfill Waste Classification and Waste Definitions 1996 as:-
  - 1. Low hazard waste (type 2) with maximum criteria defined in Table 2:-
    - waste containing low levels of heavy metals, polycyclic aromatic hydrocarbons or other organic compounds in either concentrations or in forms which do not pose an acute hazard (as defined as low hazard type 2) of the Waste Acceptance criteria 1996.

Table 2 Low Hazard (type 2) Waste Acceptance Criteria lists 57 items including heavy metals, polycyclic aromatic hydrocarbons or other organic compounds and their maximum allowable concentrations.

and

2. Special waste (type 2):-

- asbestos waste as defined and managed within the Health (Asbestos) Regulations 1994 and which is appropriately packaged for disposal.
- Clinical and related wastes which are suitable for disposal to landfill as defined in the Code of Practice for Wastes in Health Care Units published by the Health Department of WA.

POLYCHLORINATED BIPHENYLS

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

- (1) How many tonnes of PCBs and other hazardous chemicals have been imported into Western Australia in the last two years for -
  - (a) storage; and
  - (b) destruction?
- (2) Where, and by whom, were the hazardous chemicals destroyed?

Hon MAX EVANS replied:

- (1)
  - (a) No PCBs or other hazardous chemicals have been imported into Western Australia for storage.
  - (b) The Department of Environmental Protection advised that the quantity of PCBs and other hazardous chemicals imported into Western Australia for destruction between 1 July 1996 and 30 June 1998 was about 400 tonnes.
- (2) All these hazardous chemicals have been destroyed by the ELI ECO LOGIC plant in Mason Road, Kwinana, Western Australia.

RECYCLING, WASTE OIL STRATEGY

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

- (1) Has the waste oil strategy for Western Australia, promised by the Government, been completed and implemented?
- (2) If yes, when?
- (3) If not, why not?
- (4) Did the Government promise to appoint rural recycling co-ordinators?
- (5) How many rural recycling co-ordinators have been appointed and where are they located?
- (6) Has the Government honoured its election promise to appoint recycling wardens from amongst the staff of all Government agencies?
- (7) If yes, how many are there and where are they located?
- (8) If not, why not?

Hon MAX EVANS replied:

- (1) No.
- (2) Not applicable.
- (3) A preliminary Draft Waste Oil Strategy was prepared in 1997. However, further development was put on hold in order to evaluate the market impact of the Commonwealth's extension of the diesel fuel excise to diesel additives made from recycled waste oil. State governments have been negotiating with the Commonwealth to provide an excise exemption for recycled waste oil. The negotiations are on hold until later this year and associated uncertainties are resolved. However, the Western Australian Government has already secured an excise exemption for recycled waste oil used as a diesel fuel additive in remote power stations and succeeded in maintaining the current excise exemption for waste oil used as a burner fuel.
- (4) No. However, there is a specific program in the State Waste Management and Recycling Fund for regional recycling co-ordination.

- (5) The only regional recycling co-ordinator is employed by the SW Local Government Association. The Department of Environmental Protection and South West Development Commission assist with funding and support. It is expected that the State Waste Management and Recycling Fund would be available to provide dollar for dollar support to regional groupings of local governments to employ regional recycling co-ordinators.
- (6) Yes. Recycling wardens or co-ordinators are appointed by all government agencies serviced by the Government Waste Paper Contract within the metropolitan area.
- (7) There are about 150 recycling co-ordinators.
- (8) Not applicable.

#### RECYCLING, GOVERNMENT'S POLICY

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

- (1) What steps, if any, has the Government taken to ban the burning of green waste from urban land development, as recommended by the Select Committee on Recycling and Waste Management (Recommendation 20 ) in 1995?
- (2) What steps, if any, has the Government taken to encourage the recycling of construction and demolition waste as recommended (Recommendation 21) by the Select Committee on Recycling and Waste Management in 1995?
- (3) Has the Government strengthened its Recycled Goods Purchasing Policy as recommended (Recommendation 38) by the Select Committee on Recycling and Waste Management?
- (4) If yes, what steps have been implemented?
- (5) If not, why not?
- (6) Has the Government honoured its election promise to award a Government paper contract to a private recycling operator?
- (7) If yes, please provide details?
- (8) If not, why not?

Hon MAX EVANS replied:

- (1) (i) In November 1996, the Department of Environmental Protection (DEP) released guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia, which included a clause that if, during a 12 month review period, burning on development sites caused pollution, then the DEP would proceed to ban such burning.
- (ii) The DEP has continued to receive complaints regarding pollution from burning of green waste on development sites since the release of these guidelines (including one successful and one pending prosecution). As a result the DEP is in the process of preparing appropriate drafting instructions.
- (2) The State Government has introduced a levy on waste disposed at metropolitan landfills and created the State Waste Management and Recycling Fund to assist funding construction and demolition waste recycling projects. A Draft State Construction and Demolition Waste Management Strategy is expected to be released later this financial year.
- (3)-(4) In response to the Select Committee recommendation the DEP released in early 1996 a discussion paper 'Closing the Loop' exploring the use of recycled products in Government agencies. In addition the State Supply Commission and the DEP have recently initiated a review of the 1993 State Recycled/Recyclable Products Purchasing Policy in accordance with the recommendation of the Select Committee.
- (5) Not applicable.
- (6)-(7) Yes. A Common Use Contract (Government Waste Paper Contract) has been let. The successful tenderers were Paper Recycling Industries and Austissue.
- (8) Not applicable.

#### WATER RESOURCES, ASBESTOS PIPES

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

- (1) How much of Perth's domestic water is carried in asbestos pipes?

- (2) Is the Minister for Water Resources aware that asbestos in drinking water could present a health hazard to the public?
- (3) What testing, if any, is done for asbestos fibres in Perth's domestic water supply and what are the results of these tests?
- (4) What action does the Government propose to take to reduce the health risks posed by asbestos fibres in Perth's water supply?

Hon MAX EVANS replied:

- (1) There is about 1,400km of asbestos water pipe used by the Water Corporation in the Perth metropolitan area. This represents about 12 per cent of the total length of pipe within the Perth water supply system.
- (2) The Health Department of Western Australia has advised the Water Corporation that asbestos fibres in drinking water pose no risk to public health.
- (3) As there is no National Health and Medical Research Council guideline, the Water Corporation is not required to test for asbestos in its water supply. However, there were two investigations for asbestos conducted on Perth's metropolitan water supply in the mid-1980s. The results were provided to the Health Department of Western Australia prior to its advice that asbestos fibres in drinking water pose no risk to public health.
- (4) Not applicable. See Question 2.

#### SYSTEM SIX UPDATE

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

- (1) When did the System Six Update begin?
- (2) How many public submissions were received?
- (3) Has this exercise been completed?
- (4) If not, why not?
- (5) Why was it renamed Perth's Bushplan?
- (6) Has Perth's Bushplan been released?
- (7) If yes, when?
- (8) If not, why not?
- (9) Is the delay in releasing Perth's Bushplan due to pressure from developers, including the Government's own agencies Landcorp and Homeswest?
- (10) When is the rest of the System Six Update going to be completed for areas outside the Perth Metropolitan Area?
- (11) Why has this exercise taken so long to complete?
- (12) What action, if any, has been taken to protect valuable bushland while this lengthy process is going on?

