

Legislative Council

Thursday, 21 September 1995

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

PETITION - REMNANT BUSHLAND, COOLBELLUP AREA, REHABILITATION

Hon J.A. Scott presented the following petition bearing the signatures of 100 persons -

We the undersigned residents of Western Australia oppose the use of remnant bushland on the corner of Stock and Sudlow Roads, near Coolbellup, for urban development because we believe it will deplete the quality of life of residents, devalue a valuable educational scientific resource, threaten valuable flora and fauna, remove a buffer zone for local residents, and damage an environmental and social asset which is an educational and recreational amenity for schools and the local community.

Your petitioners therefore humbly pray that the Legislative Council request the Government to consult the local community and council to plan and implement the rehabilitation of the bushland so that it remains a valuable community asset.

And your petitioners as in duty bound, will ever pray.

[See paper No 621.]

MOTION - URGENCY

Port Kennedy Area, Environmental Heritage

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter dated 21 September 1995 -

Mr President

At today's sitting it is my intention to move under SO 72 that the House, at its rising, adjourn till 4 pm on December 25, 1995 in order to discuss the failure of the Government to safeguard the vital environmental heritage of the Port Kennedy area and to protect concerned members of the local community from intimidation.

Yours sincerely

Jim Scott MLC

Member for South Metropolitan Region

In order for this matter to be discussed, 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 J.A. SCOTT (South Metropolitan) [2.38 pm]: I move -

That the House at its rising adjourn until 4.00 pm on 25 December.

I put this motion to the House in order to bring to its attention the existing condition of the Port Kennedy management area. Many members will be aware of the protracted history of the Port Kennedy resort development proposal, and will be aware that 10 years have elapsed since this project was first proposed. The Government of the day wanted that project to go ahead, and it was taken up by a company known at that time as Fleuris Pty Ltd. Many changes have been made to the plans for that area in the years that followed.

During debates in this House members on both sides were unanimous in their recognition of the importance of the environmental heritage of that area and many members, particularly those on the present government side of the House, spoke in support of it. I

refer to an information paper released by the Department of Conservation and Land Management which gives a brief description as follows -

The landforms and natural history features in the Point Becher cusped foreland area (ie. Port Kennedy and Secret Harbour) are internationally and regionally significant and of great scientific value.

It continues -

The Becher and Peelhurst wetlands in this area are unique Western Australian systems and provide examples of the evolution of wetlands formed in a district situation and in young dune terrain ranging in age from 7000 years to present. Furthermore changing patterns of vegetation and landforms provide important records and examples of climate change in this part of the world.

During the various debates many assurances were given about the protection of that area. The good work that has been done by the Port Kennedy land conservation district committee has been acknowledged many times. The committee has received many awards both in this State, nationally and internationally for its good work. The Minister for Primary Industry has now lifted the area's listing as a soil conservation reserve. I will read from the Minister's answer to a question without notice I asked on 20 September 1995 -

The Minister for Primary Industry is now satisfied that the new management arrangements - that is, the Port Kennedy Board - will appropriately manage the area. He has been assured by the chairman of the board that it is ready to manage the area.

My investigations reveal that this is not the case. Although the chairman may have informed the Minister that land care is in place, that is not the case. We find that a body which has no statutory authority to have employees carry out that work is depending upon a government employee - I am not sure who is paying that person, perhaps DOLA or whoever - spending two days a week looking at area 2 of the development. That person has no jurisdiction to prevent people from riding horses or driving four wheel drives and trail bikes on that land. This is happening. This person is not in the area on the weekend when this is mostly occurring; in fact, fences erected by the land conservation district committee are now being cut down by these four wheel drive operators who are causing extensive damage to the area.

Hon Derrick Tomlinson: What do you mean when you say that an employee spent two days "looking at" area 2?

Hon J.A. SCOTT: This person has no equipment to do any repairs, and no right to order people off the area.

Hon Derrick Tomlinson: So you mean "looking at" literally?

Hon J.A. SCOTT: He patrols the area for two days a week. I understand that in an attempt to stop people moving around he has taken wire from the fences put up by the land conservation district committee to build rudimentary blockages to prevent people going through.

Hon Peter Foss: Are you saying that horses were not being ridden through there before?

Hon J.A. SCOTT: People were looking after that area constantly and efficiently. They had been commended by the Government on a number of occasions for the good work they had done there.

Hon Peter Foss interjected.

Hon J.A. SCOTT: The Minister will have his chance to speak later.

I am extremely concerned at this state of affairs, particularly the southern conservation zone at Point Becher which has a fragile emerging dune system which is recognised worldwide. It is a unique feature.

Hon P.R. Lightfoot: Which world - your world or our world?

Hon J.A. SCOTT: Since the soil conservation order was lifted nothing is in place to protect this area. It is a disgrace. The Government is supposed to be managing this area in a proper manner, but it is failing to do so.

Hon Peter Foss: What about the Act?

Hon J.A. SCOTT: I am glad the Minister for the Environment asked me about the Act, which provides for the conditions that apply to this development that is going ahead. According to the answer I was given by the Minister yesterday in the House in reply to my question about the expiry date for the environmental approval for the Port Kennedy resort development, the environmental approval was issued on 16 August 1990. The Minister advised that environmental approval does not expire if the proponent has substantially commenced the project within five years of the date of the statement. The project has not been substantially commenced at this time, and the Minister has failed to do his duty and insist that a new environmental review be undertaken.

Hon P.R. Lightfoot: How can he fail to do his duty if he is insisting on an environmental review?

Hon J.A. SCOTT: In the limited time available to me I will mention other things I find disturbing. Over recent times the members of the LCDC, in particular Mr Anderton and Joan Payne of the Conservation Council, have been experiencing harassment by government departments. The most recent occurrence is a complaint to the Taxation Department to carry out an audit. Mr Rick Palmer has said that he has written to the Taxation Department asking for this audit.

Hon Reg Davies: Did he work for the Government?

Hon J.A. SCOTT: Mr Palmer is an appointee of the Minister for Planning to the board as a community representative. He is also a hopeful Liberal candidate for preselection for Rockingham. I understand also that Fleuris Pty Ltd has been in touch with the Criminal Investigation Bureau to press charges over a suspected stolen sea container. The police came into the LCDC compound with some coded numbers, and although the numbers did not match any of the containers on the site they still took away a container. Mr Palmer has also been in touch with the Department of Agriculture and has arranged for an audit of the LCDC's finances through that department. The Department of Occupational Safety and Health has also conducted an investigation following a complaint. It undertook a complete survey of the site and the training facilities, and found some exciting things like a hole in someone's steel toe-capped boot, and an unused 240V extension cord lying on the ground. The police took away a container full of records. The week before they had searched records, stating that they were checking how things were purchased through the LCDC. The Department of Agriculture has told Mr Anderton that it had been contacted by a private detective investigating Mr Anderton and the LCDC. Following complaints, the Western Australian Department of Training investigated the finances of the LCDC. The Department of Employment, Education and Training also has investigated a complaint about an employee, and went through the records. Now we have the Minister lifting the area's listing as a soil conservation reserve.

We were given assurances in this place that the LCDC and the sea rescue group would be given a place from which to carry out their work at Port Kennedy, and that the existing arrangement was only temporary until a full time facility was set up as part of the agreement. However, that land has now been sold and the Port Kennedy LCDC has been told that it is likely to be moved off its compound in October. We seem to have a series of deliberate attempts to harass these people and ruin their good name. These are people who have done a huge amount of work in the area. They have been acknowledged by the Government. I attended a function at which Hon Bruce Donaldson spoke, and he highly commended the LCDC for its work in that area. He was quite right. These people have received many awards for their good work.

Another point is that the Minister for the Environment cancelled the trapping licence issued to the LCDC even though there was no finding against any member of the LCDC -

Hon Peter Foss: It was a breach of the conditions.

Hon J.A. SCOTT: Unfortunately, the Minister gave no-one the opportunity to reply.

Hon Peter Foss interjected.

Hon J.A. SCOTT: I have the conditions here. Contrary to the Minister's claim, the LCDC followed those conditions.

Hon Sam Piantadosi: Why does the Minister not listen to Mr Scott?

Hon J.A. SCOTT: The Minister should listen to his own advice to Hon Alannah MacTiernan. Yesterday he said -

Ms MacTiernan states that if the allegations are true - she is not suggesting they are or anyone has committed any offence - people can form their own opinions. She then reads the offence again. She does not have the guts to come out with it, but makes these allegations by snide references.

The Minister makes such statements in this House, but he should take a close look at his own actions in that regard. If the cap fits he should wear it! I can refer to another statement by the Minister. He also said on 2 May -

On Monday, 13 March this year, a member of the WA Museum staff reported to CALM that a woylie had been captured the previous day at Port Kennedy, south of Perth. It had been delivered to the museum on the Monday by Joan Payne of the Conservation Council of Western Australia, with a request that nobody else was informed. The chairperson of the Port Kennedy Land Conservation District Committee, Jeff Anderton, reported the find to CALM on Tuesday, 14 March.

He gave no indication that the woylie was dead. It was found on a Sunday and such things cannot be reported on a Sunday because the Department of Conservation and Land Management is closed then.

Hon P.R. Lightfoot: It was put in a cage by one of your demented followers. It was put in because it was dead.

Hon J.A. SCOTT: On the contrary, Mr Lightfoot. I have a great deal more to say on that matter, and I will do that in the future. The false report tabled by the Minister for the Environment on that day was full of allegations that have been proved to be untrue. He used a dorothy dixer to retract one statement after I informed him in the corridors. He was so dishonest he could not deal with it in any other way than a dorothy dixer. He should be ashamed of himself.

[The member's time expired.]

HON REG DAVIES (North Metropolitan) [2.53 pm]: I congratulate Hon Jim Scott for bringing forward this motion. It is indicative of the long, sorry saga of the Port Kennedy development. Most members are aware of my views from other debates in this House in 1992. Certainly the comments I made then were consistent with those of the then Opposition, the current Government. We had a plan where we would talk and talk until it was time to rise for the Christmas break, so that a Bill would never see the light of day. Unfortunately Labor Party members and the National Party members did not support that, so it did not eventuate. However, the plan existed.

Hon Sam Piantadosi: It was skulduggery.

Hon REG DAVIES: I wish to use this opportunity to defend the honour of a very decent and genuine person whom I call a true friend. This is a person about whom Mr Lightfoot interjected when he said that the woylie was brought in by one of Hon Jim Scott's demented mob.

Hon P.R. Lightfoot: It was put in a cage. It was not taken to the Museum.

Hon REG DAVIES: To call Mrs Joan Payne demented is unfair. All too often this Parliament is used to besmirch someone and to alienate a character, and often the person is innocent and has no means of reply.

Hon P.R. Lightfoot: She was not the person who put the woylie in the cage.

Hon REG DAVIES: She took it to the Museum.

Hon P.R. Lightfoot: I was not referring to her. I was referring to the person who put the woylie in the cage.

Hon REG DAVIES: I am pleased that is the case, because it would be most unfair otherwise. These events are a good reason to change our standing orders in order for people to have a right of reply, especially when actions are taken against them.

Hon P.R. Lightfoot: I repeat: I was not referring to her. I was referring to the person who put the woylie in the cage.

Hon REG DAVIES: I was not referring to the members' comments. I was saying that often this Chamber is used in that way. The member has satisfied me that he was not referring to Mrs Payne. I said that I was pleased to hear that.

Hon Bob Thomas: To whom was he referring?

Hon REG DAVIES: Some demented person.

My association with Mrs Payne has been through her task with the Conservation Council. If I had to nominate a person with impeccable integrity, Joan Payne's name would spring to mind immediately. I would have no reservation nominating her. She is a very softly spoken woman who has put this matter aside, as another hurdle to overcome. No amount of battering or slander from the Government would deter her from her cause - which is one of concern for the environment, our native animals and our waterways. She is prepared to talk to anyone in the Parliament regardless of his or her political persuasion, to convince people of the need to be more environmentally conscious and to make better decisions on behalf of our environment. The only way the Government can redeem itself in this case is to make a public apology to this lady. I also believe that those who are running the smear campaign against her and Jeff Anderton should be sacked from their government positions.

Jeff Anderton, who was awarded honours for his contribution to and leadership of the LCDC, has also suffered - perhaps he has suffered even a worse fate than Mrs Payne, as outlined by Hon Jim Scott. I do not know who would want to ridicule or harass or intimidate him. He is a man of high integrity, one who has put a lot of dedicated work into his job with the land conservation district committee. He is so very enthusiastic showing people around, talking about what the LCDC has done and what it can do in future. It is amazing how the interests of the rich and powerful can be served by denigrating people of this character. This Chamber should never be used for that purpose. These people should be congratulated, not condemned.

I do not wish to defend the shysters who are well behind with this project. If the answer to a question yesterday directed to the Minister for the Environment was correct, I would like to know what "substantially commenced the project" means. Does putting a road in mean that? The road is merely an access way to the project. Surely the environmental approval would have ceased on 16 August this year. Therefore, these people - for want of a better word; and I have used worse terms to describe them but I will not continue that line, considering what I said at the outset regarding maligning people in this Parliament -

Hon Derrick Tomlinson: Are these not the rich and powerful you referred to earlier?

Hon REG DAVIES: I would imagine they are not rich and powerful. We uncovered a \$2 company in which one person had no property whatsoever and another lived in a Homeswest home.

Hon Derrick Tomlinson: Your latter description is more appropriate when you talk about the Government protecting the rich and powerful.

Hon REG DAVIES: Of course the Government protects the rich and powerful, as the member well knows because he is part of it.

Hon Sam Piantadosi interjected.

The PRESIDENT: Order!

Hon REG DAVIES: The almighty dollar is ahead of politics. I hope there will be an apology by the Government to both Mrs Payne and to Mr Anderton.

HON PETER FOSS (East Metropolitan - Minister for the Environment) [3.03 pm]: I will deal first with the question of smear. I have been very concerned about what I believe are some rather extreme reactions by people who are close to the Port Kennedy development. I have no problem with their being opposed to the Port Kennedy development.

Hon Sam Piantadosi: Everybody knows you accuse people of smear. Look at your record; read *Hansard*.

Hon PETER FOSS: Perhaps the member may be quiet.

Hon Sam Piantadosi interjected.

The PRESIDENT: Order!

Hon Sam Piantadosi interjected.

The PRESIDENT: Order! Hon Sam Piantadosi will come to order. He is defying me every day for some reason or other. When I say "order" he should stop interjecting.

Hon PETER FOSS: When the dead woylie was found at Port Kennedy, CALM immediately carried out a very scientific investigation under the direction of a nationally respected scientist, who is responsible for bringing woylies back from the brink of extinction to where they will shortly not be even an endangered species. He is a man of great integrity who has been entrusted on a national basis with the national woylie recovery strategy. From the moment Department of Conservation and Land Management's investigations began he was subjected to the most atrocious allegations of incompetence and dishonesty, and that he was attempting to fake the evidence. Those allegations continue to this day.

I made the statement in this House in order to put the facts. I am very pleased to say that every single one of those facts is correct. The woylie was taken into the Museum, and the most important aspect was that the Museum was asked not to tell anybody. Mr Scott may recall that the particular point about the licence is that it did not give the right to trap endangered species, and a woylie was one. On one occasion a woylie was trapped and kept until the following day in order to be shown to the media. That was quite illegal and should not have happened. However, in a very restrained fashion all that CALM has done is lift the licence. The terms of the licence were breached. Certainly CALM had to be advised about whether woylies were found, dead or alive. CALM was not advised until at least 24 hours after it could have been, even on Mr Scott's basis. It is also of concern that when it was delivered to the Museum, the Museum was asked not to tell anybody about it. I have brought those matters to the attention of the House.

With all those matters it would have been very tempting to go out and make smear allegations in response to the ones that were made. However, I was extremely restrained and took out every allegation which said that something had happened, somebody had done something or that a person was responsible for something. We know that traps were stolen. The thefts were not attributed to any person, and very carefully so. We also know that three woylies died, and yet in the whole trapping program of CALM not one woylie has died. The most outrageous statements have been made on the basis of the fact that, for instance, the person who kept the field records entered them up afterwards. All sorts of outrageous allegations have been made by Mr Scott and his side of the House by saying, "This is faking the results."

Hon J.A. Scott interjected.

Hon PETER FOSS: Does Mr Scott deny that he alleges that they faked the results? I have never made a statement like that about anybody. I have not indicated to anybody that Mr Scott faked the result or that his people stole the trap. All we know is that somebody stole the trap.

Hon J.A. Scott: I spoke to you in the corridor.

Hon PETER FOSS: Yes, but the member made the allegations.

The PRESIDENT: Order!

Hon PETER FOSS: These allegations are being circulated in the community. I was very restrained. I could have gone through and said, "All these allegations have been made against CALM. This is outrageous." I put the facts before the House, and I think it is fairly important one does that.

Hon J.A. Scott interjected.

Hon PETER FOSS: I know what the member does in the community and I know how his lot works. They are continually denigrating CALM, even though the scientist involved is one of the most senior scientists in that area. I know that Mr Scott says that people faked the results and all those other things. He might not stand up in this House and say it, but he is the master of saying it out in the community. We know that those things have been said because they were said to the people themselves. Mine was amazing restraint. With the way people involved with the member have made those outrageous statements about CALM, I do not know how the member can stand here and make those statements. I have tried to put some of the facts.

Hon J.A. Scott: Which statements?

Hon PETER FOSS: The statements about faking the results and all those sorts of things. The member knows they were being made all around the community. How does he think CALM found out about them?

Hon J.A. Scott: What statements?

Hon PETER FOSS: The first one he came out with was the one about faking the results.

Hon J.A. Scott: The weights?

Hon PETER FOSS: The member said results were faked.

The PRESIDENT: Order!

Hon PETER FOSS: I will make it quite clear: CALM was subjected to a tirade of statements about its veracity. It was disgraceful. I have put up only facts and have not made any allegations or smears. I did not say, "If these facts are true then X did that." No names have been mentioned except in accordance with the facts that were well known.

Hon J.A. Scott: People draw their own conclusions.

Hon PETER FOSS: It may be that people have drawn those conclusions themselves, but they are not conclusions that I drew. I very carefully stuck to the facts that were there. I cannot speak on all the other matters to which the member has referred. From his notice of motion I had no idea what some of the things might be, so unfortunately, I am in no position to reply to them all. I am quite used to this, because we seem to be getting vaguer and vaguer urgency motions based on the idea that one does better if one can ambush people. It is a good political lurk on the part of Mr Scott. The more he can ambush people without giving them the facts the more he can raise facts to which people like me have no opportunity to reply. I am sure that is what he intended in the first place.

Mr Scott said that there is no protection at Port Kennedy. The fact is that the Act allows regulations to be promulgated. My instructions are that one of the objections people have raised is that they are not allowed now to take horses through there. An environmental approval dating back to the time of Mr Bob Pearce's term as Minister for the Environment has also been subjected to further approval by the Federal Government. On 8 December 1994 Senator John Faulkner advised Hon Kevin Minson, then the Minister -

... the Assistant Treasurer in August 1994, designated Port Kennedy Pty Ltd ... as the proponent under ... the Administrative Procedures of the Environmental Protection (Impact of Proposals) Act ...