Hon MAX EVANS replied:

- (1) 1994/95.
- (2) 208 submissions, covering 351 areas.
- (3) No.
- (4) It is a major undertaking and priority has been given to the Perth Metropolitan portion of the Swan Coastal Plain. The competing land uses in this most densely settled and intensively used region of WA are such that comprehensive information, detailed mapping and the development of a wider range of approaches to conserving areas, is required to review and update regional conservation recommendations.
- (5) The System 6 Update was not renamed Perth's Bushplan. The System 6 Update program was split into two stages. Perth's Bushplan is the name that is given to the stage of the program that covers the Perth Metropolitan portion of the Coastal Plain and encompasses a coordinated program between a number of statutory authorities and government agencies.
- (6) No.



- (7) Not applicable.
- (8) It is not yet finalised for printing.
- (9) No.
- (10) The System 6 Update for the areas not covered by Perth's Bushplan will be recommenced this financial year following release and public comment on Perth's Bushplan. It will be revised as a joint program between Department of Environmental Protection, Ministry for Planning, Department of Conservation and Land Management and the Waters and Rivers Commission. Time lines for completion of the program have not yet been developed.
- (11) See answer to question (4).
- (12) The EPA has identified and circulated information to owners and decision-makers identifying areas it considered (from information available at the time) to be Threatened or Poorly Reserved Plant Communities in 1995, and requesting that development proposals impacting on these areas be referred to the EPA. The up to date comprehensive information on regional conservation values which has been collected for the region in recent years, is being used by the EPA in the assessment of development proposals and planning schemes.

#### ROCKINGHAM CITY COUNCIL

325. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Local Government:
- (1) Is the Minister for Local Government aware that Rockingham City Council is receiving financial contributions to council projects from corporate bodies?
  - (2) If yes, does this compromise the integrity of the city council?
  - (3) Does the Minister intend to take action to address this matter?
  - (4) Is the Minister aware that Rockingham City Council has not enforced its planning policies upon Landcorp in relation to the relocation of the Port Kennedy Land Conservation District Committee?
  - (5) Is the Minister aware that Landcorp has contributed financially to Rockingham City Council projects?
  - (6) Is the Minister aware that Rockingham City Council has not enforced its rates policy in accordance with the *Local Government Act 1995* against the developer of the Port Kennedy Resort?
  - (8) If yes what action has the Minister taken on this matter?
  - (9) If not, will the Minister take action and if not why not?
  - (10) Has the Minister been informed that the developer of the Port Kennedy Resort has contributed financially to Rockingham City Council projects?

Hon M.J. CRIDDLE replied:

- (1)-(10) The Minister is not aware of the specific issues raised in the questions, however enquiries will be made with the City of Rockingham to determine if an assessment by the Department of Local Government needs to be undertaken.

#### LOCAL GOVERNMENT, MILLENNIUM BUG

329. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Local Government:

What action has the Minister for Local Government taken to ensure that services provided by municipalities in Western Australia will not be adversely affected by the Year 2000 computer problem?

Hon M.J. CRIDDLE replied:

The Department of Local Government has sent a circular to all local governments urging them to address the Year 2000 issue. The Year 2000 guide provided by the Department of Commerce and Trade accompanied the circular. The Department's quarterly newsletter "Update" has also drawn the attention of local government to this matter and the Western Australian Municipal Association has undertaken awareness raising activities. The Minister for Local Government has written to Hon Hendy Cowan MLA, who has responsibility for Year 2000 compliance, seeking his Department's assistance to further educate local governments about this issue. In addition, the Commonwealth Minister for Local Government intends to develop a national awareness raising strategy directed at local governments throughout Australia. In the final analysis it is the responsibility of each local government to ensure Year 2000 compliance.

## ROYAL FLYING DOCTOR SERVICE REVIEW

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

I refer to question 1988 of 1998 and ask the Minister for Health to respond again as his answer is in breach of section 58C of the *Financial Administration Act*?

Hon MAX EVANS replied:

With respect, section 58C of the *Financial Administration and Audit Act* relates to information concerning the conduct or operation of a Department or Statutory Authority. The review of the Royal Flying Doctor Service (RFDS) relates to the operations of that organisation. The RFDS is a non Government organisation and is neither a Department nor a Statutory Authority within the meaning of the Act.

## DIALYSIS TREATMENT

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

- (1) Where in Western Australia is kidney dialysis treatment available?
- (2) How many kidney dialysis patients were there at the end of each of the five last annual reporting periods?
- (3) How many of these kidney dialysis patients at the end of each of the five last annual reporting periods were Aboriginal?
- (4) For the last annual reporting period how many of the dialysis patients were normally resident in each of the non-metropolitan Health Department of Western Australia Health Regions prior to contracting kidney disease?
- (5) What are the estimates of kidney dialysis patients for the next few years and what portion of these estimates are Aboriginal patients?
- (6) What, if any, plans are in place to improve service to kidney dialysis patients or responding to these projections?
- (7) What financial resources will be required to respond to the future projections?
- (8) How are residential accommodation and Royal Flying Doctor Service emergency flights for dialysis patients accounted for within the health budget?
- (9) Since August 1, 1998, how many staff in dialysis units have been "called in"?
- (10) Since August 1, 1998, on how many occasions have staff in dialysis units been required to work more than 10 hours straight?
- (11) Would the Minister for Health provide details of these occasions and what is being done to relieve the situation?

Hon MAX EVANS replied:

- (1) Renal dialysis treatment is available throughout Western Australia through the Statewide Renal Dialysis Program. Haemodialysis services are provided in metropolitan tertiary and community hospitals, in a number of country hospitals and in the homes of patients. In the metropolitan area, haemodialysis services are available at RPH and RPRH (Shenton Park), SCGH, Fremantle Hospital, PMH, Armadale, Peel and Joondalup. In the country, haemodialysis services are available in Kalgoorlie and Geraldton and will soon be available in Bunbury. Peritoneal dialysis services are supported in all of these centres and are more widely available to patients in their own homes. Plans are presently being developed to expand haemodialysis services into the Swan area and also for satellite haemodialysis in the Fremantle area to complement the tertiary service for higher dependency patients being provided from the Fremantle Hospital. The Northwest Health Strategic Plan will also be examining the needs for haemodialysis services in these more remote areas.
- (2) The following numbers of patients were in the renal dialysis program each year:
 

1997	492
1996	456
1995	421
1994	351
1993	307
- (3) Using Aboriginal prevalence data, the following numbers of patients in the program each year were Aboriginal:
 

1997	42
1996	19
1995	30

1994	28
1993	18

- (4) An analysis of 1996/97 hospital renal dialysis activity and patient postcodes provides an indication of haemodialysis patient numbers by non-metropolitan residents:

South West	2
Great Southern	1
North West	5
Goldfields	13
Mid West	2
Midlands	1

- (5) Renal dialysis prevalence appears to be increasing at an average annual rate of between 5 to 15 per cent. It is anticipated that the proportion of Aboriginal patients will continue to rise.
- (6) The Health Department recently published a *Mid-Term Review of Renal Dialysis Services* (June 1998) which summarises key policy and purchasing directions for the Statewide Program. Investment initiatives described in this document include the development of new satellite services; early detection and prevention programs, particularly among Aboriginal communities; the pooling of equipment; and training of renal nurses.
- (7) The total allocation to the Statewide Renal Dialysis Program in 1998/99 is \$24.5 million. This allocation includes funds to support some of the investment initiatives described above.
- (8) Accommodation expenses for country renal dialysis patients are assisted through the Patient Assistance Travel Scheme (PATS). The Health Department budgets annually for PATS funding allocations to each health service. The allocations are specified in the Memorandum of Understanding between the health service and the Department. Renal dialysis patients from time to time require emergency transport with the Royal Flying Doctors Service (RFDS). The costs of these flights are incorporated in the overall funding agreements the RFDS has with the Commonwealth Department of Health and Family Services and the HDWA. More commonly dialysis patients require financial assistance for travel costs associated with routine treatment and in these cases, the PAT Scheme administered by their local health service provides financial assistance.
- (9) 11 (eleven).
- (10)-(11) Hours of work for renal nurses are negotiated between the employee and health service employer. Many hospitals have roster systems in place. Generally there is a shortage of trained dialysis nurses in Western Australia. In recognition of this there have been several initiatives to improve attraction and retention rates. A dialysis nurse training program is being funded through SCGH. There have been improvements to facilities and the introduction of new satellite services.

#### ABORTION PUBLICATION

338. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Health:

With respect to the publication of the Health Department of Western Australia "Medical Risk of Induced Abortion and of Carrying a Pregnancy to Term Information for General Practitioners" -

- (1) What input did the organisation Women Hurt by Abortion have?
- (2) Was Mrs Julie Cook of Women Hurt by Abortion, or any other member of that organisation, consulted in any way with respect to the matter?
- (3) Did Mrs Cook make any approaches to the department with respect to the matter?
- (4) If so -
- what were they; and
  - when did they take place?
- (5) In each case, what was the response of the department to such responses?
- (6) If Women Hurt by Abortion had no input into the publication, why was that so?

Hon MAX EVANS replied:

- (1) The organisation, Women Hurt by Abortion had no involvement in the preparation of the booklet for General Practitioners on the medical risks of abortion and the medical risks of carrying a pregnancy to term.
- (2) No.

- (3) It is believed that Mrs Cook rang the Health Department of Western Australia on this matter. However there is no written record and no correspondence from Mrs Cook on the publication Risks of Induced Abortion and of Carrying a Pregnancy to Term.
- (4)-(5) Not applicable.
- (6) A small group was established to advise the Department on the development of the booklet. Members of the advisory group were chosen for their professional expertise and their understanding of the needs of medical practitioners and women.

#### ABORTION PUBLICATION

339. Hon N.D. GRIFFITHS to the Minister for Finance representing the Minister for Health:

With respect to the publication entitled "Medical Risk of Induced Abortion and of Carrying a Pregnancy to Term Information for General Practitioners" -

- (1) Who decided on the individuals who made the contributions to the booklet?
- (2) Was the decision maker aware that the individuals are on the record as being proponents of abortion?
- (3) Did the decision maker carry out an assessment as to whether any of the contributors had a pecuniary interest in the practice of abortion?
- (4) If no assessment was made, why was that so?
- (5) If such an assessment was made, was it positive with respect to any person?
- (6) If so, whom?
- (7) If such an assessment was made and it was positive with respect to a person, why was that person permitted to contribute?

Hon MAX EVANS replied:

- (1) The Health Department of Western Australia established an advisory group to assist in the development of the booklet for general practitioners on the medical risks of abortion and of carrying a pregnancy to term.
- (2) The members of the advisory group were chosen for their professional expertise and their understanding of the needs of medical practitioners and women.
- (3) No.
- (4) Such an assessment was not relevant in establishing an advisory group to assist the Department with the development of a publication to summarise the evidenced-based information on the major risk factors as considered in the literature.
- (5)-(7) Not applicable.

#### MENTAL HEALTH SERVICES SEMINAR

340. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

- (1) Which Non-English Speaking Background ("NESB")/Cultural and Linguistic Diverse Background ("CLDB") groups were represented at the Seminar on Mental Health Services for individuals of NESB/CLDB on June 10, 1998?
- (2) Which staff from the State Health Department participated in this seminar?
- (3) What recommendations arose from this Seminar?
- (4) What action has been taken to implement these recommendations?
- (5) Is the Multicultural Psychiatric Services section of the Health Department planning to have further consultations?
- (6) Is any other section of the Mental Health Section of the Health Department planning further consultation with NESB/CLDB groups in relation to the provision of appropriate mental health service?
- (7) Have any community groups put forward a submission to assist Mental Health Services to provide suitable and appropriate services in the area of mental health?
- (8) What stage have these plans reached?

Hon MAX EVANS replied:

- (1) Catholic Migrant Resource Centre  
Ethnic Disabilities Advocacy Centre  
Multicultural Access Unit, Health Department of WA  
Northern Suburbs Migrant Resource Centre  
Association of Services for Torture and Trauma Survivors  
Office of Multicultural Interest  
Suburbs Migrant Resource Centre  
Department of Immigration and Multicultural Affairs  
Multicultural Forum  
Ethnic Communities Council  
Australian Asian Association  
Fremantle Migrant Resource Centre  
Coalition of Multicultural Interests  
Multicultural Forum
- (2) Representatives of the following services.  
  
Multicultural Access Unit  
Alma St Centre, Fremantle Hospital  
Northwest Mental Health Services  
Transcultural Psychiatry Unit  
Swan Health Service  
Queen Elizabeth II Medical Centre  
Kalamunda Child and Adolescent Services  
Armadale Clinic  
Bentley Health Service  
Graylands-Selby Lemnos and Special Care Service  
Kwinana Community Health and Development Centre  
Public Health Unit, Health Department of WA  
Mental Health Division, Health Department of WA
- (3) The Report of the Seminar did not contain formal recommendations, however, guiding principles to underpin transcultural policy and strategic planning were identified. Improved access to services was the most important guiding principle identified. This concept incorporated linguistic and cultural responsiveness, respect for the client, flexibility across service boundaries, use of community networks, and provision of the same standard of service as that available to the wider community. Recognition of diversity of need was also identified as important by all groups.
- (4) Recommendations were not made from the seminar, however, guiding principles were identified as noted above.
- (5) The Mental Health Division will be convening a Policy Reference Group to address the issues of service delivery to people from culturally and linguistically diverse backgrounds in the near future. Along with other relevant reports the summary of the seminar proceedings will be taken into consideration as part of the policy development process.
- (6) The Policy Reference Group will include representatives of a wide range of NESB/CALD groups. Following the development of a draft policy the document will be distributed widely throughout the community for comment and appropriate changes will be made on the basis of this comment.
- (7) Over the past two years several submissions have been received from a number of community groups, which have been considered in policy and planning processes and these submissions will be further considered as part of the Policy Reference Group's deliberations.
- (8) The Policy Reference group will be established within the next two months and is expected to complete its work early in the new year.

#### LIVING IN HARMONY CHARTERS

341. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:
  - (1) How many "Living in Harmony" Charters have been distributed by the Minister for Citizenship and Multicultural Interests to -
    - (a) the private sector;
    - (b) unions;
    - (c) Government offices;
    - (d) Government hospitals;
    - (e) other health services;
    - (f) Government schools;
    - (g) other Government education facilities;

- (h) police stations; and
- (i) other police service facilities?

- (2) Has the Minister instructed the Office of Multicultural Interests to undertake an evaluation of the effectiveness of this campaign to get the message of the "Living in Harmony" principles across to the people of Western Australia?
- (3) If not, will the Minister take steps to initiate such a study?

Hon MAX EVANS replied:

- (1) (a)-(i) 6,415 Charters have been distributed to the above and other organisations, community groups and individuals.
- (2)-(3) The Charter initiative is one of the promotional aspects associated with Living in Harmony - A Community Relations Strategy for Western Australia. Living in Harmony has been in operation for approximately twelve months and the Office of Multicultural Interests will be undertaking an evaluation of the effectiveness of the Strategy in due course.

#### MIRRABOOKA MULTICULTURAL COMMUNITY POLICING PROJECT

342. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

- (1) When was the Mirrabooka Multicultural Community Policing Project -
  - (a) commenced; and
  - (b) completed?
- (2) By whom, and how, was the evaluation conducted?
- (3) What were the main outcomes and recommendations of the project?
- (4) How was the project managed?
- (5) Who were the members of the management committee?
- (6) What influence will the recommendations have on the training of future police officers?