... his department had provided its environmental assessment of the proposal to him and he has concluded "in accordance with ... Administrative Procedures that neither an environmental impact statement or a public environmental report is required to satisfy the object of the Act ...

Comments, suggestions and recommendations were made in accordance with paragraph 3.1.4 of the administrative procedures. Those happened to line up with environmental safeguards that were put in place by the State of Western Australia. It is interesting that as late as 1994 the Federal Government agreed with that. A Labor Minister set the conditions in the first place; a Labor federal Minister agreed with them; and a Liberal state Minister is seeing that they are carried out. I do not believe anybody who has suggested that the environmental conditions are not being carried out. The advice to me is that it has been "substantially commenced".

Hon J.A. Scott: There's a road in there.

Hon PETER FOSS: That is my advice. Mr Scott may disagree with what "substantially commenced" constitutes, as he is free to do, but the fact is that acting on the advice I have from the environmental people it constitutes in law a substantial commencement.

Hon J.A. Scott interjected.

Hon PETER FOSS: I do not know if Mr Scott knows how many things from every part of the State come across my desk each day for environmental approval. I would love to be absent from this Parliament, flitting around the State looking at all the wonderful proposals that are going on. However, I have officers who go out, look and then report to me. Strangely enough, generally speaking, I find that a very reliable way of proceeding. We have heard a general statement. Hon Jim Scott wanted to get stuck into all sorts of people. This has been very difficult and controversial. Some people have reacted very badly. For example, people have been putting sugar in petrol tanks. Feelings are running high down there. However, just as Hon Jim Scott says Mr Anderton has been subjected to harassment, other people with strong feelings have taken action to delay matters. All we can say is that it started badly. I would not disagree with that. What has happened with the sale is what I predicted would happen all along. It is what I said should have happened in the first instance instead of allowing the people who were involved to be involved. Frankly I do not believe that they should have been involved.

HON J.A. COWDELL (South West) [3.11 pm]: I share the concerns of Hon Jim Scott and Hon Reg Davies about the area. The motion refers to the Government's failure to safeguard the vital environmental heritage of the Port Kennedy area. It is appropriate that there should be serious doubts about the Government's stewardship of the environment in that area.

Hon Jim Scott has referred to the state of the land in the area and to the lack of protection of dune areas which are unique in the world. There is no protection of key wetland areas, particularly with regard to recent clearing and cutting operations. If there were ever any woylies there, they are not there now. However, I do not want to digress down that path.

We must consider the Government's recent lifting of the soil conservation order with no adequate alternative plan. There is simply a say so from the board that it is ready to take over.

Hon J.A. Scott: Not from the board.

Hon J.A. COWDELL: Rather, from the developer.

Hon J.A. Scott: No, it was from one person on the board.

Hon J.A. COWDELL: That is right. It never went to the board. It was purported to be a board decision. I thank Hon Jim Scott for clarifying the fact that it was never even a board decision.

Prior to the lifting of the soil conservation order, there was an issue with the ground water management and monitoring program. I examined the minutes of the Port Kennedy Management Board about that. The minutes state -

Mr Hitchin queried a statement . . . He expressed his concern that the Minister for the Environment had accepted the Groundwater Management and Monitoring Program, when in fact it was only a preliminary document. Mr Millan reiterated that it was not the Board's role to question the decisions of Ministers of the Crown -

That is, if they wanted to accept preliminary documents as management plans. The minutes continued -

Mr Sheehan commented that he had attended a Conservation Council meeting at which he had attempted to clarify concerns about the GMMP compliance document, adding that he did not find Mr Hitchin's query unreasonable and that he would follow up on the matter.

The Government is only too ready to hand over responsibility to key people on the development side or on the board without adequate attention to the details. There is a sin of omission in that the Government is all too willing to get out as soon as possible from the area. By its haste, it is failing to safeguard vital environmental heritage in the area.

The second aspect of the motion refers to the intimidation of concerned members of the local community. Here there is a sin on the Government's part, not of omission or failing to protect, but of commission. To begin with, there is the covert activities of the Port Kennedy Management Board. We recall that, in Opposition, people like Hon Peter Foss were champions of the cause of openness and public accountability. When the shadow Minister for the Environment wrote to Mr Lewis earlier in the year, he said, and this is a great change from the previous attitude of Messrs Lewis and Foss, that the board minutes should be confidential and that they should not be readily available to the public. That was a denial of access. No doubt the Government's representatives on the board voted in a similar fashion. It was only through a freedom of information application that the minutes came to light.

The board initiated inquiries to discover how different people had obtained the board's minutes, which expressed concern about the activities that were going on down there. There is also an incredible litany of active harassment of conservationists in the City of Rockingham. For example, Mr Palmer, the government appointee on the management board and an erstwhile Liberal candidate as Hon Jim Scott suggested, asked for a financial audit of the Port Kennedy Land Conservation District Committee by the Taxation Department. He evidently got in touch with the Department of Agriculture seeking an audit of the district committee's finances. Fleuris Pty Ltd was in touch with the Criminal Investigation Bureau to press charges against Mr Anderton for possible unlawful possession of a suspected stolen sea container. It goes on and on.

Government instrumentalities were used to harass members of the local land conservation district committee. The Department of Occupational Safety and Health conducted an inquiry after complaints. The police seized a container from the LCDC compound. That container contained records of the local committee. The week before that, police had searched the LCDC area looking for records of purchases by the local committee. There were comments from the Department of Agriculture that a private detective was also investigating Mr Anderton and the local district committee.

The Department of Training began an investigation of the local Landcare committee. It examined its books. In the House, the Minister has attacked the activities of members of the committee. The Landcare committee's licence to trap animals was withdrawn and there was the lifting of the soil conservation order. There is more than adequate cause for the House to question the situation. There is clearly intimidation of concerned local citizens.

Hon Peter Foss: What do you think the department should do in terms of a licence -

Hon J.A. COWDELL: There is a far greater array of concerns than that.

Hon Peter Foss: Do you think that it should ignore it?

Hon J.A. COWDELL: There is a litany of intimidation of local concerned citizens within

the City of Rockingham who are trying to protect the local environment. Not only is the Government not concerned about that, but government instrumentalities are being used and government appointees, I suggest with the knowledge and perhaps support of the Minister, are involved in those activities so they appear to be local internal disputes so that the Minister can then intervene in a certain way. We have two things: Local intimidation which the Government has not stopped, and the Government's failure to act adequately to ensure the conservation of the area.

HON B.K. DONALDSON (Agricultural) [3.20 pm]: As my name was mentioned, I felt that I must speak. Some people will not have had the pleasure and the privilege of wandering around Port Kennedy 40 years ago. More environmental damage was done then than if we literally bulldozed the whole area now. A group of people in squatter shacks did irreparable damage to that area.

I did not know that this subject would be raised in an urgency motion debate, otherwise I would have dragged out the speech notes that I used when I went to Port Kennedy to represent the Premier and to make an announcement. I think that it was national ocean care day on about 11 November 1993. I was there to open a conference, and Hon Jim Scott closed it. A large group of people were present. I remember the day clearly because it was 125 degrees in the waterbag, there was no sea breeze and the flies just about killed you. Because of a misunderstanding on the part of the group who were supposed to meet me, my wife and I trudged about 2 kilometres along the beach. I can remember the day clearly.

The speech that was provided to me by the Premier and by the then Minister, Hon Kevin Minson, announced the establishment of a scientific national park. As I made that announcement, everybody broke into applause. Afterwards, my wife asked me, "What did you say to make them so jubilant?" It was not announced that the whole of Port Kennedy would be a scientific national park. I have spoken to Hon Jim Scott since then.

I do not know what the outcome is or what the Government has done about that national park, but the land conservation district committee's work was recognised by the Government in the speech that I delivered on behalf of the Premier. That was the reason for my being there; to open the conference and to make that announcement about the scientific national park. It is the first in Australia, I believe, but Hon Jim Scott might confirm whether I am correct. If the damage that was caused between 1957 and 1976 had been allowed to remain, we would not have had a Port Kennedy at all. Access tracks were increasing and more and more people were going there for recreational purposes such as fishing and surfing. There is a good surf beach on the other side, as members are probably aware. If the damage had been left, it would have been an environmental disaster. I am sure that the Minister will be able to inform the House of progress with that scientific national park.

HON J.A. SCOTT (South Metropolitan) [3.24 pm]: I thank members for their supportive comments. I refer to some comments that the Minister for the Environment made in defence of his position. He said that he was terribly concerned with smear and did not want to say anything that would cause problems for anybody. Prior to his delivering that speech in Parliament, he spoke to newspaper reporters. An article states -

An investigation by wildlife officers has cast serious doubts on the circumstances under which two rare and endangered brush-tailed bettongs were found on the controversial Port Kennedy site near Rockingham.

Environment Minister Peter Foss said yesterday that he was unable to comment on the episode but would table a report on it in the Legislative Council soon.

I am sorry, I am reading the wrong quotation.

Hon Peter Foss: It shows how reasonable I am. I am glad you read that.

Hon J.A. SCOTT: The correct article states -

Members of a WA conservation group are being questioned by wildlife officers over the deaths of endangered animals on the controversial Port Kennedy development resort site.

Charges might be laid, Environment Minister Peter Foss told the Legislative Council last night.

He said those being interviewed belonged to the Port Kennedy land conservation district committee.

Hon Peter Foss: Mr President, the honourable member is reading a newspaper account of a proceeding of Parliament. I believe that that is not permitted under our rules. If he wishes to read the proceedings of Parliament, he can do so.

The PRESIDENT: Order! Someone was talking to me and I did not hear what Hon Jim Scott was saying. The honourable member knows the rules, and he should conform with them.

Hon J.A. SCOTT: I did not know that rule, actually. However, the Minister made that statement. It does not matter where the truth comes from.

Hon Peter Foss: It comes from what was said in Parliament.

Hon J.A. SCOTT: The Minister's statement in Parliament was that there is a remote possibility that woylies have survived in Port Kennedy. Earlier, he said that what makes the report of 13 March so unusual is that woylies are known to exist in open forest and woodlands rather than coastal dunes and so on. In fact, they have been known to live in a wide range of areas. There are also comments about foxes and so on.

Hon Peter Foss: You are just proving how right and reasonable I was.

Hon J.A. SCOTT: No. The Minister also said that there was a remote possibility that woylies had survived in the Port Kennedy area. The science report refers to the history of land use and the invasion of feral animals, particularly foxes and feral cats, coupled with the pattern of woylie decline in Western Australia. Fox baiting has gone on there for some considerable time. The Minister forgot to say that. It is also said that the progressive loss of weight and thus condition suggests that the habitat was not suitable for the one animal that was caught repeatedly over the month. That was not true. I pointed that out to the Minister, and he did nothing about it. It is mentioned in Dr Start's evidence. That was a lie.

Hon Peter Foss: You have seen what that is.

Hon J.A. SCOTT: That was an incorrect statement.

Hon Peter Foss: It was not incorrect.

Hon J.A. SCOTT: Was it true or not?

Hon Peter Foss: You know what the answer is.

Hon J.A. SCOTT: Dr Start said that the weight of the second woylie declined by 30 per cent between its capture by the LCDC and its death. That is not true. A scientific report - what a lot of nonsense!

Hon Peter Foss: You know the answer.

The PRESIDENT: Order! I ask Hon Jim Scott to direct his comments to the Chair.

Hon J.A. SCOTT: It is also said that the state of decomposition suggests that the animal died at about the time the first one was found dead in the trap. The Museum has said that in fact it died 12 months ago. There is another attempt to make it sound as though woylies were not there very long. When I asked the Minister about some other matters such as the DNA test -

Hon Peter Foss: You know what the answer is.

Hon J.A. SCOTT: They are not linked. The Minister refused to answer because he knew that that would clear -

Hon Peter Foss: That is nonsense.

Hon J.A. SCOTT: That is scurrilous. Why does the Minister not tell the truth in the first place?

Several members interjected.

The PRESIDENT: Order! When I call for order it means members should stop arguing the point across the Chamber. The member should direct his comments to the Chair and he will get some result from his last 38 seconds.

Hon J.A. SCOTT: A number of the statements the Minister tabled as scientific evidence were demonstrably not true. The Minister even admitted later in answer to a question from Hon Derrick Tomlinson that his statement about the weights was not true. It is his prime evidence that woylies do not live at Port Kennedy. Since that time the area where trapping was done, which was supposed to contain the woylie habitat, has been slashed, including part of the wetland the Minister is supposed to protect. What has the Minister done about that? I believe he is complying with the requests of the Port Kennedy developers.

[Motion lapsed, pursuant to Standing Order No 72.]

MEMBERS OF PARLIAMENT - LEAVE OF ABSENCE

Nevill, Hon Mark

On motion without notice by Hon Tom Helm, resolved -

That leave of absence be granted to Hon Mark Nevill for four sitting days due to parliamentary business overseas.

JOINT STANDING COMMITTEE ON COMMISSION ON GOVERNMENT

Third Report be Printed

On motion without notice by Hon Barry House, resolved -

That the third report of the Joint Standing Commission on Government tabled earlier in today's sitting be printed.

[See paper No 622.]

HIRE-PURCHASE AMENDMENT BILL

Report

Report of Committee adopted.

SENTENCING BILL

SENTENCING (CONSEQUENTIAL PROVISIONS) BILL

SENTENCE ADMINISTRATION BILL

Second Reading - Cognate Debate

Resumed from 20 September.

HON PETER FOSS (East Metropolitan - Minister for the Environment) [3.34 pm]: I thank all members for their very valuable contributions to the debate on these Bills. It is interesting that quite a large amount of debate was directed to youth sentencing, although that is not a matter dealt with by the principal Bill. I can understand the reason for that because youth sentencing is not only controversial but also a very difficult area of operation by the court. Within our community the fairly standard reaction to crime is that the courts should become tougher. It is quite clear to the people involved in the administration of the law and in punishment that merely increasing penalties is not the solution to crime. It is probably most clearly shown in the case of young offenders because they are at a formative stage of their lives. The major concern of some people is that if we completely alienate young people from society they will be committed to a life of crime rather than diverted from a life of crime. As parents we know that when a young person offends the rules of the family we do not impose the ultimate punishment first. It is usually a matter of responding in a moderate and temperate way to try to direct the child to do what he should. It is only as a result of continuing offence by the child

that we move to more severe punishments. Once we use the ultimate punishment what do we do if the child's behaviour becomes more serious? Although we do not take the attitude that adults should have the same number of chances as young offenders, much can be said for having a firm and graded response to their crimes. It is quite clear that imprisoning people can be extremely expensive and can have very limited rehabilitative effects.

The change of the name back to the Prisons Department from the Department of Corrections is a good idea because calling it Corrections misled people about what happened in prisons. Certainly all sorts of programs are provided, but it is a peculiar attitude to believe that prisons are corrective institutions. Generally speaking they have some aspects of that, but most of them are merely a form of protection for the public or punishment for the malefactor. Our dealing first with the question of young offenders illustrates that this is the area of most concern to the public and members of this House and probably where the need for a measured response is clearest. Members' comments indicate that the graded response in this Bill is the appropriate approach as set out in the coalition's policy: "Firm but fair", and to give as many alternatives to those administering the law as possible and to allow a graded response to offences by members of the community.

I refer first to some of the remarks made by Hon Jim Scott, particularly regarding the concerns of the Aboriginal Legal Service. He first raised customary law. Obviously grave difficulties arise in embodying customary law into our own legal system. I think it was suggested that it should be recognised that because of their customary law, certain Aboriginal people may require some special consideration. The Sentencing Bill's silence on the matter of cultural background does not mean that matter cannot be taken into account. In the case of *Walker v State of New South Wales*, High Court Chief Justice Mason said that it was a basic principle that all people stand equal before the law. A construction which resulted in different criminal sanctions applying to different persons for the same conduct offended that basic principle; just as all persons in the country enjoy the benefits of domestic laws from which they are not expressly excluded, so also must they accept the burdens those laws impose.

The Australian Law Reform Commission in its 1986 report recognised that cultural background must be taken into account when courts are sentencing offenders. Some of the cases to note are: *Neal and The Queen*, *the Crown and Shannon*, and *the Crown and Fernando*.

The second point raised by Hon Jim Scott was that the power of justices of the peace to impose penalties of imprisonment had not been removed. It would have been imprudent to do so because justices assist with the timely administration of justice, particularly in remote areas. To remove those powers would require further remand to the next sitting of a magistrate, thereby not only frustrating the early delivery of justice but also resulting in more inconvenience to offenders. We believe clause 38 of the Sentencing Bill is the appropriate way of regulating those powers and, we hope, reducing the number of people sent to gaol by justices and of those dealing with the review.

Hon Nick Griffiths questioned whether they should be included in the Bill and whether the effect of them was to ossify those principles. The sentencing principles were referred to, and settled, on the views of the Chief Justice. There was discussion on whether there should be a general anything-else power. The Chief Justice was considerably against that, although the magistrates were very much in favour of it. It was interesting that that remark should be taken in context with the remark made by Hon Jim Scott that we should take away the power of the justices. The higher up we go in the legal hierarchy, the more it is believed the principles should be more limited; the lower down in the hierarchy we go, we tend to find the request for more freedom to move. I will not comment on that other than to say that it appears the Bill correctly sets out what is believed to be the current use of sentencing. Of course, the power of the court to bring down advisory judgements is extremely important in making sure that we do not have an ossified law of sentencing.

Many of the other matters raised by Hon Nick Griffiths were detailed matters relating to the clauses of the Bills which probably could be better dealt with in Committee or by the Legislation Committee, to which many of the clauses have been referred. Rather than trying to argue these points here, I look forward to the report of that committee.

Another point about the sentencing principles is that the provisions in the Sentencing Bill were passed last year in the Criminal Law Amendment Act. The principles in part 2 have been couched in broad terms so that the court may take into account the circumstances of the offence and any mitigating factors, which can include the factors referred to - youth, contrition or rehabilitation.

In addition, clause 15 provides that the court may inform itself in any way it sees fit so as to decide on a proper sentence being imposed. This may include the use of advice from the Aboriginal court officers. The Ministry of Justice has appointed five Aboriginal court advisory officers, and is soon to appoint a sixth. They are to be located at Bunbury, Albany, Northam, Geraldton, Port Hedland and Perth. Their role should complement the work of the Aboriginal Legal Service of Western Australia.

The Sentencing Bill reflects the provision of the Fines, Penalties and Infringement Notices Enforcement Act which was introduced last year. The concern about the issuing of warrants appears to be premature. Although offenders have not been able to pay, the sheriff has just commenced the issue of work and development orders. After the offenders have had the opportunity to respond to these orders, a decision must be made about the issue of warrants. No warrants of commitment have been issued to date.

In special consideration of indigent Aboriginal offenders, the Ministry of Justice, through its Community Corrections Directorate, is working with the police to develop a system to be alert to these offenders from the time when a fine is first imposed. The intention is that in appropriate cases the offender is to make arrangements to satisfy the fines by payment, perhaps by deduction of funds from community development employment program funding. Furthermore, when the notice to attend the community correction centre to sign up for work and the development order is issued, the Community Corrections Directorate will be notified to ensure that no offender slips through the system.