Hon PETER FOSS replied:

- (1) (a) The Mirrabooka Multicultural Community Policing Project was commenced in March 1995, but was officially launched by the then Federal Minister for Immigration and Ethnic Affairs, Senator Nick Bolkus on 10 October 1995.
- (b) The project was completed in September 1997, however, due to a surplus of funds remaining, the project was extended by 6 months with additional financial assistance from the WA Police Service.
- (2) An evaluation of the project was completed by an independent person being Dr Lidia Herne of the Edith Cowan University. The method of evaluation was both qualitative and quantitative including surveys, interviews and reports on the effectiveness of the project.
- (3) The main outcomes of this project identified were:-
  - (1) The project had been very successful.
  - (2) The project had enhanced relations between the ethnic communities and the Police Service.
  - (3) Barriers were broken down which had existed in the past.
  - (4) The project had increased police awareness of multicultural issues.

The main recommendation was to ensure the continuance of the project by the permanent placement of a Multicultural Liaison Officer within the Police Service.

- (4)-(5) The project was managed by a management committee made up of Rae Kean (Chair) then President of the Community Policing Council of Western Australia; Nara Srivivasan from Justice Studies at Edith Cowan University; Assistant Commissioner Bob Kucera, Police Service Youth & Ethnic Affairs; David Thangarajah (now replaced by Gerard Daniels) of Police Service Ethnic Unit; Jamie McCormack, Senior Representative from the Department of Immigration & Ethnic Affairs; Ric Sims (now replaced by Brian Scully), Hon Treasurer, Mr Nick Agocs, representing the Ethnic Communities Council of WA, joined the Committee at a later date and Inspector Staltari joined the Committee in July 1997.
- (6) The main influence on the training of current and future police officers will be the continued enhancement of the ongoing cross cultural awareness programmes based on our practical experience aimed at the further breaking down of barriers and formation of partnerships between the Police Service and Multicultural groups.

## MIRRABOOKA POLICE DISTRICT MULTICULTURAL LIAISON OFFICER

343. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

- (1) When will the appointment of the Multicultural Liaison Officer for the Mirrabooka police district be finalised?
- (2) Is it intended to make similar appointments in other police districts?
- (3) If so, in which districts?
- (4) When will these appointments be advertised and finalised?
- (5) Will the Police Service make provisions for the utilisation of the skills of the Multicultural Liaison Officer appointed in the Mirrabooka district in other police districts?
- (6) How will this be done?
- (7) What resources, apart from the salary of the Officer, will the Police Service commit to the successful and effective operation of this?

Hon PETER FOSS replied:

- (1) Applications for the position of Multicultural Liaison Officer for the Mirrabooka Police District closed on 13 August 1998. There were 69 applicants. This number will be short listed to between 6-8 for interview. Currently the selection process is still being completed.
- (2) A 12 month evaluation will be completed on the Mirrabooka Model, following this current appointment. Should that evaluation prove positive, it is hoped to continue the program in each of the 6 Metropolitan Police Districts.
- (3) It is proposed that Fremantle and Cannington will be the next Districts considered.
- (4) Following the successful evaluation of the Mirrabooka Model in 1999.
- (5) The position of Multicultural Liaison Officer appointed in the Mirrabooka District over the past two and half years of the pilot programme, has involved duties in the Mirrabooka and Joondalup Districts. It is envisaged that this cross District utilisation will continue due to partnerships that have been developed over that period of time.
- (6) The Multicultural Liaison Officer in the Mirrabooka District is utilised as needs are identified.
- (7) The Police Service will provide all required resources to support this programme, including accommodation, vehicle and ongoing and appropriate recurrent budget as with any other "mainstream" policing initiatives.

## PRESCHOOL CENTRES

*Enrolment of Non-English Speaking Children*

344. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) Have four year old children of Non-English Speaking Background/Cultural and Linguistic Diverse Backgrounds been refused enrolment in Education Department pre-school centres?
- (2) If yes, why have these children been refused enrolments?

Hon N.F. MOORE replied:

- (1) The Education Department does not currently guarantee a place in a kindergarten program in 1998 for all four year old children as the number of places exceeds the number in that cohort. In 1999 a place will be offered to all children in the cohort. Placement is not affected by cultural and linguistic background or ability.
- (2) Placement in a kindergarten program has been dependent on meeting criteria such as where the child resides in relation to the school boundary as well as the number of available vacancies.

## MIGRANT SERVICES DIRECTORY TENDERS

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

- (1) When were tenders called for the revision of the 1998 Migrant Services Directory?
- (2) What was the budget allocation for this tender for -
  - (a) consultants; and

- (b) printing and distribution?
- (3) What was the task of the consultant?
- (4) Was the tender open to the public to bid?
- (5) If not, why not?
- (6) Who were the successful tenderers for this contract?

Hon MAX EVANS replied:

- (1) Tenders were not called but quotes were obtained from Curtin University and Edith Cowan University to do the research in August/September 1997.
- (2) The 1998 Migrant Services Directory was a joint venture with the Department of Immigration and Multicultural Affairs. The Office of Multicultural Interests (OMI) share of the costs for the research and printing were paid for out of OMI's general budget allocation.
- (3) The consultant was required to up-date the previous directory and ensure, as far as possible, its comprehensiveness and accuracy.
- (4) See answer to (1) above.
- (5) Tenders are not usually called for such small projects as the costs involved can outweigh the value of the project.
- (6) Edith Cowan University's quote was accepted.

#### CHILD PROTECTION COUNCIL NOMINATIONS

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

Further to question on notice 31 dated August 20, 1998 -

- (1) Was the Minister for Citizenship and Multicultural Interests consulted regarding the appointment of suitable individuals to the Child Protection Council?
- (2) Did the Minister consult -
  - (a) Ethnic Child Care Resource Unit;
  - (b) Ishar Multicultural Women's Health Centre;
  - (c) Ethnic Communities Council of WA;
  - (d) Catholic Migrant Centre;
  - (e) Northern Suburbs Migrant Resource Centre; and
  - (f) Fremantle Migrant Resource Centre,prior to nominations being considered by Council?
- (3) Were any other Non-English Speaking Background/Cultural and Linguistic Diverse Background community groups consulted by the Minister when making his nominations?
- (4) Did the Minister make a recommendation to the Minister for Family and Children's Services?
- (5) If yes, who did he recommend?
- (6) What were the qualifications, experience and public contributions by the recommended individual in the area of child protection?

Hon MAX EVANS replied:

- (1) Yes.
- (2) The request was forwarded to the Office of Multicultural Interests (OMI) to provide nominations. OMI consults with relevant peak bodies if time permits otherwise it takes nominations based on its own information, contacts and experience of those working in the area.
- (3) See answer to (2) above.
- (4) Yes.
- (5)-(6) Two suggestions were made to the Minister for Family and Children's Services with the note that neither nominee had been approached as to their availability. The nominees were from the Ethnic Child Care Resource Unit and



the Refugee Council. The Catholic Migrant Centre was consulted to confirm the relevance of the experience of one of the nominees without revealing the nature of the appointment.

#### ORD RIVER, TOXICITY LEVELS

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

- (1) Have there been any tests or reports compiled in relation to toxicity levels of chemicals in the Ord River?
- (2) If not, why not?
- (3) If yes, will the Minister for the Environment table these reports?

Hon MAX EVANS replied:

- (1)-(3) Relevant to my jurisdiction neither the Department of Environmental Protection nor the Environmental Protection Authority have undertaken any testing in relation to toxicity levels of chemicals in the Ord River.

#### OMEX SITE, LOTS 55 and 56

353. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

With regards to the rehabilitation of the Omex site -

- (1) Have contamination investigations been carried out on lots 55 and 56?
- (2) If not, why not?
- (3) If yes, please detail?
- (4) Is it correct that 700m<sup>2</sup> of land that is part of the land described under the Improvement Plan by the Planning Department for redevelopment, is to be leased to the Peak Petrol Station, an agent of Omex related companies?
- (5) If yes, under whose authority was this decision made?
- (6) What effect will this decision have on the options for redevelopment of the site?
- (7) With regards to the level of assessment set for the Containment Wall Project, that being an informal review with public advice, what public advice has been received to date?
- (8) Does the Occupational Health and Safety Plan for the Containment Wall Project encompass the immediate community surrounding the site?
- (9) If not, why not?
- (10) If yes, please detail?

Hon MAX EVANS replied:

- (1)-(3) Following investigations of the known contamination, surrounding residents were given the opportunity of having their properties investigated. The owners of lots 55 and 56 chose not to take up this offer.
- (4)-(5) The area referred to is currently used by Peak Petroleum as part of its service station operation. It is proposed that it be enabled to continue that operation. The land transfer mechanism to enable that is yet to be finalised and formally approved.
- (6) None.
- (7) Informal review with public advice is given to the proponent from the Environmental Protection Authority. I now seek leave to table the informal advice provided by the EPA in respect of the containment wall project. [See paper No 248.]
- (8)-(10) Occupational Health and Safety matters are addressed in the "Project Safety Incident Management Plan" prepared for the containment wall project. By its nature this Plan addresses the health and safety of workers on the site. By protecting the health and safety of those closest to the operations, it ensures that the surrounding community is also protected.

#### CLONTARF HILL, BOTANIST'S INSPECTION

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

- (1) Who was the botanist from the Department of Environmental Protection ("DEP") who conducted the inspection of Clontarf Hill during the DEP's examination of the Fremantle Eastern Bypass proposal?

- (2) When was the inspection carried out?
- (3) With which groups/organisations and individuals did the botanist consult during the inspection?
- (4) Will the Minister for the Environment table a copy of the botanist's report?

Hon MAX EVANS replied:

- (1) Bronwen J Keighery.
- (2) January 1997.
- (3) As this was a technical survey, no consultation with groups/organisations was undertaken.
- (4) I seek leave to table the report. [See paper No 249.]

#### FREMANTLE-ROCKINGHAM CONTROLLED ACCESS HIGHWAY

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

- (1) Has the Environmental Protection Authority completed its section 16(e) report giving environmental advice for those sections of the Fremantle-Rockingham Controlled Access Highway not covered by formal assessments?
- (2) If not, when will the report be completed?
- (3) Which sections of the Fremantle-Rockingham Controlled Access Highway are covered by this section 16(e) report?
- (4) What environmental and social impacts of the Controlled Access Highway is the section 16(e) report assessing?

Hon MAX EVANS replied:

- (1) No.
- (2) Preparation of the section 16(e) advice on the Fremantle-Rockingham Controlled Access Highway was postponed until appeals on the Fremantle Eastern By-pass were determined. This occurred on 5 August 1998. It is anticipated that the section 16(e) advice will be prepared in parallel with the Environmental Protection Authority's assessment of the Fremantle Eastern By-pass.
- (3) The section 16(e) advice is expected to address the Highway from Rollinson Road (the southern extent of the Fremantle Eastern By-pass) to Read Street in Rockingham.
- (4) This will be determined by the Environmental Protection Authority.

#### MODERN GREEK AS A TEE SUBJECT

360. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) In relation to the inclusion of "Modern Greek" as a Tertiary Education Exam subject, what steps were taken by the Education Department of WA and the Curriculum Council of WA to ascertain the demand in Government and non-Government schools for Modern Greek at -
  - (a) primary level;
  - (b) lower secondary level; and
  - (c) TEE level,before it was introduced into schools?
- (2) What were the costs involved in developing a suitable Modern Greek language syllabus?
- (3) When was this task undertaken?
- (4) What are the costs involved in providing examiners, and examination papers, for those studying Modern Greek at TEE level?

Hon N.F. MOORE replied:

- (1) The Languages Other Than English (LOTE) 2000 strategy has 12 priority languages from which schools may select the language or languages to be taught. These languages are Aboriginal languages, Chinese, French, German, Indonesian, Italian, Japanese, Korean, Modern Greek, Spanish, Thai and Vietnamese. The following steps were taken across primary and secondary levels of schooling to ascertain demand for all priority languages during 1996 and 1997:

District LOTE Planning Forums involving principals, teachers and LOTE Central Office staff;  
School staff meetings;

School Decision Making Groups; and  
Meetings of school principals, District and Central Office personnel ratified decisions.

In 1997, eight primary schools (781 students) selected Modern Greek as a priority language. At TEE level, the number of students wishing to study Modern Greek is ascertained by student demand at the school level.

- (2) No costs were involved in developing a suitable Modern Greek language syllabus as the South Australian Department of Education gave permission for its syllabus to be used at no cost to Western Australia.
- (3) Not applicable.
- (4) No costs are involved in providing examiners and examination papers for Modern Greek at TEE level as an arrangement exists with the South Australian Department of Education to set and mark the papers of candidates from Western Australia at no charge.

#### VIETNAMESE LANGUAGE IN SCHOOLS

361. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

- (1) Is Vietnamese taught in Government schools at -
  - (a) primary level;
  - (b) lower secondary level; and
  - (c) Tertiary Education Exam ("TEE") level?
- (2) In how many schools is Vietnamese taught at -
  - (a) primary level;
  - (b) lower secondary level; and
  - (c) TEE level?
- (3) How many pupils are learning Vietnamese at -
  - (a) primary level;
  - (b) lower secondary level; and
  - (c) TEE level?

Hon N.F. MOORE replied:

- (1) Vietnamese is only taught at Year 8 to 12 for High School graduation. It is not taught at primary level or for Tertiary Entrance Examinations (TEE).
- (2) Vietnamese is only taught at Girrawheen Senior High School.
- (3) In 1997 there were:  
72 students in Years 8 to 10; and  
36 students in Years 11 to 12, not for TEE but for Year 12 graduation.  
  
The 1998 figures will be available in mid October.

#### QUESTIONS WITHOUT NOTICE

##### PERTH AIRPORT - LEVY ON TAXIS AND BUSES

**244. Hon TOM STEPHENS to the Minister for Transport:**

- (1) Can the minister confirm that the private operator of the Perth Airport has advised the Department of Transport that he proposes to place a levy of \$2 on each taxi and bus entry into the airport?
- (2) Is the Government's approval required before the private operator can impose this levy?
- (3) If so, will the Government provide that approval?
- (4) Will taxi drivers be permitted to pass on such a levy to consumers?

**Hon M.J. CRIDDLE replied:**

- (1)-(4) I am aware that Western Australian Airports Corporation is talking of imposing a levy. At present I am not sure

that \$2 will be the figure. At this stage it is talking about an amount less than that. However, those arrangements have yet to be concluded. I understand the corporation can apply that levy without approval.

COMMISSIONER OF MAIN ROADS - CONFIDENCE OF MINISTER

**245. Hon TOM STEPHENS to the Minister for Transport:**

I refer to the findings of the review into the private investigation by Main Roads Western Australia which was tabled in the other place today and which refers to deficiencies in the contracting process; flaws in the ongoing contract management; failure to uphold principles and processes consistent with public sector requirements and significant management deficiencies within Main Roads; failure to follow internal systems that resulted in a protracted costly exercise; and failure to adhere to due process. Does the commissioner still have the confidence of the Minister?