Arrangements have been made whereby offenders will not be acted against automatically for failure to attend at the community corrections centre within the permitted seven days. The timing of any action against an offender who fails to appear shall be at the discretion of the community correction centre, having made due allowance for remoteness. Planning has taken place for this process in the Kimberley, Halls Creek, Fitzroy Crossing, Wyndham and Wiluna. It is planned to examine a similar possibility in the Pilbara and to that end discussions have taken place in Newman.

A question was raised about penalties generally. The important thing about the Sentencing Bill is that it does not provide for penalties, but rather for the process for the imposition. A question was raised about penalties for individuals as against corporate bodies. The fine for a corporate body is to be five times that for an individual. Questions were raised about programs for offenders. The Ministry of Justice already provides programs to address alternatives to violence, sex offenders and substance abuse. In addition, it may purchase programs for the treatment of gamblers. The ministry is working with the police and community groups to provide programs for domestic violence. Programs exist at Armadale and Joondalup. Programs can be delivered in both the community and prisons.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon PETER FOSS: Hon Cheryl Davenport raised the question of the comparison of sentences imposed on some women with those imposed on corporate criminals. Obviously, it is a matter for the court to decide. In particular, it will decide how to deal with an individual who is a corporate criminal.

I draw the attention of members to clause 40 in part 5 of the Sentencing Bill which makes

provision for the sentencing of corporate bodies. To the extent that a corporate body is a corporate criminal, it is possible for a court to impose a fine on it - if that is the statutory penalty - which is five times that which would apply to a natural person. Ultimately, it is the court's decision. I am very glad the member raised the question because it is important that community values are expressed. Judges do respond to community values. It is a point that should be discussed. Another point which comes out of it and is a matter of some considerable concern, is the theory behind sentencing; that is, if a person has deprived someone of a large amount of money, he should be charged accordingly. It is probably easier to make those calculations in respect of women who have been involved in social security fraud. In most cases, it is more complicated in corporate crime. The problem with the whole area of corporate crime is that such cases are generally so complicated and difficult to prove, and the tracking of the money trail is very difficult, that all too often the people who are finally convicted get charged only in respect of one or two of the amounts of money referred to rather than the total amount which people know, but cannot prove, was dealt with. It is a problem that must be addressed through the area of law procedure relating to proving of corporate crime.

Hon Cheryl Davenport asked how the legislation will provide for the simplification of the sentencing process; the strengthening of the protection of the community; and enabling the understanding of the effects of sentences. The sentencing process is simplified by the collation of all provisions relating to sentencing in one Bill, where previously the court had to refer to several sources. That presented a difficulty not only for the court, but also for anyone involved in that process. We hope the Bill will assist the sentencing process for all those involved - offenders, victims, and the general public.

The Bill serves to strengthen the protection of the community by making available to the court a greater range of sentencing options, including intensive supervision which bridges the gap which has always existed between traditional community based orders, such as probation and the ultimate sanction of imprisonment. It is expected there will be more community management of those offenders who pose no threat to public safety, which in turn will free up prison beds for offenders who should be incarcerated. In addition, there will be greater options for the management of offenders, including the use of curfews. The provision for restraining orders at the time of sentence will also speed up the court's reaction time in meeting the needs of victims.

In respect of parole, the definition of a special term prisoner has been amended to include prisoners serving terms of imprisonment of three years or more for defined violent offences. Currently, only prisoners serving five years or more are included. Prisoners under this widened definition must receive special consideration by the Parole Board. That is a very important point. Rather than there being an automatic provision, each case will be looked at more carefully on its merits if it involves a sentence of three or more years. If it were to apply only to people sentenced to five years' imprisonment, the offence would be of such seriousness that a group of people in the middle who need more careful attention would be missed. Furthermore, prisoners on both home detention and work release may be subjected to electronic monitoring, which is currently only for home detention. Automatic cancellation of work release and home detention will result in the event of offences being committed, and non-compliance with a restitution order has been made an offence in its own right. With respect to understanding the effects of sentences, there is a requirement in part 4 of the Sentencing Bill which makes provision in clause 34 for the court to explain sentences handed down. Clause 35 requires the reason for imprisonment to be given. In part 5, clause 39 clearly sets out the hierarchy of sentences and the principle that the least intrusive appropriate sentence is to be imposed.

Hon Cheryl Davenport expressed an interest in the range of programs and options for young offenders. Although this Bill does not provide for the sanctioning of young offenders generally, as they are sentenced under the Young Offenders Act, the following comments may be of interest. I refer to question on notice 425 from Hon Tom Stephens, which details the funding of juvenile justice programs in the 1994-95 financial year. Programs such as the Geraldton Street Work Aboriginal Corporation and the Halls Creek Youth Council receive considerable funding to provide programs specifically targeted at

juvenile Aboriginal offenders. There are some juvenile justice community programs which significantly target Aboriginal offenders.

Hon Cheryl Davenport inquired about the extent to which the 115 mediation cases mentioned in the second reading speech involved juvenile offenders. No juvenile offenders were involved in these cases, as the service is provided for offenders and their victims involved in the adult criminal justice system. Juveniles are involved in alternative programs under the Young Offenders Act. The mediation services are provided by officers recruited and trained under the community corrections directorate; rural and remote areas are served by the victim-offender mediation unit. Hon Cheryl Davenport expressed concern about the practice of cautioning young offenders and said there is no apparent provision in the legislation for conditions to be placed on the cautioning of young people. Again, the Sentencing Bill does not deal with the cautioning of young offenders.

Hon Cheryl Davenport: That is happening. There is no provision under the Act for that to happen.

Hon PETER FOSS: That is the Young Offenders Act part 5, division 1. The member raised the issue of the sentencing powers of justices of the peace. I have already dealt with that aspect.

Hon Nick Griffiths raised the question of an offender being present for sentencing. Clause 14 of the Sentencing Bill provides that, except where the court imposes no sentence under part 6 of the Bill or imposes a fine, the court is not to sentence a person unless that person is present. I refer also to clause 14(3). Where the deliberate actions of the accused make it impracticable for the proceedings to continue in his presence, the trial may continue in his absence. By rendering himself unfit to attend, the accused puts himself in the same position as if he had absconded during the trial and had waived his right to be present. This is dealt with by the Court of Criminal Appeal in Western Australia, *Van Tongeren v the Crown*. It is unreported in the official report, reference SCL 920221. It can be found in 1992 ACL reports 130 WA 99.

Hon Nick Griffiths also referred to clause 15 and the court informing itself as it thinks fit. Section 656 of the Criminal Code already provides that "Before passing sentence or otherwise disposing of the case according to law, the court may inform itself in such manner as it thinks fit in order to decide upon the proper sentence to be passed . . ." That is not a new measure. The member also referred to information about an offender's time in custody. Clause 23 puts an onus on the prosecutor to inform the court about the details of the term already being served or the amount of time an offender has spent in custody on remand in respect of the offences. Clause 23(4) simply supports this process by ensuring the prosecutor has access to this type of information in order to fulfil that obligation.

The question of mediation was raised. The Bill makes provision for a court to order a mediation report. However, this directs only those who prepare such reports and it does not compel either party to participate. The report may inform the court of an attempted mediation under clause 28(1). The provision that a court may make a report available on such conditions as it thinks fit, clause 30(1), is to ensure the court has the power to order the return of the documents it commissions or to place any other conditions on the use of the documents which may be appropriate.

I thank the House for this very informed and helpful debate. Hon Cheryl Davenport has raised matters which must be part of the continuing public expression of how we think courts should react. Unless the public is prepared to make those statements and raise those issues, the courts will not respond. They are quite properly a reflection of public opinion. It indicates that both sides of the House have grappled with this area, at times more successfully than others, and at other times without any success at all. It is a very good effort and a genuine attempt to put some rationality into the sentencing process and to give the courts more flexibility in their sentencing. It supports the principle not to go from a non-custodial penalty straight to a gaol sentence. There is a continuum and alternatives that can be used. That is a distinct benefit, and it was gratifying to see the

assistance given to this process by both sides of the House. I thank all members for their contribution.

Question put and passed.

Bills read a second time.

WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION AMENDMENT BILL

Second Reading

Resumed from 20 September.

HON TOM STEPHENS (Mining and Pastoral) [4.47 pm]: This Bill is yet another example of an assault by the Government on the community of Western Australia. The community does not deserve this attack and the Government should have more sense than to mount it. The Bill is underpinned by three features: It is an industrial relations Bill on the one hand, a privatisation Bill on the other hand, and further, it is a Bill that typifies the Government's dishonesty. This Bill will enable the Government to do that which it promised not to do prior to its election; that is, close Stateships. However, blinded by ideology and driven by a passion to privatise and disrupt the industrial relations record in this State, the Government pressed on with its strategy and as a result has caused great upset and disquiet, particularly in my electorate because it will remove a vital piece of the infrastructure from the north west and the whole of the Western Australian economy. The State shipping service, as has been clearly pointed out by my colleagues who spoke last night on this Bill, was a very important part of the engine room of the economy of this State, particularly the north west. This legislation will remove it from the fabric of Western Australia.

In the north west that has meant an immediate impact upon a range of activities and services for local people. I know the Government has been subjected to the lobbying of north west residents, and to date much of that lobbying has fallen on deaf ears. A classic example of disquiet about the moves by this Government is complaints from the building industry in the Kimberley which is so dependent upon the provision of its supplies through a coastal shipping service. That service ensures that the cost of those supplies is contained. With the absence of a coastal shipping service providing a regular and frequent service to the north west the real prospect exists, and in some cases it is reality, that builders must rely on the road transport system. That is increasing their costs, and therefore the cost of housing, in a dramatic way in the townships of Broome and Kununurra particularly.

Another example of the impact of this reduction of what was a very reliable and regular service to the north west of the old state shipping service is the difficulties associated with primary producers. A classic case relates to someone whom I could best describe as an old sparring partner of mine in the town of Kununurra. Councillor Keith Wright will be known to members opposite because he is a passionate ally of the conservative Government. In particular, he has been a candidate for the National Party from time to time. Councillor Wright is trying to produce chooks and eggs in the township of Kununurra. As he says, "Ideology does not feed his chooks." Ideology and ideologically driven Governments which disrupt and shut down shipping services and rob him of the opportunity of getting a reliable and cheap supply of chook food, frustrate this individual.

Hon B.K. Donaldson: Frustrate him or the chooks?

Hon TOM STEPHENS: No doubt the chooks are also cross at the result of the unreliability of their supplies. That is a humorous example for us in the House. However, it is by no means a source of humour to Councillor Keith Wright. He has issued missive after missive to the Minister for Transport Eric Charlton, to the Minister for Regional Development Hendy Cowan, who are his ideological comrades, and also to the Premier. He has expressed outrage and concern about what the north west is left with as a result of the Government's blind decision to disrupt the coastal shipping service by appointing someone to the state shipping service who would destroy that service. The

Government has backed that disruption to the hilt and now we are left with the introduction of this legislation.

This legislation will repeal the coastal shipping service's legislative underpinning. As the Minister admits in his second reading speech, this is a retreat from the pre-election commitments of this Government. The Government's retreat will have a disruptive impact upon the economy not only of the north west, but also on the wider economic interests of Western Australia. The coastal shipping service's Stateships enterprise was successful in building up economic links between not only the north west and the Northern Territory, but also the Port of Fremantle and the growing industries associated with metropolitan area and the south west through Darwin to South East Asia. That trade has now been placed at risk through the loss of a frequent, regular and reliable coastal shipping service.

As well, the north west has the misfortune in so many cases of having roads that cannot sustain the increased pressure that they are now subjected to as a result of the need to build up more frequent road trains to carry the freight that was once carried on the more regular, more frequent state shipping service that operated prior to the activities of this current Minister for Transport. Those roads are now under considerable pressure from the increased activities of the road trains and the large trucks that are carrying mining equipment and the like through the north west and beyond.

Hon E.J. Charlton: Most of those roads are national highway, and that is supposed to be funded by the Federal Government.

Hon TOM STEPHENS: That is an absolute red herring.

Hon I.D. MacLean: It doesn't fund anything.

Hon TOM STEPHENS: It is clear that if the coastal shipping service had been allowed to continue there would not have been this unnecessary additional pressure on those roads, with oversized mining equipment and other oversized road transport needing to clog the roads of the north west and compete with the tourist and residential traffic that is already in many places having difficulties negotiating the narrow roads that pass for highways in that north west.

In many ways that commonwealth contribution to maintaining a coastal shipping service is testimony to the goodwill of the Federal Government. A subsidy that was essential from a Government which understood the problems in Western Australia is now being effectively ignored and snubbed as a result of the decisions being made by this Government in its ideological passion for privatised services and a new order in industrial relations - as the Minister for Labour Relations in this State caricatures it.

The north west is subject to the regular wet season. The cyclonic conditions that regularly disrupt the roads and highways of the north west make an additional argument for how essential the Stateships' service is to meet the needs of the region when it is cut off, as frequently happens when its rivers are in flood and the roads regularly washed out as they are and will continue to be.

People here in the south may assume that one can simply build roads to a higher standard and somehow manage to have access into the Kimberley region all the year round. That is not the case. Nature can be fierce in this area, where enormous volumes of water can be dumped on a small catchment area in a short time and produce great torrents and destructive rivers that no amount of earth movement and road construction could contain. Engineering cannot be effectively utilised to completely protect the roads and bridges in the north west.

One of the more interesting experiences of my life was to sit at a ceremony to mark the construction of a section of the Great Northern Highway just south of the Willare crossing. The year must have been about 1985. The federal Minister for Transport came across to cut the ribbon on this section of roads and bridges. We all sat in the dry river bed underneath these large bridges and the Minister from Canberra and his entourage from Perth marvelled at the earth works and the size of the construction of the roads and bridges. There were knowing looks from local people who thought, "I wonder?" Of

course, only a few months later I had to watch that same section of road being washed away by the great torrents of the Fitzroy River following cyclonic downpours in the catchment areas. It left the Kimberley region cut off for a very extended period indeed. The coastal shipping service was essential to meet the needs of the region when it was cut off as a result of that calamity, which unfortunately is a regular occurrence in the north west.

As I have said, this legislation is industrial relations legislation. It is driven by Transport Minister Charlton into the heart of the maritime industry and aimed at crushing the activities of unions in that industry and bringing them to heel.

Hon Max Evans: Good luck!

Hon TOM STEPHENS: The Minister for Finance wishes the Minister for Transport good luck. One might wonder how far this Government will go in its passion to advance into the union, into the people and into the workers the ideology that seems to have sustained it through its first term in office until this time. It is no coincidence that this legislation with its underpinnings of a blind passion for privatisation and a passion for industrial change in the community, accompanied by this act of dishonesty on the part of this Government before the people of Western Australia, is being introduced in this House, while at the same time we have today seen introduced into the other House the second wave of industrial relations legislation by the same Government, blinded by a desire to smash the salaries, wages and working conditions of ordinary Western Australians. The coalition partners see themselves being in office to protect and support other economic interests. This legislation does the same thing. It protects the interests of its ideological compatriots, the people whose interests it pursued when in Opposition. We had to sit in this House so regularly when in Government listening to the attacks of the then Opposition, the present Government, both from the Liberal Party and National Party members, as they would question the activities of Stateships and quite clearly run up arguments for the competitors of Stateships and for private shipping companies anywhere in the world, not necessarily Western Australia. The attacks were made so regularly on the accountability of the state shipping service through question after question, demand after demand, that it was aimed quite clearly at destroying the confidence in that operation. It was accompanied by constant attacks on the conditions of the workers in Western Australia.

Even as recently as the debates in this Chamber on this Bill we have seen the same determination of this Government to persist in its support of the activities of the anti-worker sections in the Western Australian community. People like Buckeridge and others have become great benefactors of the Liberal Party and, as a result, great beneficiaries of its efforts. In the process of the dispute over coastal shipping services we have seen Buckeridge enter into it up to his neck down there on the wharf, right into the middle of the maritime industry, trying to disrupt the arrangements that have been protecting the work force and ensuring that the industry nonetheless has been able to change and respond to economic circumstances with which the country has been faced. That process of change was not fast enough for the likes of Buckeridge. Profits had to be extracted from the work force of Western Australia in greater measure than could be delivered by the change gripping the industry. More desperate measures had to be pursued and supported by this current Minister for Transport, Eric Charlton. What he has done to the activities of the Coastal Shipping Commission in this State will be to his eternal shame, as will the fact that he was the Minister who came in with this legislation to repeal the service.

It is no coincidence that this legislation is being debated here in the upper House at the very same time as another important plank in the Government's privatisation strategy is being delivered through the announcements in *The West Australian* of today, and that is the sale of BankWest, the loss of that asset to the people of Western Australia as it is sold off to a foreign interest, the Bank of Scotland.

Hon Murray Montgomery: I didn't know it was leaving the State.

Hon TOM STEPHENS: It is to be sold off nevertheless.

Hon Murray Montgomery: It is not leaving the State. You said we would lose an asset.

Hon TOM STEPHENS: We are losing an asset because it is being liquidated.

Hon Murray Montgomery: That is not losing it.

Hon TOM STEPHENS: As I have one National Party member awake maybe I will be able to educate him by letting him listen to a very important speech.

Hon Derrick Tomlinson: By whom?

Hon TOM STEPHENS: The member may well ask.

Hon Derrick Tomlinson: Will you tell me?

Hon TOM STEPHENS: I will give the member the answer to that if he promises to listen to the words first.

Hon Derrick Tomlinson: I will if you promise to tell me who it is by.

Hon TOM STEPHENS: I will at the end. The speech reads -

I am concerned that the privatisation and contracting processes in this State have become so preoccupying that the basics of good government may be in danger of being overlooked. If this Government, or indeed any Government, is to be accountable, it must be willing to provide relevant information about the tendering processes and each government contract let.

We must never lose sight of our 1993 -

Hon Murray Montgomery: It's by Hendy Cowan.

Hon TOM STEPHENS: The member recognises the words of the Deputy Premier. He can pick up the sentiments. Hendy Cowan said that at the annual conference of the National Party of Australia.

Hon Murray Montgomery: How do you know what he said?

Hon TOM STEPHENS: I got a copy of his speech. Members opposite should listen to the words of their great leader and Deputy Premier -

Hon E.J. Charlton: And he totally supports the sale of BankWest and Stateships.

Hon TOM STEPHENS: It is a funny thing. He says one thing to his colleagues at the State conference and another thing when he gets into his Cabinet room.

Hon P.R. Lightfoot: No, he is not Carmen Lawrence.

Hon TOM STEPHENS: It is a funny thing that he can say one thing to his party membership at the State conference and then swing around in his Cabinet room and adopt the opposite view to that adopted by the party membership and the demands from the lay membership.

Hon E.J. Charlton: He knows a good deal when he sees one. He is not driven by ideology like you are.

Hon TOM STEPHENS: Even if I have to concede that the Minister has, in some way, been convinced of the need to flog off those assets -

Hon Derrick Tomlinson: It was an initiative of the Labor Government.

Hon TOM STEPHENS: Let us not be distracted about this. The essential point is that when we start contracting out, privatising and selling things off, there is an obligation, which even Hendy Cowan recognises, to ensure that the contracts and arrangements are transparent and that the information is available to everyone in the community. Instead of that, the Minister for Transport constantly declines to answer questions or to make the information available. The Parliament and the people of Western Australia are left with no opportunity of examining the deals and contracts between this Government and the beneficiaries of the sales and contracts to determine whether they are deals which should have been entertained by the Government.