**Hon M.J. CRIDDLE replied:**

Yes, the commissioner has my confidence. In this case some inadequacies were identified. Hon Tom Stephens will be well aware that when I called for the review I expressed those concerns. The commissioner will implement the required processes to overcome them. He has a responsible job and he must administer it in a way that will reflect that requirement. As is evident in the statement the Premier made, the commissioner has agreed that certain measures will be adopted. The Leader of the Opposition will be aware from the Premier's statement what those measures are. I am sure the process will assist in having these measures implemented.

LINDSAY GORDON RODDAN AND JEFFREY NOYE

**246. Hon N.D. GRIFFITHS to the Attorney General:**

I refer to the decision by the Director of Public Prosecutions not to proceed with indictments against Mr Lindsay Gordon Roddan and Detective Sergeant Jeffrey Noye announced in the District Court last week and ask -

- (1) What were the DPP's reasons for not proceeding?
- (2) When did the DPP arrive at his decision?
- (3) When did the DPP inform the Attorney General of his reasons?

**Hon PETER FOSS replied:**

- (1) The DPP published reasons for his decision in a media release of 8 October, which I seek leave to table.

Leave granted. [See paper No 244.]

In order not to prejudice the fair trial of Detective Sergeant Clayton Gwilliam, who has been charged with perjury, it is not appropriate for the DPP to be more specific. As the matter is now sub judice, it is not appropriate to comment further.

- (2) Wednesday 7 October 1998.
- (3) 13 October 1998.

I spoke today with the DPP and we have arrived at some information which it is appropriate to make public without causing prejudice to anybody involved. The charges against Roddan and Noye relating to the conspiracy to pervert the course of justice were reliant upon the evidence of Lynnette Crimmins, an alleged unindicted co-conspirator. Her evidence was thus dependent upon corroboration by Gwilliam. On 19 August, Ms Crimmins visited two lawyers at the DPP's office, when she indicated that she did not want to give evidence, and if called would not respond. The DPP was consulted on 20 September on the proposed charge against Gwilliam. A confirmatory telephone call was made to Ms Crimmins, who although attesting to the veracity of her statement, again indicated that she would not give evidence. The combination of these factors at this stage, led to the DPP concluding that it was not in the public interest to submit the defendants to a three-month trial when emerging events had indicated that there was no reasonable prospects of conviction. At the time of entering the nolle prosequi, although aware that charges would be brought against Mr Gwilliam, this was not public knowledge and could not be referred to. Now that Mr Gwilliam has been charged, it is inappropriate to make any comment on Mr Gwilliam or his case.

Circumstances can change during an investigation or case and it is the duty of the DPP to keep the matter under constant review. It was in the light of these circumstances at the time of the nolle prosequi that the DPP decided against proceeding to trial. Although it may have been of public interest to air the facts, the DPP must make a judgment on whether it is appropriate to subject the State or the defendant to the cost and, in the case of the defendant, the ordeal of a three-month trial. Some of the comments have been made on the incorrect assumption that Ms Crimmins was prepared to give evidence and without knowledge of the other factors. In view of the possibility of prejudice to Gwilliam it is inappropriate to canvass those factors.

## CALM - PAYMENT IN LIEU OF ACCRUED ANNUAL LEAVE

**247. Hon NORM KELLY to the minister representing the Minister for the Environment:**

- (1) How many people employed by the Department of Conservation and Land Management have received payments in lieu of accrued annual leave for 1996-97 and 1997-98?
- (2) What is the total cost of these payments?
- (3) What is CALM's current liability for unused leave entitlements?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. Providing the information in the time required is not possible and I request that the member place the question on notice.

## SCHOOLS - YEAR 3 READING TEST

**248. Hon CHRISTINE SHARP to the Leader of the House representing the Minister for Education:**

- (1) Was a reading test recently administered to the year 3 school population in the school week commencing 17 August 1998?
- (2) Did the test include a piece entitled "The Three Davids", extracted from Rachel Flynn's book, *I Hate Fridays - Stories from Koala Hills Primary School*, Puffin Books 1991?
- (3) Does that extract require a reading level of year 6 as measured by McLaughlin's 1996 Simple Measure of Gobbledegook Readability Formula?
- (4) Does that extract require a reading level of year 5 as measured by Gunning's 1952 FOG Readability Index?
- (5) Does that extract require a reading level of year 4 as measured by the FRY Readability Graph?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1)-(2) Yes.
- (3)-(5) The Minister for Education is not aware that a variety of levels of reading difficulty have been attributed to the text. Texts for the test were chosen for their ability to stimulate and interest year 3 students.

## HOMESWEST - MT LOCKYER, ALBANY

**249. Hon MURIEL PATTERSON to the minister representing the Minister for Housing:**

- (1) When does the Government expect Homeswest to complete its planned redevelopment and revitalisation of its properties in Mt Lockyer, Albany?
- (2) What is the total cost of this project?
- (3) Are any plans in place to upgrade other Homeswest properties in Albany?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) The redevelopment of Mt Lockyer as part of Homeswest's new living program commenced in 1994. Completion is dependent on land sales and tenant relocation. To accelerate the redevelopment of Mt Lockyer, Homeswest will shortly be seeking interest from the private sector to manage the balance of the project.
- (2) The total costs of this project will be determined after selection of the successful project manager.
- (3) The redevelopment of properties in the suburb of Spencer Park are to be included in the project management brief.

## COCKBURN ROAD REALIGNMENT, BEELIAR PARK

**250. Hon J.A. SCOTT to the Minister for Transport:**

In regard to the realignment plan for Cockburn Road through Beeliar Park which was scrapped by the minister on 8 September 1998 -

- (1) Was this section a part of the Fremantle-Rockingham controlled access highway?

- (2) Exactly which section of the Fremantle-Rockingham controlled access highway will be deleted from the metropolitan region scheme and when will it be deleted?
- (3) If it is not to be formally deleted from the metropolitan region scheme, why not?
- (4) How will this change affect the planning and time frame of the Fremantle-Rockingham controlled access highway?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) The section of the Fremantle-Rockingham controlled access highway between Russell, Henderson and Rockingham Roads, Naval Base is to be deleted from the metropolitan region scheme. The exact timing of the deletion will be dependent on the normal statutory processes and approvals.
- (3) Not applicable.
- (4) There will be no effect on other sections.

#### AGRICULTURE WA - OFFICE CLOSURES OVER CHRISTMAS

**251. Hon KIM CHANCE to the minister representing the Minister for Primary Industry:**

- (1) Does Agriculture WA intend to close any of its offices during the 1998-99 Christmas-New Year period?
- (2) If so, which offices will be closed and for what periods?
- (3) Which Agriculture WA services will be affected during these times?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1)-(3) The chief executive officer has advised that Agriculture WA is currently assessing the option of closing some offices during 1998-99 Christmas-New Year period in cases where client services are not required

#### GOVERNMENT EMPLOYEES SUPERANNUATION ACT

**252. Hon HELEN HODGSON to the Minister for Finance:**

- (1) Does the minister intend to introduce legislation amending the Government Employees Superannuation Act; and, if so, when will this legislation be introduced to Parliament?
- (2) Does the minister support -
  - (a) linking the interest rate paid on benefits under the 1993 scheme to market rates;
  - (b) reviewing the appropriateness of the use of the redefined consumer price index in calculating interest rates;
  - (c) requiring all public sector employers to pay contributions to the Government Employees Superannuation Board; and
  - (d) providing for employee choice of investment within the GESB?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) A package of proposed legislative amendments is being prepared by the Government Employees Superannuation Board for my consideration but is yet to be considered by Cabinet. The time frame for the introduction of the changes endorsed by Cabinet will be subject to the normal drafting process and the Government's legislative priorities.
- (2) (a)(b)(d) The Government has not determined its position on these issues, which need to be considered in the context of appropriate funding of the State's superannuation liabilities.
- (c) As announced in the Budget, the Government intends to provide for the prospective funding of contributions under the 1993 scheme by all employees.