This Government is falling so far short of its pre-election commitments in this area

because its twin election commitment and slogan was more jobs and better management -

Hon P.R. Lightfoot: And that is exactly what people are getting.

Hon TOM STEPHENS: Instead, the Government is stripping the assets. It is flogging them off. The assets which were the property of the people of Western Australia are being put at the disposal of people like Buckeridge so that they can make the profits and the work force will slave away under whatever conditions he manages to have dictated on the docks and in the maritime industry in this State.

Hon E.J. Charlton: Would you like to join the queue to get a job from him?

Hon TOM STEPHENS: It appears to me that the Minister for Transport is driven by a determination to destroy the working conditions of ordinary Western Australians and to smash their unions as he endeavours to do through this Bill. He wants to try to smash the maritime unions through the legislation by destroying an asset of the people of Western Australia in his blind passion for privatisation. He shows no commitment to his pre-election promises which had his party, in opposition, pledging to the people of Western Australia that it would not go down this path.

Hon P.R. Lightfoot interjected.

Hon TOM STEPHENS: Even Hon Ross Lightfoot would not want to support a lie. Does he defend lies?

Hon P.R. Lightfoot: I would not defend Carmen Lawrence if that is what you are going to ask me.

Hon TOM STEPHENS: Was it a lie when Hon Ross Lightfoot's party, in opposition, stood before the people of Western Australia and said that there would be no shutting down or selling off of the State shipping service?

Hon P.R. Lightfoot: Carmen Lawrence is the expert on lies. You will have to ask her. She is a congenital liar.

Point of Order

Hon SAM PIANTADOSI: It is an unbearable situation when members opposite are allowed to get away with the language that Hon Ross Lightfoot has just used when he referred to Carmen Lawrence as a liar. He has used that word several times, but no action has been taken against him. I ask that he be made to withdraw the comment and desist from using that phrase against a person who cannot defend herself in this Chamber. He should make that statement outside if he has the guts.

The DEPUTY PRESIDENT (Hon Barry House): That is not a valid point of order. The person who has been referred to is not a member of either House of Parliament. Therefore, Hon Ross Lightfoot does not have to withdraw his remark.

Hon SAM PIANTADOSI: That says a lot about the standards of some members of this House.

The DEPUTY PRESIDENT: Order! Hon Tom Stephens should direct his comments through the chair and Hon Ross Lightfoot should desist from interjecting.

Debate Resumed

Hon TOM STEPHENS: It is clear that Hon Ross Lightfoot wants to distract the issue with red herrings. He does not want the issue to be addressed. Is Hon Ross Lightfoot comfortable sitting on the government benches after having been party to a pre-election commitment that his party would not shut down or sell off Stateships, when this Bill has clearly been engineered by the Government's tacticians and has caused the disruption which has led to the justification for the Minister's activities?

Hon P.R. Lightfoot: With the passage of time, there is a certain evolution in what we propose and where we go. That evolution of time demanded that, in the interests of Western Australia, we review some of those undertakings.

Hon TOM STEPHENS: It sounds as though it is possible for one to be a liar if it is sustained over a long period of time -

The DEPUTY PRESIDENT: Order! I have asked Hon Ross Lightfoot to stop interjecting, but Hon Tom Stephens has just invited him to interject. I ask Hon Tom Stephens to direct his comments through the chair.

Hon TOM STEPHENS: My point is made. I hope that members opposite will sit mute in their embarrassment and recognise what they are doing by virtue of this legislation.

Hon P.R. Lightfoot: Do we look embarrassed?

Hon TOM STEPHENS: Well, the member should. If he does not, that is another reason why I do not hold him in high regard.

The Government makes much of the fact that it calls for submissions from the people of the north west about the infrastructure necessary to respond to their needs and what should be done to ensure that the transport needs of the region are cared for. The Kimberley Development Commission was involved in the process of calling for submissions and preparing a report that was presented to the task force that was to deliberate on the report. That report was distilled from the submissions from local residents. In double quick time, there were to be recommendations for the Government to act upon.

Despite the demands of the people in the north west and their representatives urging that the report of the Kimberley Development Commission be released for community consideration, that report remains secret. Despite the Government's public commitment that the report would be acted upon swiftly and considered by the task force and then acted upon by the Government, the task force is bogged down in debates between the dries and wets in this Government.

Unfortunately, there appear to be more dries than wets in the Government. The Government's commitments to sustaining a coastal shipping service to the north west are subject to pressures in the task force. Even the Government's limited offer of subsidy is being challenged by those in the Government who see no justification for maintaining a subsidy for a privatised coastal shipping service to the north west.

Surely it is incumbent on the Government to bring the task force's deliberations to an end quickly. That should be done in double quick time. It must shut down the talkfest which the task force has become. The people in the Premier's office try to impose upon the task force their blinkered, ideological viewpoint that would see removed even this limited subsidy that was placed on offer by the Government. Surely it is time that the Government let the people of the north west know that the coastal shipping service, even in its new privatised form, will be allowed to continue into the future to meet the transport needs of that region. It is essential that that region have a coastal shipping service.

What has been allowed to happen is a tragedy and a travesty and it has been engineered by this Minister. It is extraordinary that the Minister has got away with so much to this point. He has got away with some of these dreadful changes that he has bought about in Western Australia and he is tempted to continue to push his luck. I hope that in the end all of these decisions, engagements and forays out into the field pursuing ideologically driven goals of industrial change for a new order in the industrial relations field and pursuing ideological blindness for privatisation will come back to haunt the Government. I also hope that the people of Western Australia who have been increasingly concerned about the activities of this Government will have the opportunity to make a judgment that will not be kind and that they will remove this Government rapidly from the Treasury benches.

It is not a coincidence that this legislation has been introduced at the same time as the industrial relations legislation currently on the Notice Paper in the other place. It is no coincidence that it arrives at the same time as the privatisation of BankWest. It is also no coincidence that it is being debated in this House while we have on our hands a strike by the state school teachers. It is no coincidence at all; it is part of a pattern of behaviour of this Government since coming to office. It should embarrass members opposite and it is a tragedy that it does not.

It has certainly angered our constituents and, hopefully, some of the Government's constituents. Those constituents who voted this Government into power will rapidly change their mind and will demand, as is their right, that the Government should go. These people have had enough; we have had enough and there should be an end to it. Unfortunately, there would appear to be more disruption on its way given the ideologically driven process in which this Government is engaged.

HON A.J.G. MacTIERNAN (East Metropolitan) [5.23 pm]: Like all my colleagues, particularly Hon Tom Stephens, I oppose this Bill. It presides over the demise of Stateships. In doing that, the Government is dismantling a very important service to the northern reaches of the State - to Christmas Island, the Cocos Islands and various Asian ports. Stateships has always constituted a very important infrastructure investment for the State and it is important in sustaining the viability of the north. It is also important to Western Australian exporters and importers, and that fact has been overlooked. It is one of the very great indications of the short-sightedness of this Government in the way in which it makes economic assessments.

Of course, Stateships was costing the State money to run. Anyone would readily concede that. The cost was increased quite considerably by the actions of the Minister in adding Geraldton to the run. Infrastructure costs money - it costs us to run trains, to provide roads, bus services, hospitals and libraries. However, there are community service obligations and obligations to provide a decent framework in which business can operate that demand the payment of such sums. That does not mean that we do not attempt to introduce efficiencies and ensure that such services are run in as targeted and efficient a manner as possible. Indeed, there have been great gains in the operations of the wharves and Stateships.

The Minister would be well aware of the huge reductions in manpower in Stateships that have occurred in this area over the past decade. We have seen some of the absurdities that are emerging as the result of closure of Stateships. I was on Christmas Island last week and met with some of the seamen working on the vessel run by the private company operating out of Darwin. They told me that they sail from Darwin to Singapore and pick up produce that has been shipped from Perth to Singapore and take it back to Christmas Island - a distance of 1 000 km or 1 200 km. That does not seem to be a very efficient operation. It is also interesting to note that this private operator seems to be able to compete quite well and make a profit and it employs members of the Maritime Union of Australia.

I now wish to address some comments made by way of interjection by Hon Eric Charlton during the debate last night. Hon Kim Chance said that he had been very disappointed with the way the Government had behaved in encouraging the entry onto the Fremantle waterfront of an individual who it knew would create the maximum possible disruption. Hon Eric Charlton interjected, "He is still there, too." Hon Kim Chance then went on to say that it was a sad day when he heard the Minister admit to that in a tone suggesting he was almost proud. Hon Eric Charlton responded by saying, "Will you come with me to load the live sheep?" What is quite clear from that is that the Government has done a deal with Mr Buckeridge. The Fremantle Port Authority, as we speak, is denying that to the MUA. The Minister could not help himself last night.

Hon E.J. Charlton: What do you know, stupid? I was talking about when he loaded the live sheep. Have you been on that fairy stuff again?

Hon A.J.G. MacTIERNAN: We are talking about the fact that he is still -

Hon E.J. Charlton interjected.

Hon A.J.G. MacTIERNAN: I would like to comment on that.

Hon E.J. Charlton: You are a dill.

Hon A.J.G. MacTIERNAN: Being a National Party member, Hon Eric Charlton cannot comprehend that someone would take up an issue in which they did not have a vested interest. I can assure the Minister that I do not smoke dope and that is not the reason I advocate drug law reform.

The DEPUTY PRESIDENT: Order! The current debate has nothing to do with Stateships. In addition, the quotes read out by the member were from the uncorrected *Hansard* of yesterday. I believe that is not acceptable.

Hon A.J.G. MacTIERNAN: I understand that under the standing orders if I identify the document from which I am reading that it is acceptable. I am reading from the uncorrected proof of *Hansard* Wednesday, 20 September 1995. I was actually in the Chamber, so I do not need to refer to these documents.

Hon E.J. Charlton interjected.

Hon A.J.G. MacTIERNAN: What the Minister has done here -

Hon E.J. Charlton interjected.

Hon Tom Stephens: Just shut up for a while and listen, Charlton.

Hon P.R. Lightfoot: It says on the cover that it is an uncorrected proof and that it should not be quoted.

Several members interjected.

Hon E.J. Charlton: Do you know that he went and helped load live sheep - for which I am very grateful?

The DEPUTY PRESIDENT (Hon Barry House): I ask the member to direct her comments through the Chair and the Minister to refrain from interjecting.

Point of Order

Hon P.R. LIGHTFOOT: Mr Deputy President, I thought you were going to refer to the comment made by Hon Tom Stephens. His comment was addressed to the Minister for Transport and it was most unparliamentary. He did not make any reference to the Minister's title. He referred to him as "Charlton" and the member knows better than to do that. I ask that the comment be withdrawn, particularly as the member said, "Shut up, Charlton."

The DEPUTY PRESIDENT: Several interjections were made at the same time and I did not hear the specific interjection the member referred to. It is becoming the practice in this Chamber for members, when referring to other members, to call them by their nicknames or other names and certainly that is unparliamentary.

Debate Resumed

Hon A.J.G. MacTIERNAN: We have had several debates in this House about the actions of Hon Kim Chance in his earlier career. Hon Kim Chance has given very powerful justification for the position he took. There is no question that members in this House yesterday had any illusion at all about what the Minister was talking about.

What did become quite clear in the debate on this Bill yesterday is that Len Buckeridge is still on the wharf. As the Minister said, Len Buckeridge is still there. Where the live sheep business comes in is that the Minister announced some weeks ago that there would be a redevelopment of the old BHP jetty at Kwinana. That is an interesting story in itself and members will recall the endeavours I have made to get the truth out of the Minister about why he gave Conaust Ltd the flick after it had been selected as the successful tenderer for the redevelopment of the other jetty. The Opposition indicated at the time that it suspected foul play was involved in that issue. Having put those tenderers to the expense of tendering and granting the preferred tender the status, the Government decided to totally renege on the deal and it has gone on to develop the old BHP jetty at the outer harbour. Opposition members know that the jetty is proposed and we also know that BHP believes that live sheep will be ported out of this area. We know that because BHP's industrial people have approached the Maritime Union of Australia about developing its enterprise bargain. They recently approached the union and said they wanted to include a clause concerning manning levels in the event that they go to live sheep shipping. They would only do that if they had some indication that there would be live sheep shipping from the old BHP jetty. This is clear evidence that there is a proposal

for live sheep shipping. The Freudian slip made by a very indiscreet Minister during the debate last night was an admission that Len Buckeridge is far from off the wharf in Western Australia. In a very short time we will see Mr Buckeridge loading live sheep from the outer harbour at Kwinana.

Hon P.R. Lightfoot: You are not opposed to that rural pursuit, are you?

Hon A.J.G. MacTIERNAN: I am certainly opposed to any person or organisation being granted a licence or any sort of government concession without proper competitive tendering processes being entered into. The Opposition is very concerned, on the basis of the conduct of Stateships' stevedoring, about whether this proposal would have been subject to proper tendering processes. While the Minister is telling the Opposition that Len Buckeridge is still on the wharf, his staff are, at this very moment, running around telling everyone - I know the Minister has left the Chamber to ring the Fremantle Port Authority to find out what it is saying. It is clear that the authority is saying to the MUA and others that it does not know anything about it.

The Opposition actually received advice a few weeks ago from a source about a particular group and it is interesting that we cannot determine its name. It appears a number of corporate structures have been proposed - one is west coast stevedores and the other is western stevedores. Either one of these names may be the vehicle through which Mr Buckeridge will take over a place on the BHP multi-user jetty being developed, presumably at government expense. Is that the case, Minister?

Hon E.J. Charlton: We are looking at a range of options.

Hon A.J.G. MacTIERNAN: In the same way as the Government looked at a range of options with the other jetty!

Hon E.J. Charlton: That is right.

Hon A.J.G. MacTIERNAN: If Conaust happens to win it, it will not get it.

Hon E.J. Charlton: Unlike Mr Brereton I do not run to the MUA to see who makes the decisions.

Hon Tom Stephens: You check it out with Buckeridge instead.

Hon E.J. Charlton: We make decisions based on facts.

Hon A.J.G. MacTIERNAN: After the Minister has spoken to Len.

The DEPUTY PRESIDENT: Order! The member is making it very difficult for me. I asked the Minister to stop interjecting, but then the member invited him to interject. It is very difficult for me to control the debate. I ask the member to direct her comments through the Chair.

Hon A.J.G. MacTIERNAN: I understand that. This Minister has great difficulty coming to terms with the truth and reality; therefore, we need to incite him into interjecting. By way of his Freudian slips we actually get a better insight into what is going on in Western Australia.

Hon E.J. Charlton: We are also looking at a new port at Naval Base. Do you know about that? We have not asked the MUA about that either.

Hon Tom Stephens: Have you asked Len Buckeridge?

Hon E.J. Charlton: Why should I talk to him about everything that is going on?

Hon Tom Stephens: How much did he donate to your party?

Hon E.J. Charlton: No-one donates to the National Party. The member should know that.

Hon Tom Stephens: How does he manage it? Does he have a 500 club?

The DEPUTY PRESIDENT: Order! If I am not mistaken Hon Tom Stephens has made his speech and the Minister will reply at a later stage. Both members either have had or will have the opportunity to contribute to this debate.

Hon A.J.G. MacTIERNAN: The Opposition understands that it may well be the case that people in government positions have been involved in developing an industrial relations strategy for Mr Buckeridge in his second shot to enter into the stevedoring industry. If those allegations are true, it will be of concern to the Opposition.

Hon E.J. Charlton: Are you trying to say that you don't want him on the waterfront?

Hon A.J.G. MacTIERNAN: I understand that, coming from a National Party background, Mr Charlton probably has difficulty coming to terms with the notions of propriety and separation of powers. As the Opposition sought to explain about the Galati matter, there is a role which public servants can play and there is a role which public servants should not play. Public servants should not be going around, after hours, working on contracts for Len Buckeridge who is drawing up his IR strategy at the port. From some of the information that was leaked from various government departments, including the Department of Productivity and Labour Relations, it is quite possible Mr Buckeridge may have decided to abandon the approach he adopted last time. Members opposite may recall that that earlier approach was to have no employees. As I pointed out last night, he actually wrote to the Industrial Relations Commissioner and said, "Don't rope me into the award because I do not have any employees." It appears that the latest plan Mr Buckeridge is working on is to draw up some sort of labour agreement with the Australian Workers Union.

Hon P.R. Lightfoot: Do you have an advance copy of the second wave of the industrial relations legislation? It seems you are debating it rather than this Bill.

Hon A.J.G. MacTIERNAN: This has nothing whatsoever to do with the second wave of industrial relations legislation.

Hon P.R. Lightfoot: It has nothing to do with Stateships either.

Hon A.J.G. MacTIERNAN: It is quite clear that Mr Buckeridge is having a major input into the Government's industrial relations policy.

Hon E.J. Charlton: He does not need the Government's industrial relations policy. He has his own, which I support.

Hon A.J.G. MacTIERNAN: He did pretty well as a stevedore; he lasted four days. He was a very successful stevedore! It has become quite clear from the interjections by the Minister for Transport that he calculates a person's worth on the basis of his bank account.

Hon E.J. Charlton: No, I calculate his worth on the basis of his contribution to the State, rather than his living off the State. You are a bleeder and you live off the people of this State.

Hon A.J.G. MacTIERNAN: Does the Minister not receive a parliamentary salary in the same way as I do?

Hon E.J. Charlton: I am talking about before you came to this place. You are one of the people in Western Australia who lives off the social security of the State more than anything else.

Hon A.J.G. MacTIERNAN: That is fascinating.

The DEPUTY PRESIDENT (Hon Barry House): Order! It may be fascinating but it has absolutely nothing to do with the Bill before the House.

Hon A.J.G. MacTIERNAN: I did not think it was magic mushroom season in Tammin, but it appears that it must be! At some stage I will take the opportunity to present Hon Eric Charlton with a copy of my CV, and he will see -

Hon E.J. Charlton: I have already seen it.

Hon A.J.G. MacTIERNAN: The Minister has obviously not read it.

The DEPUTY PRESIDENT: Order! I have said three times that we must get back to the subject matter of the Bill.

Hon A.J.G. MacTIERNAN: It is quite clear from the Minister's comments that Len Buckeridge is still on the wharf, and we know he will get a guemsey to conduct the live sheep shipping through the jetty being redeveloped - at government expense it would appear - at Kwinana. That is a particularly interesting development when one considers that the Government reneged on the grant of a tender to Conaust Ltd with regard to the redevelopment of the other jetty. This is perhaps what the Government had in mind all along.

Hon E.J. Charlton: It had nothing to do with the jetty. You are totally uninformed.

Hon A.J.G. MacTIERNAN: No I am not.

Hon E.J. Charlton: You must be an embarrassment to everyone on your side.

Hon Tom Stephens: Not at all.