## OAKAJEE - SURVEY AND DRILLING WORK

**253. Hon GIZ WATSON to the minister representing the Minister for the Environment:**

With regard to the survey and drilling work being undertaken on the proposed Oakajee heavy industry site and on the adjacent reef -

- (1) Under whose authority is this surveying and drilling being carried out?
- (2) Was permission given for ground disturbing work to be carried out in the Oakajee River, adjacent sand dunes and reef?
- (3) If so, by whom?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) I understand the current geotechnical surveys are being carried out by the Department of Resources Development. The Shire of Chapman Valley was informed.
- (2)-(3) The development of a port at Oakajee has been subject to assessment by the Environmental Protection Authority, and the Minister for the Environment has approved development subject to conditions.

## REGIONAL FOREST AGREEMENT - CALM SUBMISSION

**254. Hon J.A. COWDELL to the minister representing the Minister for the Environment:**

- (1) Did the Department of Conservation and Land Management make a submission on the regional forest agreement consultation paper?
- (2) Will the minister table the submission?
- (3) If not, why not?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

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

## MINISTER FOR FINANCE - INTERNATIONAL LAW AND GAMING CONFERENCE

**255. Hon E.R.J. DERMER to the Minister for Finance:**

With regard to the minister's visit to Amsterdam, London and Paris in September and October last year -

- (1) Was the primary purpose of the trip to attend the international law and gaming conference in London?
- (2) If yes, over what dates was the conference held?
- (3) On which dates was the minister present at the conference?

**Hon MAX EVANS replied:**

- (1)-(3) If the member read the newspaper, he would have the answer to the question. I attended the Association of International Gaming Attorneys and Regulators Conference in London. Prior to that, I visited the Minister for Health in Holland, Helmut Von Horsch, to discuss the Dutch Government's plan to reduce the number of slot machines in Holland.

Hon Ljiljanna Ravlich: That is a great use to us.

The PRESIDENT: Order! Let us listen to the answer. Seventeen members want to ask questions.

Hon MAX EVANS: This is important because the Dutch Government has been examining the addiction to slot machines.

That was the first port of call. I spent some time with the Dutch lotteries authority as I knew it had experienced some problems with the Government because of some of its products. I knew that the Dutch Government would let it sell only one instant lottery ticket at a time in case they became addictive. Holland has a major problem with slot machines and has decided to remove about 30 000 of them. Victoria has only 30 000 slot machines because of under-age addiction.

Hon Ken Travers: Are we considering slot machines?

Hon Peter Foss: No.

Hon MAX EVANS: That was something we were trying to assess in looking at what the Dutch Government was doing and where it was going.

I met the head of the English tote board and we discussed fixed-odds betting and other matters for many hours.

Hon Bob Thomas: Did you check their facilities for punters? They are inferior.

Hon MAX EVANS: Yes, and so are the bookies. I checked the bookie shops in London as well. There are very few off-course facilities for the tote in England. It has far better on-course advertising and marketing and very good fixed-odds betting. Since April 1994, the bookies have been able to open up their shops, offer tea and coffee, and undertake better advertising. The bookie shops in London have tote terminals. That has cut off the tote. I also spent some time -

Hon Ljiljanna Ravlich: Where haven't you been?

The PRESIDENT: Order! Hon Ljiljanna Ravlich is on my list, but if she wants to interject, I will call that interjection her question and strike her name off.

Hon MAX EVANS: The Agent General in London was surprised at how much I tried to do in a couple of days. I visited the English Jockey Club and Tristram Rickett of the British Horse Racing Board. Then I took the opportunity to go to France where I spent a day and a bit with the Pari Mutuel people and visited Gros Bois, one of the finest trotting training centres in the world. They train 1 420 horses there on any one day. We can improve in this area. The racecourse development trust legislation has been amended to allow the RDT to put money into training centres, which is more important than spending money on the tracks. I hope to introduce quite a lot of the things they are doing at Gros Bois. I then attended -

The PRESIDENT: Minister, I ask you to draw your answer to a close.

Hon MAX EVANS: This was a fairly short trip which I am trying to consolidate.

Several members interjected.

The PRESIDENT: Order! A number of members wish to ask questions.

Hon MAX EVANS: I visited the Prix de L'Arc De Triomphe to meet representatives from the 78 racing nations of the world at the race meeting and a function the night before. I sat with the head of the Breeders' Cup - the biggest race in North America; the head of the Irish Jockey Club; and Jean Luc Lagardiere, who is the president of the French Gallops. I do not drink or gamble but at the races the next day I spent a lot of time talking to people.

I arrived in London the next morning and spent three days at the Association of International Gaming Attorneys and Regulators Conference. I missed the Saturday and Sunday sessions, which were the regulators' parts of it. I was more interested in the attorneys' part of it. More than 100 attorneys from the United States of America were present, all of whom negotiate new casino licences. That is a lot different from what we have here. They were worried about Internet gambling and were trying to regulate it through legislation. In the US, Senator Kyl introduced legislation dealing with online gambling. That is why I wanted to go back to the conference this year before I decided not to travel overseas.

Several members interjected.

Hon MAX EVANS: Internet gambling is a real problem. The attorneys were not worried about the effects of gambling but the loss of revenue. I went there to learn so I can better inform the House. I do my job and the Opposition should criticise me only if I do not do my job properly.

#### DOMESTIC VIOLENCE

**256. Hon JOHN HALDEN to the minister representing the Minister for Family and Children's Services:**

- (1) How much money has the State Government provided to non-government agencies to assist families confronted with domestic violence during the 1997-98 and 1998-99 financial years?
- (2) How much money has been specifically committed by the State Government to Family and Children's Services for supporting families experiencing domestic violence, excluding advertising campaigns during 1997-98 and 1998-99?
- (3) How much money has been allocated for domestic violence-related advertising campaigns during 1997-98 and 1998-99?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.



(1)-(2)	Family and Children's Services	Domestic Violence Prevention Unit, Women's Policy Development Office
	1997-98	\$9.67m
	1998-99	\$10.05m
		\$693 850
		\$1 133 000

- (3) A total of \$600 000 over two years through the Domestic Violence Prevention Unit, Women's Policy Development Office.

#### SENIORS CARDS

**257. Hon CHERYL DAVENPORT to the minister representing the Minister for Seniors:**

- (1) What action has been taken towards gaining reciprocal rights for Seniors Card holders between the various States?  
 (2) If none, why not?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1)-(2) The State Government is working with other States and Territories to improve reciprocity between different Seniors Card programs around the nation. This work is being done by the Office of Seniors Interests under the auspices of the National Healthy Ageing Task Force.

As part of this project, the States and Territories are working together to develop a Seniors Card tourism scheme which aims to increase domestic travel by Australia's 2.9 million seniors. The scheme is being developed by a working party consisting of tourist industry representatives and state managers of Seniors Card programs. The working party will report to the November meeting of the National Healthy Ageing Task Force and will present options for a Seniors Card travel scheme.

#### SCHOOL TERM DATES

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

- (1) Has the Government completed its review of school term dates?  
 (2) If so, what are the recommended school dates and are those dates likely to change?

**Hon N.F. MOORE replied:**

- (1) Yes.  
 (2) The recommended dates for 2001-05 are only moderately different from those of recent years. It might be appropriate to table the information rather than read it out. I seek leave to table the information.

Leave granted. [See paper No 245.]

#### HEWITT, DR BRIAN

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

- (1) Is the minister aware that Dr Brian Hewitt, a member of the State Training Board, is also the chair of the Chamber of Commerce and Industry's construction council, which has been allocated funding from the State Training Board's non-core funding allocation?  
 (2) Did Dr Hewitt declare a pecuniary interest when involved in awarding funds to an organisation which he chairs?  
 (3) If so, will the minister provide a copy of the minutes of that meeting?  
 (4) If Dr Hewitt did not declare a pecuniary interest, what action will the minister take given that the Government's purchasing ethics issued by the Department of Contract and Management Services states that there are not to be actual or perceived conflict of interests by any officers involved in the supply process?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes.

- (2) Dr Hewitt was not involved in the selection panel that selected the successful applications for non-core services and the question of material personal interest did not arise.
- (3)-(4) Not applicable.

#### WESTRAIL - COSTS

#### 260. Hon TOM STEPHENS to the Minister for Transport:

- (1) What has been -
- (a) the cost to date; and
  - (b) the projected future cost of the following -
    - (i) the consultancy of the Westrail privatisation scoping study;
    - (ii) the Gerard Daniels Australia search for a senior executive to oversee the sale of Westrail's freight business;
    - (iii) the salary package of the chosen executive;
    - (iv) the management team to be headed by that executive;
    - (v) the operation of the Rail Freight Sale Task Force;
    - (vi) the internal Westrail task forces looking at the employment benefits and conditions of employees affected by the sale;
    - (vii) the Freehill Hollingdale and Page consultancy on aspects of the sale?
- (2) Have those costs been budgeted for; and, if so, where?
- (3) Who will bear the costs if the sale does not proceed?

#### Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Expenditure approved and incurred to date totals \$881 681.

Scoping study	\$765 151
Freehills project management	\$40 000
Task force office refurbishment	\$64 030
Office equipment	\$12 500

The account from Gerard Daniels has not yet been received.

The Rail Freight Sale Task Force has only recently been established, and the project director started work this month. A full budget against which expenditure will be controlled and monitored is being prepared for the task force's consideration.

- (2)-(3) All costs are being met by Westrail in the first instance. Should the sale go ahead, Westrail will be reimbursed from the proceeds. In the event that the sale does not go ahead, a decision will be made at that time on how the Government will bear the costs.

#### ELLE MACPHERSON - SOLICITOR'S COSTS

#### 261. Hon KEN TRAVERS to the Attorney General:

In relation to the trip by a senior solicitor to New York in August last year to meet with representatives of Elle MacPherson -

- (1) How many meetings did the solicitor attend?
- (2) What was the total cost of this trip to the Crown Solicitor's Office?
- (3) Were details of this trip included in the September 1997 "Report of Interstate and Overseas Travel" tabled by the Premier?
- (4) If no to (3), why not?

**Hon PETER FOSS replied:**

Those questions should be addressed to the appropriate minister, because the Crown Solicitor's Office has a professional relationship with its clients. If the member directs that question to the minister concerned, that minister can then decide whether to make that information available to him.

**MAIN ROADS - TRAFFIC SIGNALLING OPERATIONS****262. Hon BOB THOMAS to the Minister for Transport:**

- (1) Who is the preferred proponent for the privatisation of Main Roads Western Australia's traffic signalling operations and maintenance?
- (2) When was the proponent selected, and why has the selection not been made public?
- (3) Is the minister concerned that there may not be adequate experienced staff to take up positions with the private operator?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1) A preferred proponent has not been determined at this stage.
- (2) Not applicable.
- (3) No.

**ELLE MACPHERSON - ADVERTISEMENT COSTS****263. Hon NORM KELLY to the Minister for Tourism:**

- (1) In regard to the Elle Macpherson advertisements filmed last week, what is the total cost of producing those advertisements?
- (2) What is the estimated cost of the advertising campaign using those advertisements?
- (3) What is the estimated impact of that advertising campaign on visitor numbers to Western Australia?
- (4) Will the minister table the details of how the estimated impact was calculated?
- (5) What are the estimated financial benefits from the campaign, for Western Australians and local businesses?
- (6) Will the minister table the details of how those figures were calculated?

**Hon N.F. MOORE replied:**

I do not seem to have a question from or an answer to Hon Norm Kelly in respect of Elle Macpherson. However, I have half a dozen questions from Hon Ken Travers. I suggest that Hon Norm Kelly place his question on notice.

At least two or three weeks ago, I responded without any problem at all to a question asked by another member about the anticipated costs of the program, and I provided a detailed anticipated budget for the Elle Macpherson campaign, which was just over \$5m, for an international and national advertising campaign for Western Australia. I am happy to provide the details of the expenses as they become known. I suggest the member place the question on notice.

Hon Tom Stephens: Will the Elle Macpherson contract ensure that she will conduct tourism promotions exclusively for Western Australia?

The PRESIDENT: I have a list of members wishing to ask questions.

Hon N.F. MOORE: I am delighted to answer all questions, and also to tell members opposite about the enthusiasm some ALP members have for the campaign. For example, the Chairman of the Goldfields Tourism Association - a former Minister for Tourism - is very supportive of the Elle Macpherson campaign. He has leadership potential as one of the few ALP members to understand tourism. The extraordinary display from the federal and state Leaders of the Opposition and the bland attitude of the shadow Minister for Tourism on this matter leave me wondering what will happen to the industry if the mob opposite was ever in charge again.

**OAKAJEE - SURVEYING AND DRILLING WORK****264. Hon GIZ WATSON to the minister representing the Minister for Resources Development:**

With regard to surveying the drilling work currently being undertaken on the proposed Oakajee heavy industry site, and on the adjacent reef, I ask -

- (1) Which company or department is funding the surveying and drilling work?
- (2) How much is the work costing?

**Hon N.F. MOORE replied:**

- (1) Port and Harbour Consultant on behalf of the Department of Resources Development.
- (2) \$650 000.

MINISTER FOR COMMERCE AND TRADE - MEETINGS WITH FLETCHER GROUP

**265. Hon KIM CHANCE to the Leader of the House representing the Minister for Commerce and Trade.**

In his answer to my question on 17 September, the Minister for Commerce and Trade said that he met with representatives of the Fletcher Group on a number of occasions. On how many occasions, and on what dates did those meetings take place?

**Hon N.F. MOORE replied:**

I am informed that this information is not available. Many of the meetings were informal and records were not kept.

WORKSAFE WA - COMMISSIONER'S CONTRACT

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

I refer to the Premier's answer, given in his capacity as Minister for Public Sector Management, to question without notice 145, in which he said that an assessment of performance measures identified in the 1997-98 performance agreement with the WorkSafe Commissioner, Neil Batholomaeus, was due by 30 September 1998.

- (1) Has that assessment been carried out; and, if so, by whom?
- (2) If not, when will it be carried out?
- (3) Has a copy of this review been sent to the Premier as the Minister for Public Sector Management?
- (4) If yes to (3), will the minister table the assessment?
- (5) If no to (4), why not?

**Hon N.F. MOORE replied:**

- (1) No.
- (2) The current Minister for Labour Relations assumed the portfolio on 28 July 1998. Given Mr Batholomaeus' 1997-98 performance assessment is for a period when the minister was not the responsible authority for WorkSafe WA, it is considered both practical and more meaningful for an assessment of Mr Batholomaeus to be conducted in conjunction with the previous minister. This assessment is yet to be completed.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: It is extraordinary how the Labor Party will bucket anyone who does not stick with the party line. I cannot believe how this mob can be so vindictive to anyone who does not stick with the party line. It is unbelievable!

- (3)-(5) Not applicable.
-