Hon A.J.G. MacTIERNAN: While the Minister's staff are trying to assure all and sundry that Len Buckeridge does not have the job and that no deal has been done, we know from the Minister's statements that a deal has been signed up or, possibly, it is a deal similar to the last deal with Mr Buckeridge consisting of a telephone call saying, "Len, it's okay mate. You are in." That is the level of the tendering process between the Minister for Transport and Mr Buckeridge. The Opposition will certainly watch with great interest over the next few months to see whether its predictions turn out to be the case.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [5.43 pm]: The whole of the second reading debate has been an example of paranoia by members opposite about Len Buckeridge. They have spent little time debating the content of the Bill, or any future services that might be needed. Neither have they made any recommendations for the future, following the closure of Stateships. No-one has talked about that except in passing and to criticise the closure. No-one has presented a positive suggestion about shipping or other services to the people in the north west. They have played politics, which is the extent of the capacity of members opposite to debate.

Hon Kim Chance: Your playing politics destroyed Stateships.

Hon Tom Stephens: Tell us what you will do.

Hon E.J. CHARLTON: Would the member like to know?

Hon Tom Stephens: Yes I would, and so would the people of the north west.

The PRESIDENT: Order! If the member does not stop interjecting, he might want to know what I am going to do. In the meantime, listen to the Minister who is wrapping up this debate.

Hon E.J. CHARLTON: Hon John Halden, as Leader of the Opposition, took us through his version of the events involving various people who ran Stateships, and the inquiries into and assessments of its operation. It is all predicated on the fact that he believes the basis of the Government's decision to wind up Stateships was established in a number of actions. A fundamental fact which Hon John Halden and every other member opposite did not take into account and acknowledge is that the Government had no intention of closing down Stateships. Not only did it have no intention of closing Stateships, but also it had a positive commitment to its orderly transformation to an organisation that would provide a proper service to the people of the north west. However, when this Government took office, Stateships was operating four ships - two were used on the South East Asia run and two on the north west run. As has been repeatedly said with regard to the cost to Western Australian taxpayers, the major cost was incurred by the two ships doing the north west run.

The whole of the second reading debate concentrated on my decisions and a series of events. It is proper for an Opposition to debate these matters. However, the Opposition's statements about the reasons for this decision were wrong. The legislation is before the House simply because the Maritime Union of Australia refused to allow Len Buckeridge, through his company BAAC Pty Ltd, to provide the stevedoring service. Whether or not people opposite like it, I will not allow people such as John Coombs to come into my

office on repeated occasions and tell me which stevedores will be used. As Minister for Transport, I will not be told what to do by the MUA.

Hon Tom Stephens: You will be told what to do by Buckeridge?

Hon E.J. CHARLTON: He had nothing to do with it. He won the tender to do the stevedoring. That is the second part of the equation members opposite got wrong. Mr Buckeridge won the tender because it was not a proper tender. Hon John Halden gave us a dissertation about how the State Supply Commission determined the tender was not carried out correctly. He was right. That determination was made because the opportunity was not given to more people to tender for that service. Before BAAC started operating on the Fremantle waterfront, there were only two stevedoring companies. The State Supply Commission said that the Government should not have issued a restricted tender to the three existing operators, but should have invited more people to tender. As I have said repeatedly, there are only three operators on the waterfront, so how could any other group provide stevedores? They could not. However the State Supply Commission said it should have been an open tender. The argument about Buckeridge getting the tender is in conflict with the position put forward by the Opposition. It cannot be said that the decision to award the contract to Buckeridge was a result of the inappropriate way in which the tender was called. If it had been an open tender, other groups would have needed a berth at Fremantle, a jetty, equipment and so on. That is quite right. Members opposite did not once criticise me for not seeking tenders from other people. That was not part of their equation. They did not think we should have allowed BAAC Pty Ltd to win the tender. When Buckeridge won the bid with the lowest tender members opposite said he would cause problems on the waterfront because he would not employ the Maritime Union of Australia workers at a rate of \$75 000 a year. I am saying that he has every legal right to be at Fremantle, as does anyone else. I invite Hon Alannah MacTiernan and Hon Tom Stephens to approach their people with whom they have affinity and set up another stevedoring company in Australia. I would welcome that. I do not like the situation in Fremantle where Conaust Ltd and Patrick The Australian Stevedore are the only two operators. They have 25 year leases on the waterfront and pay \$75 000 a year to people with no more qualifications than members on the other side of the House. Those workers hold everyone to ransom, including Patrick and Conaust Ltd. Management from Conaust Ltd told me the other day that the company was trying to do something about it. A number of people have come to me since that dispute. They said they were trying very hard to make changes on the Fremantle waterfront to bring about efficiencies and to allow businesses to export their products out of Western Australia for the good of all Western Australians. They do not like being held to ransom by a handful of misfits who have nothing in common with the rest of the hardworking people in Western Australia. Members opposite have aligned themselves with the MUA at the expense of all the other people they represent, such as members of the Transport Workers Union and the Australian Workers Union who do not enjoy the working conditions of the MUA. As a result of the greedy attitudes of the MUA the people in Fremantle are holding other union members and workers throughout the nation to ransom. The situation will change. As Hon Tom Helm said quite rightly yesterday, change is inevitable and people must meet the challenges ahead. It has happened across the board in Australia. The only place it has not happened is on the waterfront.

When the MUA decided it would not allow Stateships to operate, I told Mr Coombs and company that if he did not let Mr Buckeridge operate I would see to it that no-one else could operate. That is why this legislation is here. He won the tender. Not one complaint came from Conaust Ltd or Patrick about the tender procedure because it was dealt with in the same way as previously. The only difference was that Stateships did not get exemption from the State Supply Commission to get prices from three tenderers, for which I accept responsibility. Previously, prices were sought from only two companies because they were the only companies who could do the work. The MUA thought it could get away with its behaviour because it did not think Buckeridge was capable of loading and unloading a ship. It again underestimated him. He tendered a price of about

\$500 000 a year. There is more to this matter of which we are aware but people have heard it all before.

Regarding a shipping service to the north west, together with the Premier I announced the cessation of the operation of three ships. We had been working on a financial arrangement for some months to try to extract the Government from the long term operation. However, we said that the fourth ship, the *Sina*, would continue to operate, and it is still operating. That has not been acknowledged by members opposite. I do not think they even know it is still running. Eight per cent of the cargo shipped to the north west has gone by Stateships' vessels, the other 92 per cent has gone by road. Members opposite talk as though Stateships took it all and there was no road transport. We have recently entered into a contract with Union Bulkships, which has contracted to operate that vessel for up to six months to continue to provide a service to the north west ports and Darwin. At the same time, we are responding to the assessment made by the Kimberley Development Commission in consultation with the shippers group headed by Jim Hughes in Kununurra. A few weeks ago they came back with their proposal. At the time of the announcement of Stateships' closure we said we would provide up to \$5m to support a shipping operation. We are supporting the *Sina* while the wind-down of Stateships is taking place.

When the Leader of the Opposition talks about Stateships during the Budget debate he may want to refer to the fact that the cost of operating Stateships is well above the budgeted figure. It still incurred the full cost component of crewing, even though it was not operating. Under the agreement, the crew had to be retained on the ships until they were sold. I do not say that was smart or my mistake; I am providing the facts. We made our decision for the reasons outlined, but those costs will continue to be a factor and will be revealed when the full financial assessment is made. A range of other costs include the redundancy of people who have been leaving Stateships' employ since we came into government. They are not long term costs, but would have been inevitable as time went by. In addition, superannuation must continue to be paid as well as the old pension funds. It would not have mattered what management strategies we used; we inherited a situation. That is not a criticism of the previous Government, but this Government had to continue to pay those people because they were part of Stateships' previous work force. We have now reached a situation where Stateships' remaining fourth ship still operates in the north west. We have the report -

Hon Tom Helm: Are you going to make it public?

Hon E.J. CHARLTON: It is compiled for the Government; the public gave it to us. Did Hon Tom Helm make an input to it? I suppose he did not.

Hon Tom Stephens: You have a minute left to tell us what you are going to do.

Hon E.J. CHARLTON: Hon Tom Stephens rabbitied on for too long.

The PRESIDENT: Order! If people stop interjecting the Minister may be able to finish.

Hon E.J. CHARLTON: That report is with the Government and has been analysed by the various departments. That further report has just come to me with its recommendations and assessments. I am looking forward to a final decision being made very soon. In the meantime the people in the north west are still being serviced by the *Sina*. I do not know whether this is public knowledge, but the sugar component will be part of that operation for the next few months. Everything is under control and everyone is being serviced by that shipping operation.

Debate adjourned, pursuant to standing order No 61(b).

POISONS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Peter Foss (Minister for the Environment), read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Minister for the Environment) [6.01 pm]: I move -

That the Bill be now read a second time.

The Poisons Amendment Bill is the outcome of a review process that has been in progress for a number of years, the principal purpose of which was to facilitate the more effective and efficient administration and enforcement of the Poisons Act. Save from a number of periodic adjustments, the Poisons Act has not been subject to general review since it was brought into operation in 1965. Many of the amendments covered in the Bill are long overdue, having been recognised and endorsed as being necessary by previous Governments as far back as 1986. The proposals covered in the Bill will not interfere with the general scheme of the Poisons Act but merely enhance its operational effectiveness. Generally speaking, the amendments deal with declaration of poisons, licensing, enforcement and other matters.

The first group of amendments I propose to deal with relates to the declaration of poisons and are pivotal to improving the operational effectiveness of the Poisons Act. The statutory basis for the control of poisons in all Australian jurisdictions is premised on certain substances being declared to be poisons and their classification according to the degree of danger and the nature and extent of the precautions which are required for their use.

Section 20 and appendix A of the 1964 Act are the principal provisions that provide for the declaration and classification of poisons, with section 21 providing for the eight schedules set out in appendix A to be amended from time to time by Order in Council. To a large extent, the classification and scheduling arrangements in the current Act have followed the recommendations of a national scheduling committee, to provide national uniformity. This also results in uniform packaging and labelling. For some 10 years, the National Health and Medical Research Council and, more recently, the Australian Health Ministers' Advisory Council has issued, on the recommendation of the National Drugs and Poisons Schedule Committee, a yearly edition of a document cited as the Standard for the Uniform Scheduling of Drugs and Poisons, otherwise known as the standard. The standard is produced by the National Drugs and Poisons Schedule Committee in order to promote the uniform scheduling, labelling and packaging of poisons by all Australian jurisdictions. Due to the very nature of these substances, each edition of the standard is under a constant state of review, resulting in the production of an average of four substantial amendments to each yearly edition of the standard. To date, it has been necessary to use the provisions of section 21 of the Act in order to give effect to each amendment made to the standard. Not only is that procedure time consuming and expensive, the processing of each amendment having been estimated to cost the State in the vicinity of \$10 000, but also the occasional delays that inevitably occur in the amendments being given effect in law can be of considerable concern to the pharmaceutical and chemical industries in respect of the impact that such delays may have on the marketing of their products. The amendments proposed to be made by clauses 8 and 40 of the Bill remedy these problems but maintain the State's prerogative to amend any provision of the standard if it is in the State's interest to do so.

Proposed new section 20 provides for the necessary declaration and classification provisions, with the classification arrangements in subsection (2) reflecting those set out in the ninth edition of the standard. This process necessitates a change to the way in which the existing schedules are currently cited; some rewording of the classification provisions of the respective schedules; a change in the way in which hazardous substances are identified; and the insertion of an additional schedule, schedule 9, to provide for the separate classification of drugs of abuse.

The power to amend the schedules is proposed to be moved from the Governor to the Minister charged with the administration of the Act. This change is set out in proposed new section 21, which provides for such amendments to be effected by order of the Minister published in the *Government Gazette* and for such orders to be subject to the

review processes allowed by section 42 of the Interpretation Act as if the order were a regulation for the purposes of that section.

Clause 40 provides for the repeal and remaking of appendix A of the Act to "adopt by reference" schedules 1 to 9 of the Standard for the Uniform Scheduling of Drugs and Poisons.

New section 21A provides for regulations to be made to exempt any substance, either generally or specifically, from the operational arrangements of the Act. Any such exemption would be open to review by virtue of the provisions of section 42 of the Interpretation Act.

Two changes that are proposed to be made in respect of licensing are the removal of the requirement for retail businesses selling schedule 6 poisons to be licensed for that purpose, and the provision to enable licences and permits to be issued for a period of either one or three years. Schedule 6 poisons are classified as those that must be available to the public but are of a more hazardous or poisonous nature than schedule 5 poisons, which are currently classified as "hazardous substances" and for which no licence is required relative to their sale. Currently, persons who wish to sell by retail schedule 6 poisons must hold a licence granted by the Commissioner of Health under section 24 of the Act. This requirement is peculiar to Western Australia, and with the vast improvements that have been made in the way in which these substances must be packaged and labelled the need to license retailers is no longer necessary as these are found in such common household products such as home and garden pesticides, oven solvents, and include the eucalyptus and tea-tree oils.

At present, there are more than 1 000 licensed retailers of schedule 6 poisons, many of whom are small business operators, and, although the annual licence fee of \$50 is not significant, it is a cost that small business would no longer have to bear. It will deliver efficiency gains in the administration of the licensing scheme under the Act by removing the need to process more than 1 000 licences each year and will provide a small revenue gain of approximately \$56 000 to small business.

Clause 14 provides for section 26 of the Act to be repealed and substituted with new sections, each covering a different aspect of the former provision. The provisions will now enable the Commissioner of Health to issue or renew licences and permits subject to conditions and restrictions and to vary or add to them at any time during the term of the licence or permit.

Current section 26 provides only for the imposition of conditions and restrictions; it does not allow for their variation or for new conditions. Proposed new section 26B will enable the commissioner to issue licences and permits for a period of either one or three years at the election of the applicant. Currently, licences and permits are required to be renewed on a yearly basis. The new scheme will provide applicants with a choice as to how they wish to maintain their licence or permit.

The amendments relating to the enforcement provisions revise the identification of officers charged with enforcement of the Act; the powers of entry and inspection; the power to quarantine or destroy poisons; and the penalties in the Act. The same group of persons will continue to undertake the surveillance and enforcement duties under the Act, but for ease of reference they are intended to be identified as "authorised officers". The powers of entry and inspection covered in sections 54 and 55 of the Act are to be repealed and replaced with revised and enhanced enforcement powers to provide for the more effective administration of the Act. The powers to quarantine or destroy poisons are contained in new section 55E and can be invoked only in circumstances which pose a serious danger to public health, and then only with the approval of the Minister. The evidentiary provisions proposed to be inserted in the Act by clause 34 and in the Misuse of Drugs Act, by way of a consequential amendment, are required due to the "adoption by reference" of the Standard for the Uniform Scheduling of Drugs and Poisons and support the enforcement provisions of both Acts. Warrants for entry will now be prescribed by regulation, as provided for by subsection (1) of proposed new section 55A.

The Bill provides for the level of penalties to be substantially increased so that they range from \$5 000 to \$15 000 for more serious offences, and where appropriate it provides for a daily penalty of \$500 to apply to continuing offences. The imprisonment provisions are not retained. Clause 6 provides for the insertion of a new section 6A in order to put beyond doubt the question whether the Crown is bound by the provisions of the Poisons Act. Several amendments relate to the constitution of the Poisons Advisory Committee. Clause 18 repeals sections 37 to 39 of the Act which currently provide for the classification and prohibition of the sale of new drugs. The scientific evaluation of new drugs, for more than 30 years, has been undertaken by the Commonwealth through the Drug Evaluation Committee. Currently, section 41 of the principal Act provides for the Governor, by Order in Council, to lawfully permit universities, colleges, schools and other institutions, notwithstanding the provisions of the Misuse of Drugs Act, to manufacture heroin for educational, experimental or research purposes, subject to such conditions as may be specified in the order.

As members will be well aware, there has been a proliferation of "new" drugs of abuse - the so-called "designer drugs" - in recent years, and it is important that recognised educational, experimental and research bodies have access to these drugs for valid purposes. Clause 20 provides for the repeal and substitution of existing section 41 with a new provision to allow for that. Generally, clause 37 clarifies the powers relating to the advertising and display of poisons. In order that the labelling and packaging provisions of the National Standard for the Uniform Scheduling of Drugs and Poisons may be adopted by reference in the Poisons Regulations, it has been necessary to rely on the enabling power provided by section 43(8)(b)(i) of the Interpretation Act as no equivalent power is contained in the Poisons Act.

Clause 39 provides for two new sections to be inserted to provide clear power in the Act to overcome that position while at the same time placing a duty on the Commissioner of Health to maintain up to date copies of any standard so prescribed for public inspection at no charge. The last of the miscellaneous amendments is covered by clause 41, which updates the international conventions specified in appendix B of the Act. These conventions are deemed to be "corresponding laws" for the purposes of the enforcement of the drugs of addiction provisions set out in part IV of the Act.

The amendments proposed to be introduced to the Poisons Act by this Bill are well overdue and are essential to enable a level of control which is commensurate with the national position to be maintained over the possession, sale and use of poisons in this State. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

ACTS AMENDMENT AND REPEAL (NATIVE TITLE) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon E.J. Charlton (Minister for Transport), read a first time.

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [6.10 pm]: I move -

That the Bill be now read a second time.

The effect of the decision of the High Court in *Western Australia v the Commonwealth*, delivered on 16 March 1995, is that the commonwealth Native Title Act 1993 operates to the exclusion of inconsistent state laws. Land and waters in Western Australia which are the subject of native title rights can be dealt with only in accordance with the procedures and limitations of the Native Title Act. It is therefore necessary that state law relating to dealings in land be consistent with commonwealth law.

The purpose of the Bill is to ensure that land may be taken for public works, or to confer rights or interests on persons other than the Crown, in a manner which is permissible under the Native Title Act. This Bill will ensure also that the Public Works Act is a

compulsory acquisition Act for the purposes of the Native Title Act, and that the procedural requirements of the Public Works Act are consistent with the Native Title Act. In order to bring this Bill forward, it is necessary to repeal the now inoperative Land (Titles and Traditional Usage) Act 1993 as well as specific provisions relating to that Act in several Statutes. To fulfil the undertaking given to the Legislative Council during the debate on the Titles Validation Bill, this Bill will repeal the Act by clause 15.

The field regulated by the Native Title Act extends to all "acts" which affect native title. "Acts" are defined in the Native Title Act's section 227 to include the exercise of any executive power of the Crown. An act which is wholly or partly inconsistent with the continued existence, enjoyment or exercise of native title rights is said to "affect" them. Whether an act affects native title depends upon the nature of the act, and in some cases, may depend upon the content of the native title.

Generally - for there are exceptions - an act which takes place after 1 January 1994, and which affects native title, is a "future act". Every future act is, by definition, either a "permissible future act" or an "impermissible future act". The two categories are mutually exclusive. Leaving aside the Native Title Act's sections 24 and 25, the effect of the Native Title Act in relation to future acts is -

- (1) All impermissible future acts are invalid to the extent that they affect native title; and
- (2) all permissible future acts are valid, subject to compliance with the right to negotiate procedures, where applicable.

Every future act which is not a permissible future act is an impermissible future act. An act is a permissible future act if it satisfies one or more of the criteria in the Native Title Act's section 236. For most purposes the relevant criterion will be the "freehold equivalent" test in the Native Title Act's section 235(2) and (5). Generally - for there are exceptions - that test will be satisfied if the act could be done in relation to the land concerned if the native title holders, instead of holding native title, held a freehold estate in fee simple in relation to the land.

This test has created immense difficulties in respect of grants of freehold and leasehold interests - other than mining leases - easements and, indeed, most other titles and licences. Because these cannot be made over existing freehold land they will in most cases be "impermissible" grants if they affect native title. Under existing law those grants will be invalid to the extent that they affect native title.

There has been no determination of native title in Western Australia although a number of claims have been made. It is likely that the existence, content and whereabouts of any native title in Western Australia will remain unknown for many years, particularly in the pastoral areas and in those areas that are known as vacant Crown land. Until a determination of native title is made on a particular area of land it will be almost impossible to judge if, and to what extent, a particular act affects that native title. It will be necessary, therefore, to ensure that dealings in land will be valid, whether or not native title exists, by providing in state laws for the possibility that native title might exist.

The point may be illustrated by an example of what can happen in the case of leases under the Land Act. Before the commencement of the Native Title Act, special leases and pastoral leases could simply be granted in respect of land designated as "Crown land". Since the commencement of the Native Title Act, leases granted over Crown land, where native title exists, are invalid to the extent that they affect native title. The Native Title Act requires that the native title rights be acquired before a lease can be validly granted.

To be consistent with the commonwealth Racial Discrimination Act 1975 the State cannot single out native title for differential treatment. State laws must be of general application unless they are "special measures" under the Racial Discrimination Act. Consequently, state laws must enable the acquisition of any land - whether truly "vacant" Crown land, native title land, freehold or leasehold land, or otherwise - for public works, or for the purpose of granting a title to or conferring rights on a person other than the Crown.

State laws must also satisfy the Native Title Act definition of "Compulsory Acquisition Act". A compulsory acquisition Act is defined by the Native Title Act as a law that permits the acquisition of both the native title interests and other interests, provides for compensation for the acquisition of native title interests and contains provisions to the effect that the State must consider and negotiate in good faith a request for non-monetary compensation.

The principal Statute enabling compulsory acquisition of land and interests in land in Western Australia is the Public Works Act. Two difficulties have arisen as a result of the Native Title Act which severely curtail the ability of the State to carry out public works and to grant titles to land. The difficulties are -

- (1) The Public Works Act does not fall within the Native Title Act definition of "Compulsory Acquisition Act". Therefore, acquisitions of land under the Public Works Act, in its present form, will be ineffective where the land is subject to native title rights; and
- (2) the Public Works Act generally does not provide for compulsory acquisition of land for the purpose of granting titles. In general, land in Western Australia can be acquired only for public works. The Public Works Act in its present form does not permit land to be taken for the purpose of granting titles or interests although the Native Title Act requires that this be done before grants of freehold and leasehold interests - other than mining leases - easements and other titles, licences and interests can be made over land the subject of native title rights.

The primary object of the Bill is to overcome these difficulties to ensure that land may be validly acquired for a range of purposes, whether or not native title exists.

The Bill is in 10 parts. Part 1 deals with preliminary matters concerning the short title of the Bill and the date of its commencement. Part 2 contains the amendments that are required to the Public Works Act to satisfy the objectives of the Bill, to which I will return in a moment. Parts 3 to 10 inclusive will repeal the Land (Titles and Traditional Usage) Act and certain sections of the Land Act, Mining Act, Mining Pipelines Act, Petroleum Act, Petroleum (Submerged Lands) Act, Petroleum Pipelines Act and the Pearling Act which are inoperative. Clauses 3 to 14 are in part 2 of the Bill.

Clause 3 provides that references to the principal Act in the Bill are to the Public Works Act as amended by the legislation referred to in clause 3. Clause 4 will amend the long title of the principal Act to include provision for the taking of land for public works and for the purpose of conferring interests under written laws. Clause 5 will amend the short title of the Public Works Act to "Land Acquisition and Public Works Act". This is necessary because the Public Works Act will no longer be limited in its application to resumption or setting aside of land for public works.

Clause 6 will amend the definition of "Crown land" in section 2 of the principal Act. The effect of this amendment is that land, in relation to which native title exists, is not for the purposes of the principal Act to be regarded as land of the Crown whether dedicated to any public purpose or not. This clause also incorporates, by references, certain terms that are defined in the Native Title Act. Clause 7 will insert after part 1A of the principal Act a proposed part 1B, comprising sections 9J to 9S inclusive. The objectives of part 1B, part 2A and section 45A of the principal Act are set out in proposed section 9J as -

First, to ensure that where the taking of land under the principal Act affects native title, the taking is a permissible future act under the Native Title Act;

secondly, to ensure that the principal Act is a compulsory acquisition Act for the purposes of the Native Title Act; and

thirdly, to ensure that the principal Act is consistent with the procedural requirements of the Native Title Act.

Although this aspect may already be covered by the definition of "land" in the Interpretation Act, proposed sections 9K and 9L are intended to make it clear that references to "land" in the principal Act include land in relation to which native title

exists, and that references to an "estate or interest in land" include native title rights and interests. Proposed section 9M provides for notice to be given to native title holders where land is proposed to be taken for a public work, and the taking will affect native title in terms of section 227 of the Native Title Act. The native title holders are to be treated as owners for the purposes of section 17(2)(c)(ii), (d)(i) and (e) and (2)(a) and (b) of the principal Act. In most cases the identity of the native title holders, if any, will be unknown. Proposed subsection 9M(1)(b), therefore, permits the Minister to satisfy the obligation to give notice to the native title holders by giving notice of the intended taking or resumption in accordance with section 23(6) or, if applicable, section 23(7) of the Native Title Act. Proposed section 9M(2)(a) increases the period for objection by native title holders, under section 17(2)(d)(i) from 30 days to 60 days to be consistent with the period in which objections may be given under the Native Title Act.

Under section 17(3)(d) of the principal Act a notice of intention to take or resume any land has no force or effect after the expiry of one year from the publication of the notice in the *Gazette*. One year may be an insufficient time where the right to negotiate procedure under the Native Title Act applies to the notice of taking or resumption. Accordingly, proposed section 9M(2)(b) will permit the Minister to extend that period beyond one year.

Proposed section 9N provides for notice to be given to native title holders where the taking or resumption of land is for the purpose of conferring a title on a person other than the Crown. Although this will be a permissible future act, section 29 of the Native Title Act requires that certain parties must be notified of the proposed act. This is to be compared with section 17(2)(c)(ii) of the principal Act which requires the Minister to cause a copy of the notice to be served on the owner and occupier of the land in question. Again, since it may be impossible to identify all the owners and occupiers of native title with certainty, proposed section 9N permits the Minister to satisfy the objections under section 17(2)(c)(ii) by giving the notices required by section 29 of the Native Title Act.

Proposed section 9O provides that, where native title rights and interests are taken, native title holders have an entitlement to compensation under part III of the principal Act. This is a requirement of the Native Title Act definition of "Compulsory Acquisition Act". This entitlement will arise at the time of the taking. It is intended that only one claim for compensation can be made and, in awarding compensation, account is to be taken of any compensation awarded under the Native Title Act, or any other written law, for essentially the same act. This reflects the provisions of section 49 of the Native Title Act. Section 34(2) of the principal Act might be held to exclude native title holders from claiming compensation under part III. Proposed section 9P provides that native title holders are not to be excluded by section 34(2). Proposed section 9Q provides that only native title holders may make a claim for compensation under part III of the principal Act for the effect on native title rights and interests.

The Native Title Act provides that if land is taken or resumed under a Compulsory Acquisition Act, the non-extinguishment principle applies to the taking or resumption until effect is given to the purpose of the taking or resumption. Under the non-extinguishment principle the native title rights continue in their entirety until effect is given to the purpose of the taking or resumption. Compensation nevertheless is payable, at the time of the taking or resumption, for any native title rights or interests that may be affected. The possibility therefore exists that, where the purpose of the taking or resumption of land is cancelled prior to effect being given to that purpose, the native title holders would have both the continued existence, enjoyment or exercise of the native title rights and interests in respect of which compensation has been paid, and the compensation. Obviously, in these circumstances, the native title holders cannot have both. Proposed section 9R addresses this situation and provides for repayment of any monetary compensation which may have been paid to, or is held on behalf of, the native title holders where the purpose of the taking or resumption is cancelled prior to effect being given to that purpose. The obligation to repay compensation in these circumstances is consistent with section 52 of the Native Title Act. This section does not apply to any person who is not a native titleholder and who has received compensation

for the lost interest in land. However, due to concerns of the members of the Opposition that it may be unfair to expect native title holders to repay compensation where considerable time has elapsed between the payments of compensation and the cancellation of the purpose of the resumption, the section has been amended to impose a time limit on the repayment of compensation. The amendments ensure that compensation paid to persons other than a trustee is not refundable after three years from the resumption.

Proposed section 9S provides that the references to "owner" or "owners" in the sections listed include a reference to native title holders.

Clause 8 ensures that the references to "the owner or occupier of land" in section 13 of the principal Act include native title holders. Clause 9 is a consequential amendment to section 17 of the principal Act, required by the proposed repeal of existing part IIA by clause 10. Clause 10 repeals the existing part IIA of the principal Act and substitutes a proposed part IIA. Part IIA consists of proposed sections 33C to 33F, inclusive.

Proposed section 33C will permit the Governor, by order, to authorise the taking of land for the purposes of a grant under a written law of any estate, interest, right, power or privilege in relation to that land. This section is of general application, to avoid inconsistency with the Racial Discrimination Act. It will ensure that the State will be able to grant valid rights and interests, as required by the Native Title Act. Without this power, the granting of freehold and leasehold interests, other than mining leases, easements and most other titles and licences, which affect native title, would be impermissible future acts and those interests will be invalid to the extent that they affect native title.

However, as the powers to take land were very broad, the section has been amended to qualify the purpose for which land can be taken. The effect of the amendments is to limit the exercise of this power to the circumstances where the purpose of the proposed grant confers an economic or social benefit on the state region or locality.

Section 33D provides that land is to be taken under section 33C, as if for a public work. It is not unusual for Statutes to provide that freehold land may be resumed for the purpose of conferring title on another person, as if it were a public work; for example, section 21 of the Mining Act 1978 and the Statutes that ratify state agreements governing major development projects. Proposed section 33E contains consequential amendments to the sections of the principal Act, referred to in the table in section 33E, that are required to give effect to proposed section 33C. Proposed section 33F provides that compensation may be payable, by agreement with the Minister, by the person who receives an interest in land which has been taken under part IIA. An agreement made under proposed section 33F will create an obligation to pay the agreed compensation to the Minister. This agreement will not affect the obligation of the State to pay compensation to the native title holders who may be affected by the taking. This reflects the provisions of section 23(5)(b) of the Native Title Act. Proposed section 45A will oblige the Minister to consider, and to negotiate in good faith, a request made by a claimant that the claim for compensation be satisfied, in whole or in part, by compensation in a form other than money; for example, by transfer of property or provision of goods or services. This reflects the provisions of section 79 of the Native Title Act.

Clauses 12, 13 and 14 contain consequential amendments to sections 78 and 79, and the various sections and schedules - referred to in the table in clause 14 - of the principal Act. Clause 15 repeals the Land (Titles and Traditional Usage) Act 1993.

It is incumbent on the Government to provide a framework for the development and advancement of this State. The Commonwealth has passed a law which has severely curtailed the ability of the State to carry out public works and to grant titles to land, both of which are essential for its continued development. That commonwealth law requires the State to acquire native title rights and interests before it carries out public works on Crown land or issues titles to any of that land, although the existence, content and whereabouts of native title in Western Australia will be unknown for many years. It

requires things to be done which simply cannot be done under our existing legislation. It is therefore necessary for the State to have the ability to continue, within the framework of the Native Title Act, to provide public works and to grant titles to land. This Bill will go some way towards enabling the State to meet its responsibility to all Western Australians. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [6.26 pm]: I move -

That the House do now adjourn.

Adjournment Debate - State School Teachers Union, Rally, Perth Oval

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [6.27 pm]: I wish to bring to the attention of members a very pleasant experience I had at midday today when I attended the Perth Oval where the State School Teachers Union of WA was holding a rally in support of its industrial campaign. Prior to that rally we had been told by the Minister for Education that the teachers' union was divided, leaderless and rudderless, and did not know what it was doing. The 10 000 people participating in the rally knew what they were doing.

Hon E.J. Charlton: They were having a day off.

Hon JOHN HALDEN: And losing their pay! They were clear that they did not trust the Minister for Education. They were clear that he has duped them on a number of occasions; that they felt betrayed by this Government; that they would not be intimidated by the processes that the Minister for Education or the Minister for Labour Relations were likely to bring down on their heads.

Hon Kim Chance: Is that all 10 000 or the majority?

Hon JOHN HALDEN: It was interesting that 10 000 people attended the rally, where a number of resolutions were put and passed unanimously. The democratic process can be funny on occasions! I was concerned about statements by the Minister for Education which led me to believe this was a divided union of probably 12 000 metropolitan members but which could get close to 10 000 members to attend a rally.

Hon Kim Chance: And 65 per cent of whom probably voted Liberal at the last election.

Hon JOHN HALDEN: At least! They had a common purpose, but I do not think they will do it again.

As I spoke to some members who stood on the lawns and in the grandstand it was clear they had not bought the argument about the \$765m that the Government proposed for capital works and maintenance. In spite of the figures provided by the Minister today - yet another sort of mathematics and statistics - the union members clearly understand that \$765m extrapolated over six years does not account for inflation. In spite of the Minister for Education's extravagant campaign run in *The West Australian* amounting to \$10 000 to \$12 000 a page, he had the temerity today to say that former Minister Carmen Lawrence had spent \$87 000 in an advertising campaign against the union in the past. The Minister has spent more than that this week; yet he has the temerity to suggest that the former Minister for Education may have been a bit extravagant. That extravagance is nothing when compared with the extravagance of this Government or this Minister.

I turn now to a letter given to me on behalf of a number of teachers at the rally today. They asked me to read it into *Hansard*. The letter is addressed to the Premier, The Hon R.F. Court B.Com. MLA, Parliament House, and states -

We, the ordinary members of the State School Teachers Union, wish to inform you of our commitment and support of The Quality Of Education Campaign.

The Campaign is being directed by us in democratic processes which you should respect and is not directed by the agendas which your government suggest.

We, the State teachers of Western Australia, will abide by the decisions which the executive take after the crucial outcome of the pay offer vote, along the same democratic processes.

We will not be bullied into submission by the dictates and edicts of economic ideologies.

We fully support the President and Executive of our Union as the elected leaders of our organisation.

Whatever the outcomes of this long campaign, what we all have to realise, and that includes you, is that even though battles may be lost, in all democratic processes, the real victory will be won at the ballot box.

That letter is signed "The State Teachers of Western Australia".

Hon B.K. Donaldson: Are they members of the union executive?

Hon JOHN HALDEN: No, and the gentleman who gave that letter to me, on behalf of the others, was not. I suggest that the serious side to this matter is that members opposite cannot continue to allow a Minister of the Crown to, in effect, go through some of the fanciest footwork that I have ever seen. Some of that footwork was clearly exposed today when we saw how the Minister and his officers and the Premier and his officers negotiate. That is, they make a demand, and when that is not acceded to, they call off the negotiations. They then start another series of negotiations and change what is to be traded off, and when that is not acceded to, they run off and complain to the Press, and then call off the negotiations again. That is a very different story from the one the Minister for Education gave us today. He would have us believe that all of the current series of negotiations was cancelled by the State School Teachers Union, but I know specifically that the last series of negotiations was cancelled by not the SSTU but the Government. There is now nothing on the table. There is no process of negotiation. What we have entered into in this State is a headlong collision course because basically the Minister cannot concede that he has made the odd mistake along the way.

Hon Kim Chance: It is a bit like the way that the Minister for Transport dealt with Stateships.

Hon JOHN HALDEN: It is exactly the same.

Hon Kim Chance: Is this the new industrial relations policy?

Hon JOHN HALDEN: I think this is the epitome of how it will work. Members opposite may think the Minister is smart - and he has actually run the odd good line in this place - and that they will win in this dispute, but there are approximately 12 000 teachers in the metropolitan area, and I presume most of them were at the rally today, and those teachers interact directly with voters every day of the week. Those teachers are looked up to and respected because they have in their hands the education and futures of voters' children. Those teachers are influential, and when they say the Government stinks, the voters will get the message that the Government does stink. The Minister and his colleagues, led by the Premier, have created a fairly significant problem, not so much for government members in this place, but for some government members in the other place who are in marginal electorates, who should think carefully about their political survival.

More importantly, I suggest that the matter be dealt with in a far more honest way than it has been by the Minister for Education. He knows that the \$765m offer that he made over six years does not maintain expenditure at the rate of inflation. I do not care about the figures which he gave today; they were equally as bad - I do not want to use the word because I am sure it would be unparliamentary - or equally as misrepresentative of the true situation once we take into account inflation. The fact of the matter is that the Minister for Education is deceiving the community and teachers. At the end of the day, that will have a political consequence for members opposite. I do not particularly mind that. I am pleased that that will be the outcome. However, at the end of the day, to allow a Minister to bring the education system into chaos at the expense of our children, one of whom is mine, is an absolute disgrace.

Hon Derrick Tomlinson: You should not call your child an absolute disgrace. I think that is disgusting.

Hon JOHN HALDEN: I refer in that way only to Hon Derrick Tomlinson and the member sitting next to him. The situation is that if members opposite do not take an objective view of what is happening in this dispute, talk to people on the other side, and understand the tactics that have been used, they will not appreciate that there is a legitimate reason that those 10 000 people at Perth Oval today were very angry about members opposite and their Minister. At the end of the day, that will have a political consequence for members opposite, but at this time it is having a direct consequence for our children. Do not blame the SSTU. Do not blame the previous Labor Government. Do not blame me. Members opposite should look at their own efforts and at the efforts of the Minister.

Adjournment Debate - Australian Medical Enterprises and National Medical Enterprises, Fraud Charges

HON SAM PIANTADOSI (North Metropolitan) [6.36 pm]: It is unfortunate that there has been a mass exodus from the government benches by Ministers who have more important business than to stay in this Chamber. Hon John Halden tried to rectify some of the problems with the Minister for Education, and I have a similar problem with the Minister for the Environment, who will not shoulder responsibility.

Several members interjected.

Hon SAM PIANTADOSI: It is amazing that the end of the day is the only time that government backbenchers find their voices, when there is every chance that they will not have to make a contribution.

I am concerned that yesterday, I asked a question in this House of the Minister for the Environment, and he said that he had not been given notice of that question. I have always thought that questions without notice can be asked of a Minister, and my question was in regard to the time that that Minister held the Health portfolio. I accepted the fact that the Minister had not been given notice, so I gave him notice and asked the question again today. The Minister said that he would refer that question, which was directed to the time that he was Minister for Health, to the current Minister for Health, Graham Kierath. How misleading can one get? It is obvious that Hon Peter Foss does not want to respond. He has made a decision to side himself, openly and frankly, with Australian Medical Enterprises Ltd and with its American counterpart, National Medical Enterprises, which, as all members can find out from the papers that I tabled yesterday, is a bunch of crooks and has been charged with fraud, insider trading and other offences. The Minister is supporting NME publicly. The Minister abrogated his responsibilities, when Dr Penman - and his letters are documented - and the then Commissioner of Health called on the Minister to set up an inquiry into what was going on, because the current Health Act does not cater for multinationals. It is ironic that in this place today, the Minister recommended changes to the Poisons Act, when during his two years as Minister for Health he abrogated completely his responsibility in regard to a matter which will affect the interests and health of all Western Australians.

Evidence has been provided of court actions in which it can be said that many people lied even under oath about the position of their companies and the actions against them. It can be verified in the United States of America from the Supreme Court through to the District Court to the County Court. Something like 122 different actions were looked at by the Internal Revenue Service, the FBI, the federal Attorney General, the defence force and others. They were all looking at this mob. The Minister had the audacity to come into this place and say that there was nothing wrong. He has stated publicly that he will support Australian Medical Enterprises. He was one of the people who was pushing to bring AME to the public hospitals. I am glad to hear that as late as yesterday someone as rational as Mr Kierath has seen fit on this occasion -

Hon Kim Chance: Are you feeling okay?

Hon SAM PIANTADOSI: I think Mr Kierath is not feeling okay, but I welcome his

decision. Maybe he is saying enough is enough. These are the kinds of people members opposite associate with and support. Members on the back bench are pretty vocal on occasions, but I have not noticed any of them speak on this, and I challenge them to go through the papers that I have tabled and to have their say and ask questions, otherwise it may be deemed that they too are associated with and support a bunch of crooks. One could quite legitimately think that they are a bunch of crooks because they are doing nothing. They are part and parcel of a Government in power. They have the ability to question the Minister over why he has shunned his responsibility; why he misled this House; why he is not here; and why he has not bothered to look at the tabled information. At least those members on behalf of Western Australia could stop the rot.

On Tuesday I will be providing documentation about NME and its operations in Spain, where partners have been gaoled for fraud, as well as other documentation showing that Parkway, Mr Marco Lucido and Australian Medical Enterprises are trying to make a deal. Mr Bansemer sent to Dr Wynne a letter saying that nothing would change because it was a paper transaction and the people were the same. Medical officers from the Airport Medical Centre (NME) were suspended from the Singapore Medical Council, and the fraud cases happened in the United States, and in Spain. The subsidiary company directors have since been gaoled for fraud. We are still going through the five tapes to find out what has occurred in England and in other States. Notwithstanding all the evidence and memos by the most senior public servant in the Health Department, Dr Andrew Penman, when he recommended an inquiry and suggested that the present Act could not cope with the demands and intentions of multinationals, it is ironic and maybe it is a long bow, but the firm of solicitors representing AME's interests is none other than Mallesons Stephen Jaques. I wonder who in this House was a partner in that firm? We might ask ourselves whether there is a link, because at the rate that this man has been publicly supporting NME and AME, and this is fraud in Queensland -

Point of Order

Hon GEORGE CASH: Hon Sam Piantadosi has expressly said that the Minister for the Environment was supporting a fraud. I ask that it be withdrawn.

The DEPUTY PRESIDENT: Those comments will be withdrawn.

Hon SAM PIANTADOSI: I withdraw -

The DEPUTY PRESIDENT: Unreservedly.

Hon SAM PIANTADOSI: Let me finish. I withdraw those comments unreservedly.

Debate Resumed

Hon SAM PIANTADOSI: The facts are that Mr Foss is publicly supporting people, not by way of a statement but by what has been reported in the Press, who have been charged with fraud on several occasions. That is a fact.

Hon George Cash: That does not by itself indicate -

Hon SAM PIANTADOSI: I am saying that Mr Foss has publicly supported AME and NME. I have tabled documents which indicate that these companies have been charged with fraud and some of their directors have been involved in legal action for fraud, as I pointed out last night, and they were sitting on the boards of companies here. If members check the facts they will find out all about it. Those people were sitting on boards here and were charged with fraud.

[The member's time expired.]

*Adjournment Debate - Industrial Relations Legislation, Trades and Labor Council
Demonstration*

HON TOM HELM (Mining and Pastoral) [6.45 pm]: I will not take much of the time of the House, but at least in five minutes I can put on record the congratulations of this House to the Trades and Labor Council for the demonstration it held in the other place today during the second reading of the industrial relations legislation. The House will be aware that TLC members attended in the Chamber of the other House during the second

reading speech on the proposed industrial relations amendment Bill. The Speaker had to clear the gallery because of interjections from the Public Gallery. The TLC members left the gallery as instructed by the Speaker in a disciplined and quite organised way and continued their demonstration outside, which mainly consisted of singing the song about the strength of the unions in always supporting their members. The House should not adjourn until it has acquainted itself with those facts and sent its congratulations to the TLC.

Question put and passed.

House adjourned at 6.47 pm

QUESTIONS ON NOTICE

EDUCATION DEPARTMENT - SCHOLARSHIPS FOR STUDENTS TO TRAIN AS TEACHERS

190. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Minister directed the Education Department to provide any scholarships to encourage the best young students to train as teachers for primary and secondary education in his term of office?
- (2) If not, why not?
- (3) If yes, how many scholarships have been awarded?

Hon N.F. MOORE replied:

(1)-(3) This concept is to be further considered in the future.

POLICE - HUNTER, REGINALD, ILLEGAL MINING ON PL 38-53 COMPLAINT

3167. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

With reference to the complaint made by Mr Reginald George Hunter of 49 Carlisle Street Safety Bay in respect of illegal mining on PL 38/53 -

- (1) Why did Constable Robin Scott take Galvin Mason's partner Mr Bill Rickson, when he did the initial investigation into Mr Hunter's lease in June 1984?
- (2) Why did Constable Robin Scott turn up on Mr Hunter's lease and warn Galvin Mason about a half an hour before the Kalgoorlie police arrived to advise him the police were coming to visit the lease on 31 October 1984?
- (3) Why did the police travel 800 km from Kalgoorlie to Laverton and return on 31 October 1984, bring a senior mines inspector, and only interview and take a statement from Galvin Mason?
- (4) Why did the investigating officers refuse Mr Hunter's request to interview geologist Janos Locesi, who Galvin Mason claimed gave him permission to mine Mr Hunter's lease?
- (5) Why did the investigating officers not take a statement from Mr R. Hunter?
- (6) What role did the Senior Mines Inspector have in the investigation?
- (7) Why did the Kalgoorlie Goldstealing Branch not take action on Mr R. Hunter's letter on 13 November 1984?
- (8) Why were the orders of Chief Superintendent Ridley not carried out regarding Mr R. Hunter's complaint to him on 28 November 1984?
- (9) Why did Chief Superintendent Clews refuse to interview gold stealing witness Kim Naughton on 8 January 1985 when requested by Mr R. Hunter and his wife and advised by them that Naughton was willing to be interviewed?
- (10) Why did Deputy Commissioner Ayres refuse to carry out an investigation into Mr Hunter and his wife's complaint into the police officers investigation of this matter and also refuse to take action on Warden's Court findings?
- (11) Why did police officers refuse to charge Galvin Mason with gold stealing under the Criminal Code?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

- (1)-(10) This whole issue has been the subject of long and ongoing complaint and investigation since 1984. The issue has been raised with successive Police Ministers and it has been indicated to Mr Hunter on many occasions that his allegations of impropriety could not be sustained. In 1988, the then Minister for Police advised Mr Hunter that no useful purpose would be served in pressing this matter any further. If there are any concerns about the conduct of police officers in this matter, these should be referred to the Ombudsman.

FIREARMS - UNLICENSED POSSESSION, PENALTIES

3230. Hon J.A. COWDELL to the Leader of the House representing the Minister for Police:

- (1) What penalties apply to the possession of unlicensed firearms in Western Australia?
- (2) What are the comparable penalties in other Australian States and Territories?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

The Commissioner of Police has advised -

- (1) Dependent on the circumstances, under the provisions of the WA Firearms Act, the following penalties apply to the possession of an unlicensed firearm -

Section 19(1), possess unlicensed firearm: If the following circumstances exist -

- (a) has been refused such a licence or permit;
- (b) is disqualified from holding such a licence or permit; or
- (c) has had such a licence or permit cancelled under section 27 or revoked.

\$800 000 or imprisonment for 12 months or both; otherwise \$300 or imprisonment for six months, or both.

Section 19(2)(b), knowingly purchase or acquire an unlicensed firearm: \$300 or imprisonment for six months or both.

Section 19(3), possess unlicensed firearm (curio): \$60.

Section 23(3), possess firearm (unlicensed) between 7.00 am and 7.00 pm: If a pistol - \$800 or imprisonment for 12 months or both. Otherwise - \$400 or imprisonment for six months or both.

Section 23(4), possess firearm (unlicensed) between 7.00 pm and 7.00 am: If a pistol, on indictment, imprisonment for two years and on summary conviction \$1 000 or imprisonment for 12 months or both. Otherwise \$800 or imprisonment for 12 months or both.

- (2) Queensland: Possess unlicensed rifle - shotgun, 6 months' imprisonment or 20 penalty points or both. Handgun - one year imprisonment or 60 penalty points or both. Machine guns etc - two years' imprisonment or 100 penalty points or both. One penalty point = \$60.

New South Wales: Possess unlicensed firearm - summary conviction maximum penalty, 50 penalty points or two years' imprisonment or both. Indictable conviction maximum penalty, 10 years' imprisonment if established beyond reasonable doubt or five years' imprisonment if not established beyond reasonable doubt. One penalty point = \$100.

South Australia: Possess unlicensed firearm - maximum penalty, first offence, \$1 000; second offence, \$2 000 or six months' imprisonment.

Northern Territory: Unregistered rifles, \$1 000 or three months' imprisonment. Unregistered handguns and semi auto rifles - military, \$2 000 or six months' imprisonment. Possession unlicensed and use, \$5 000 or 12 months' imprisonment.

Tasmania: Possess unlicensed firearm - maximum penalty, 50 penalty units or two years' imprisonment or both. One penalty point = \$10.

Victoria: Rifles/shotguns, \$1 000 or 12 months' imprisonment. Pistols, \$4 000 and six months' imprisonment.

POLICE - ALBANY STATION, OFFICERS EMPLOYMENT

3342. Hon BOB THOMAS to the Leader of the House representing the Minister for Police:

- (1) What is the full operating complement for the Albany Police Station including provisions for relieving other stations in the region?
- (2) How many officers are currently employed at the Albany station?
- (3) When does the Government intend to fully staff the Albany station?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police as follows -

- (1) The approved police staffing of Albany is -

General duties	9 sergeants 24 constables 1 police aide 1 civilian
Traffic duties	2 sergeants 10 constables 1 civilian
Criminal investigation branch	1 detective sergeant 3 detective constables 1 civilian
Liquor and gaming branch	2 constables
Forensic branch	1 constable
Prosecuting branch	1 sergeant
Community policing	1 constable
Police & citizens youth club	1 constable
Regional police office	3 commissioned officers 1 constable 1 civilian
- (2) As per (1) above.
- (3) As part of the program for additional police numbers consideration is being given to allocate up to nine officers for Albany. The last staff increase, one general duties constable, occurred on 21 July 1995.

POLICE - FITZROY CROSSING LOCKUP

Rogers, Mark, Arrest

3351. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

- (1) Has the Police Commissioner conceded that the arrest of Mark Rogers of Fitzroy Crossing in August 1988 was irregular?
- (2) If so, in what respects?

- (3) Was Mr Mark Rogers advised of any irregularity?
- (4) What action was taken in respect of (1) and (2)?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police as follows -

- (1) No.
- (2) Not applicable.
- (3) No complaint was received from Mr Rogers.
- (4) The arrest of Mr Rogers was lawful. However, his detention was in contravention of the Justices Act. This irregularity was discovered during a routine internal police audit, resulting in disciplinary action against the two officers concerned.

POLICE - EUCLA CASE

3396. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

- (1) Who provided the statements which were taken by Inspectors W Chilvers and I Robson during their inquiry into the Eucla matter, to the Crown Law Department?
- (2) Who authorised this action, and for what purpose?
- (3) To whom in the Crown Law Department were these statements given?
- (4) Was any further material provided to the Crown Law Department other than the statements and interview transcript used as the basis for Winterburn's appeal?
- (5) Was the Police Department aware of the intention of the Crown Law Department to provide these statements to the solicitors of Messrs Winterburn and McCoull?
- (6) Has an investigation been held into this matter?
- (7) If so, when?
- (8) What was the outcome?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police as follows -

- (1) Superintendent Chilvers.
- (2) Deputy Commissioner of Police for inspection by the Crown Law Department on behalf of the Attorney General.
- (3) Mr John McKechnie QC.
- (4) No.
- (5) Yes.
- (6) No.
- (7)-(8) Not applicable.

POLICE - EUCLA CASE

3398. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

- (1) What caused Inspectors Rowcliffe and Robson's investigation into the Eucla matter to be held?

- (2) What were the terms of reference to this inquiry?
- (3) Did this investigation have access to the Thickbroom and Greay report?
- (4) Did Inspector Rowtcliffe have in his possession, during this inquiry, a report written by Inspector Chilvers that stated that Mr Thompson had told Ms Hill to lie to the internal investigators?
- (5) What were the recommendations made by Inspector Rowtcliffe at the completion of his inquiry?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police as follows -

- (1) A recommendation by the Director of Public Prosecutions.
- (2) To complete the investigation by interviewing witnesses in other States.
- (3)-(4) Yes.
- (5) The police officers subject to the inquiry be charged with attempt to pervert the course of justice.

POLICE - EUCLA CASE

3404. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

Further to question on notice 2687: Prior to the trial on this matter in 1994, the defence were told that they had been provided with the entire amount of taped interview available which amounted to 118.5 minutes of tape. According to the reply given to part (3) of the question there is now 233 minutes of tape available -

- (1) Will the Police Department provide the entire tapes available?
- (2) Will the Police Department provide a transcript of the entire tape available?
- (3) Why is there this discrepancy in the amount of tape available, and why was the entire amount of tape not provided to the defence?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police as follows -

- (1) All the tapes of interviews were handed to the Director of Public Prosecutions.
- (2) All the transcripts were handed to the DPP.
- (3) All material was provided to the DPP. The questions should be referred to the Attorney General.

POLICE - EUCLA CASE

3413. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

In respect of the Eucla case -

- (1) What is the text of Constable P. Johnson's commendation?
- (2) On what date was it approved?
- (3) On what date was it promulgated?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police as follows -

- (1) "You are to be commended for your dedication, courage and determination in the performance of your duty. You have adhered to the principles of honesty and integrity, without favour or prejudice under very difficult circumstances. You have shown devotion to duty which has reflected credit upon yourself and the Western Australian Police Service. Accordingly, I extend to you my personal congratulations."
- (2) 30 June 1995.
- (3) The Commissioner of Police will be presenting the commendation to Constable Johnson.

O'CONNOR, RAY - CHARGES AND CONVICTION CASE

3438. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

In respect to the recent charges and conviction of Mr R. O'Connor -

- (1) Did the Western Australian police contact Mr Lim of Kuala Lumpur to ascertain whether or not he sent a cheque for \$25 000 to Mr O'Connor?
- (2) Did Mr Lim advise the Police in writing that he had paid Mr O'Connor \$25 000?
- (3) If so, when and was this claim followed up?
- (4) Were two cheques for \$25 000 lodged in Mr O'Connor's accounts at this time?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police as follows -

(1)-(2) No.

(3)-(4) Not applicable.

SCHOOLS - PRINCIPALS

Selection; Training Before Appointment

3458. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the highest priority in selecting for promotion of teachers to principals been given to demonstrated recent participation and satisfactory performance in training and development in educational administration and leadership, in the Minister's term of government?
- (2) If not, why not?
- (3) If yes -
 - (a) how has this been achieved;
 - (b) does the training maintain a balance between management needs of the education system and the development of educational excellence;
 - (c) do all qualified applicants have training, at least to an equivalent level of a relevant postgraduate diploma, before appointment as a school principal; and
 - (d) is continued professional development a requirement for further promotion?
- (4) If yes to (3)(b), how?

Hon N.F. MOORE replied:

- (1) No.

(2) Selection is based on position descriptions and selection criteria.

(3)-(4) Not applicable.

EDUCATION DEPARTMENT - OPEN LEARNING TO ADDRESS STAFF DEVELOPMENT

3525. Hon JOHN HALDEN to the Minister for Education:

(1) Does the Education Department use open learning techniques to address staff development?

(2) If not -

(a) why not; and

(b) when will this start occurring?

(3) If yes -

(a) when did this start occurring;

(b) is the development of self-instructional, multimedia courses incorporated into these training programs; and

(c) will the Minister provide details as to how this is achieved?

Hon N.F. MOORE replied:

(1) Yes.

(2) Not applicable.

(3) (a) From the inception of the school leadership program in 1993 open learning techniques have been utilised in a variety of development courses for school leaders.

(b) Yes.

(c) Preparation for course participation has included pre-reading on an individual basis, listening to related audio material and guided action research in their own school. During typical staff development workshops individual, self-guided projects are commenced which are supported by open learning techniques such as telephone and video conferencing and small, local on-site meetings. Many staff development courses have a tutor, or mentor, identified to continue contact after an intervention such as a workshop. The ongoing support offered by this process utilises similar open learning techniques to those identified above.

EDUCATION DEPARTMENT - HOME TUTORS, TRAINING IN TECHNOLOGIES

3527. Hon JOHN HALDEN to the Minister for Education:

(1) Has training in all aspects of current and proposed future technologies been offered to home tutors, in the Minister's term of office?

(2) If not -

(a) why not; and

(b) when will this start occurring?

(3) If yes -

(a) when did this start occurring; and

(b) will the Minister provide details as to how this has been achieved?

Hon N.F. MOORE replied:

(1) Yes.

(2) Not applicable.

- (3) (a) This has been occurring since 1992.
- (b) This has been achieved through the appointment of a technology support officer, based at the Leederville campus of the School of Isolated and Distance Education. This person attends home tutor seminars and provides individualised instruction in the use of various technologies as well as conducting training programs for personnel based in each of the Schools of the Air. Interactive television programs supporting the use of technology are delivered from the Leederville Interactive Television Centre. The content of these programs is determined through discussions and information obtained from annual surveys with home tutors. Training is provided by the Education Department's education technology unit.

**EDUCATION DEPARTMENT - TELECOMMUNICATIONS IN EDUCATION
TRAINING CENTRE**

3528. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the proposal for a telecommunications in education training centre been endorsed to meet the needs of all staff, but particularly those working in a distance education environment, in the Minister's term of office?
- (2) If not -
 - (a) why not; and
 - (b) when will this occur?
- (3) If yes, when did this occur?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) The proposal which was a part of the five year technology strategic plan "Distance Education - Communicating for the Future" was endorsed in 1994. Construction of the training centre is to commence in the fourth quarter of this year.

**EDUCATION DEPARTMENT - TEACHERS IN REMOTE COMMUNITY
SCHOOLS**

Teaching English to Speakers of Other Languages

3533. Hon JOHN HALDEN to the Minister for Education:

- (1) Are teaching English to speakers of other languages qualifications or experience, and/or familiarity with Aboriginal languages, desirable prerequisites for teachers appointed to remote community schools?
- (2) If not -
 - (a) why not; and
 - (b) when will this start occurring?
- (3) If yes -
 - (a) when did this start occurring; and
 - (b) will the Minister provide details as to how this is achieved?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) (a) It has always been Education Department practice to appoint teachers to remote community schools on merit.

- (b) Teachers who have qualifications and/or experience in teaching English to speakers of other languages or who are familiar with Aboriginal languages are considered to be more competitive than teachers who do not possess these qualifications.

EDUCATION DEPARTMENT - ABORIGINAL EDUCATION WORKERS
On-site Programs; Aboriginal Teachers in Remote Schools

3535. Hon JOHN HALDEN to the Minister for Education:

- (1) Are Aboriginal education workers assisted through on-site programs to advance their own education?
- (2) If not -
 - (a) why not; and
 - (b) when will this start occurring?
- (3) If yes -
 - (a) when did this start occurring;
 - (b) is the aim to have Aboriginal teachers in remote community schools;
 - (c) if yes to (b), how is this achieved; and
 - (d) If yes to (1), how is this achieved?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3)
 - (a) 1993.
 - (b) Yes.
 - (c) This is achieved through Aboriginal education workers completing the bachelor of arts (education), external course, through Edith Cowan University; and accessing study cadetships through the Public Service Commission.
 - (d) Professional development for Aboriginal education workers is provided through Aboriginal education workers in collaboration with school staff can identify courses to further develop their skills and knowledge. Attendance at these courses are funded through the school grant allocation; funding is also allocated at district level to provide appropriate professional development for Aboriginal education workers within the district; and the Education Department has assisted in funding the development of two courses through Pundulmurra College. These are the certificate of education practice, and advanced certificate of education practice. These courses are recognised by the Education Department as the official training courses for Aboriginal education workers. To date 150 Aboriginal education workers have enrolled to undertake the certificate of education practice.

EDUCATION DEPARTMENT - ABORIGINAL EDUCATION WORKERS
Assisted to Become Qualified Teachers

3536. Hon JOHN HALDEN to the Minister for Education:

- (1) Are Aboriginal education workers encouraged and assisted to become qualified teachers?
- (2) If not -
 - (a) why not; and

- (b) when will this start occurring?
- (3) If yes -
 - (a) when did this start occurring; and
 - (b) how is this achieved?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) (a) This assistance commenced in 1988.
- (b) Aboriginal education workers are encouraged to enrol and participate in the Aboriginal university orientation course and on completion enter the bachelor of arts (education) through Edith Cowan University. There are two categories of assistance for Aboriginal education workers who are completing the external bachelor of arts through Edith Cowan University: Prior to 1993 they were assisted with paid study leave through a Public Service cadetship; post 1993 they have been offered assistance to undertake their studies by leave with pay for on-campus block release weeks and examination periods; the opportunity to reduce working hours or apply for leave without pay for periods of up to five weeks; and study leave without pay.

EDUCATION DEPARTMENT - TEACHERS IN REMOTE COMMUNITY SCHOOLS

Education of Their Children Inquiry

3539. Hon JOHN HALDEN to the Minister for Education:

- (1) Have ways of providing for the education of the children of teachers in remote community schools, either through distance education or living away from home allowances, been investigated, in the Minister's term of office?
- (2) If not -
 - (a) why not; and
 - (b) when will this occur?
- (3) If yes -
 - (a) when did this occur; and
 - (b) will the Minister provide details of the investigation?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) A review of the remote teaching service was completed in 1995. From the commencement of 1996 funding will be available as part of the remote teaching service package to assist with tutoring secondary students who are enrolled with the School of Isolated and Distance Education.

SCHOOLS - COUNCILS AND BOARDS

Support, Director-General of Education's Responsibility

3543. Hon JOHN HALDEN to the Minister for Education:

- (1) Is the Director General of Education now responsible for providing ongoing training, documentation and other support for members of school councils and school boards?

- (2) If not -
 - (a) why not; and
 - (b) when will this start occurring?
- (3) If yes -
 - (a) when did this start occurring; and
 - (b) will the Minister provide details of how this is achieved?

Hon N.F. MOORE replied:

(1)-(3) Reference to school councils and school boards is made in the Hoffman report which is under consideration.

EDUCATION DEPARTMENT - TEACHERS, RESPONSIBILITIES

3544. Hon JOHN HALDEN to the Minister for Education:

- (1) Are teachers now responsible for -
 - (a) implementing learning program in accordance with statements of expected outcomes, issued under the authority of the Director General of Education, and the school's curriculum policies;
 - (b) deciding appropriate teaching and learning processes for their programs;
 - (c) monitoring and evaluating children's performance in relation to the expected outcomes of their learning programs;
 - (d) analysing barriers to learning and developing strategies to overcome them; and
 - (e) demonstrating their accountability to parents and principals by reporting children's performance in relation to expected outcomes and the action they intend to take, where necessary, to improve that performance?
- (2) If not -
 - (a) why not; and
 - (b) when will this start occurring?
- (3) If yes to (1) -
 - (a) when did this start occurring; and
 - (b) will the Minister provide details of how this is achieved?

Hon N.F. MOORE replied:

(1)-(2) The responsibilities outlined in this question were raised in the Hoffman report. As yet, no decision has been made with regard to these matters.

(3) Not applicable.

EDUCATION DEPARTMENT - DEVOLUTION
Curriculum Framework

3545. Hon JOHN HALDEN to the Minister for Education:

- (1) With regard to the devolution process -
 - (a) Is the Director General of Education now responsible for the establishment of the curriculum framework for government schools?
 - (b) Is the curriculum framework now linked to the Education Department's statement of purpose, and does it describe the outcomes students should achieve at various stages throughout their schooling?

- (c) Is the authority and responsibilities of the director general in respect of the development and subsequent revision of the curriculum now specified in the Education Act and regulations?
- (d) Is the specifications of the curriculum framework now binding on all government schools
- (2) If not -
 - (a) why not; and
 - (b) when will these occur?
- (3) If yes to (1) -
 - (a) when did these occur; and
 - (b) will the Minister provide details of how they are achieved?

Hon N.F. MOORE replied:

- (1)-(2) The concept of devolution is explored in the Hoffman report. As yet, no decision has been made with regard to these matters.
- (3) Not applicable.

EDUCATION DEPARTMENT - DEVOLUTION
Principals, Responsibilities; School Curriculum Policies

3546. Hon JOHN HALDEN to the Minister for Education:

- (1) With regard to the devolution process -
 - (a) Is the principal of each school now responsible for ensuring that the learning programs being delivered by teachers are in accordance with the requirements of the curriculum framework and acknowledge the current achievement levels of the children?
 - (b) Are the curriculum responsibilities of a principal now specified in the curriculum framework?
 - (c) Are principals now accountable for the standards of learning in the school, to the school council (or board) and to the Director General of Education?
 - (d) Are specifications of a school's curriculum policies now binding on all teaching staff of the school?
- (2) If not -
 - (a) why not; and
 - (b) when will these occur?
- (3) If yes to (1) -
 - (a) when did these occur; and
 - (b) will the Minister provide details of how these are achieved?

Hon N.F. MOORE replied:

- (1)-(2) The concept of devolution is explored in the Hoffman report. As yet, no decision has been made with regard to these matters.
- (3) Not applicable.

**EDUCATION DEPARTMENT - TEACHERS, PROFESSIONAL DEVELOPMENT
 TO PLAN EDUCATIONAL PROGRAMS; ACCESS TO CURRICULUM
 INFORMATION**

3547. Hon JOHN HALDEN to the Minister for Education:

- (1) Do the Director General and school principals jointly ensure that each teacher -

- (a) receives professional development to enable him or her to plan and implement educational programs consistent with the requirements of the school and the curriculum framework;
 - (b) has access to high quality, relevant syllabus and other support materials to support an outcomes-based approach to learning; and
 - (c) has ready access to timely and relevant information about curriculum resources and curriculum planning
- in the Minister's term of office?
- (2) If not -
 - (a) why not; and
 - (b) when will this occur?
 - (3) If yes -
 - (a) when did this occur; and
 - (b) will the Minister provide details of how this is achieved?

Hon N.F. MOORE replied:

- (1)-(3) There are long established measures in place for ensuring that teachers receive professional development and the materials and information they require to plan and implement educational programs. Details of these measures can be found in the Education Department of Western Australia's strategic plan and annual report. Further initiatives are being considered with regard to the concept of curriculum framework in the context of the Hoffman report.

EDUCATION DEPARTMENT - DEVOLUTION
Principals, Organisational Structure Establishment

3548. Hon JOHN HALDEN to the Minister for Education: -

- (1) With regard to the devolution process -
 - (a) does the school principal now carry the authority to decide the organisational structure, and profile teaching staff for the school;
 - (b) are the principal's decisions now in accordance with relevant industrial agreement, the school development plan and the resources available to the school;
 - (c) is the principal accountable to the Director General of Education and the school council or board for the establishment of an appropriate organisational structure and staff profile, now demonstrated by the quality of the educational outcomes, as reported in the school developmental plan; and
 - (d) are the principal's decisions now able to be overturned by the director general if they are inconsistent with (c);

in the Minister's term of office?
- (2) If not -
 - (a) why not; and
 - (b) when will these occur?
- (3) If yes to (1) -
 - (a) when did these occur; and
 - (b) will the Minister provide details on how these are achieved?

Hon N.F. MOORE replied:

- (1)-(2) The concept of devolution is explored in the Hoffman report. As yet, no decision has been made with regard to these matters.
- (3) Not applicable.

EDUCATION DEPARTMENT - DEVOLUTION
Director-General; Principals

3549. Hon JOHN HALDEN to the Minister for Education:

- (1) With regard to the devolution process -
 - (a) has the director general retained the authority to decide the length of the school year;
 - (b) does the school principal now carry the authority to decide the size and composition of teaching and learning groups such that all children's entitlements of learning time are met from the school's total allocation of instructional time;
 - (c) are the principal's decisions now in accordance with the curriculum framework, the school development plan and the relevant industrial agreement;
 - (d) do school principals now demonstrate accountability to the Director General of Education and the school council or board for the school's time allocation decisions, through the educational outcomes achieved, as reported in the school development plan; and
 - (e) can the principal's decisions be overturned by the director general if they are inconsistent with (b)?
- (2) If not -
 - (a) why not; and
 - (b) when will these start occurring?
- (3) If yes to (1) -
 - (a) when did these start occurring; and
 - (b) will the Minister provide details as to how each of these are achieved?

Hon N.F. MOORE replied:

- (1)-(2) The concept of devolution is explored in the Hoffman report. As yet, no decision has been made with regard to these matters.
- (3) Not applicable.

EDUCATION DEPARTMENT - DEVOLUTION
School Development Plan

3552. Hon JOHN HALDEN to the Minister for Education:

- (1) With regard to the devolution process -
 - (a) have clear guidelines and support - hardware, software, staff and training - been provided to schools, relating to the requirements to establish performance indicators and management information systems to enhance information-based decision making and outcomes reporting in schools in the Minister's term of office;
 - (b) has the school development plan been clarified to include all aspects of the school's performance, for the purposes of the Education Department's school accountability policy; and

- (c) is school planning now done on a rolling three-year basis?
- (2) If not -
 - (a) why not; and
 - (b) when will these occur?
- (3) If yes to (1) -
 - (a) when did these occur; and
 - (b) will the Minister provide details of how these occur?

Hon N.F. MOORE replied:

- (1),(3) (a) The "School Development Plan Policy and Guidelines", published in 1989, provided clear guidelines for schools to develop performance indicators and management information systems. Individual schools then interpret the policy and guidelines in the most appropriate way for their circumstances. Support has been, and continues to be, provided by district superintendents and school development officers based in district offices. A number of computer packages have been used by schools for their management information systems. The department has undertaken a trial of a computer package in the outcomes statements management information systems project. This project was commenced in 1993 and is continuing.
- (b) The "School Development Plan Policy and Guidelines" published in 1989 states that the school should monitor all aspects of student performance. Schools have been expanding their performance information and now many schools have performance information on a majority of their performance indicators.
- (c) There is no specific requirement about the length of cycle schools should use for planning purposes. However, all schools are required to review their performance on an annual basis.
- (2) Not applicable.

SCHOOLS - BOARDS *Accountability*

3555. Hon JOHN HALDEN to the Minister for Education:

- (1) For the discharge of its power, is a school board accountable -
 - (a) to the school community, for the annual reporting of the school's performance in relation to the school development plan;
 - (b) to the Director General of Education, for the effectiveness and efficiency of the school, as reported through the school's development plan; and
 - (c) to the schools review unit, for the effectiveness of the board's operation?
- (2) If not -
 - (a) why not; and
 - (b) when will these changes occur?
- (3) If yes -
 - (a) when did these changes occur; and
 - (b) will the Minister provide details of how this is achieved?

Hon N.F. MOORE replied:

(1)-(2) The concept of school boards is explored in the Hoffman report. As yet, no decision has been made with regard to these matters.

(3) Not applicable.

EDUCATION DEPARTMENT - SCHOOL STAFF SELECTION PROCESS
Schools to Exercise Choice

3559. Hon JOHN HALDEN to the Minister for Education:

(1) Has the Director General of Education, while retaining the responsibility for the process of filling general teaching vacancies, considered expanding the option for a greater number of schools to exercise choice in the selection of general teaching staff, in the Minister's term of office?

(2) If not -

(a) why not; and

(b) when will this occur?

(3) If yes -

(a) when did this occur;

(b) what came out of this consideration; and

(c) has there been an expansion of the option for a greater number of schools to exercise choice in the selection of general teaching staff?

(4) If yes to (3)(c), will the Minister provide details?

Hon N.F. MOORE replied:

(1) Yes. This question is related to Hoffman recommendation 21 and is being considered further along with other recommendations of the Hoffman report.

(2) Not applicable.

(3) (a) A trial of school based selection of general teaching staff commenced in 1994.

(b) Refer to (4).

(c) Yes. Refer to (4).

(4) School based selection of general teaching staff will be progressively introduced in specified schools, such as new schools and only as vacancies occur, and as determined at the school level. A joint committee will be established to monitor the impact of this action.

EDUCATION DEPARTMENT - SCHOOL STAFF SELECTION PROCESS
Training and Documentation

3560. Hon JOHN HALDEN to the Minister for Education:

(1) Has training and documentation been provided for all people undertaking roles in staff selection, in the Minister's term of office?

(2) If not -

(a) why not; and

(b) when will this start occurring?

(3) If yes -

(a) when did this start occurring;

(b) will the Minister provide details of how this is achieved; and

- (c) will the Minister provide details of the training and documentation that is provided?

Hon N.F. MOORE replied:

- (1) Training and documentation is provided for all people undertaking roles in selection of Education Act staff.
- (2) Not applicable.
- (3)
 - (a) 1992.
 - (b) Training sessions are provided on an ongoing basis as required.
 - (c) Details of training and documentation are to be found in the department's Staff Selection Manual 1992.

SCHOOLS - DECISION MAKING AUTHORITY

3562. Hon JOHN HALDEN to the Minister for Education:

- (1) For the process of allocating decision-making authority schools to continue -
 - (a) has it enabled schools to use the money to greater educational effect;
 - (b) have schools been allowed to carry funds forward to the next year;
 - (c) have programmed maintenance, faults and repairs and capital works, remained central responsibilities, under the authority of the director general; and
 - (d) have adequate support and resources been allocated to schools to enable them to take up the additional responsibilities without detriment to the educational programs of students?
- (2) If not, why not?
- (3) If yes, will the Minister provide details as to how they are achieved so that the process of allocating greater decision-making authority to schools has been achieved?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Not applicable.
- (3) The school grant has given schools flexibility to deploy resources to meet priorities. The Education Act enables schools to carry forward funds to the next year. Funding for programmed maintenance, faults and repairs and capital works has not been devolved to schools. Management practices and procedures and support services provided from central and district offices are being continually improved to enable schools to continue to focus on providing quality education programs.

COASTAL DEVELOPMENTS - ENVIRONMENTAL IMPACT ASSESSMENTS, RESPONSIBILITY TRANSFERRED FROM EPA TO DPUD

3615. Hon BOB THOMAS to the Minister for the Environment representing the Minister for Planning:

- (1) How was responsibility transferred from the Environmental Protection Authority to the Department of Planning and Urban Development for conducting environmental impact assessments of coastal developments when in answer to (2) and (4) of question on notice 1724 of 23 March 1994 the Minister indicated that the allocation of that responsibility to DPUD was neither a formal nor informal delegation under section 19 of the Environmental Protection Act 1986?

- (2) What delegation was used to transfer this responsibility?
- (3) Which section of the Environmental Protection Act deals with this transferral of responsibility?

Hon PETER FOSS replied:

- (1)-(3) There has been no responsibility transfer to the Ministry for Planning for environmental impact assessment of coastal developments. The coastal planning branch of the ministry may provide advice to the Environmental Protection Authority if requested. The Western Australian Planning Commission has a range of policies on land use planning issues including coastal development.

**APPEALS - TO MINISTER FOR PLANNING AGAINST PLANNING
DECISIONS BY EAST FREMANTLE TOWN COUNCIL**

Appeals Upheld

3618. Hon MARK NEVILL to the Minister for the Environment representing the Minister for Planning:

In respect of the appeals to the Minister for Planning against planning decisions by the Council of the Town of East Fremantle -

- (1) Which appeals has the Minister upheld since 1 July 1993?
- (2) What properties did appeals in (1) relate to?

Hon PETER FOSS replied:

- (1) From 1 July 1993 to 31 August 1995 the Minister for Planning has received 29 appeals against planning decisions by the Council of the Town of East Fremantle of which 17 have been upheld or upheld in part.
- (2) The details of appeals, their proponents and the properties they affect are confidential.

**POLICE - BRANDIS, I., DETECTIVE SENIOR SERGEANT, AWARDED
AUSTRALIAN POLICE MEDAL**

3633. Hon MARK NEVILL to the Leader of the House representing the Minister for Police:

- (1) When was Detective Senior Sergeant I. Brandis awarded the Australian Police Medal?
- (2) For what reason was Detective Senior Sergeant I. Brandis awarded the Australian Police Medal?
- (3) Who was responsible for the recommendation of Detective Senior Sergeant I. Brandis for the Australian Police Medal?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police as follows -

- (1) 12 June 1989.
- (2) Distinguished service.
- (3) Former Commissioner of Police, Brian Bull.

ABORIGINAL AFFAIRS PLANNING AUTHORITY - NAME CHANGE COST

3653. Hon TOM STEPHENS to the Minister for Education representing the Minister for Aboriginal Affairs:

What was the total cost involved in changing the name of the Aboriginal Affairs Planning Authority to the Department of Aboriginal Affairs?

Hon N.F. MOORE replied:

The Minister for Aboriginal Affairs has provided the following reply -

The Aboriginal Affairs Department was established on 1 November 1994 at which time it took over the operations of three originating agencies, one of which was the Aboriginal Affairs Planning Authority. As such, the department is a new agency as distinct from one which has changed its name from the Aboriginal Affairs Planning Authority.

HOMESWEST - BUILDING SPECIFICATIONS AGENCY; CONSTRUCTION PROJECTS, SUPERVISION AND INSPECTION AGENCY

3657. Hon A.J.G. MacTIERNAN to the Minister for Finance representing the Minister for Housing:

- (1) What agency now prepares the building specifications for Homeswest constructions?
- (2) What agency supervises and inspects Homeswest construction projects?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

- (1) Not applicable. Homeswest prepares the general specification. Private sector designers/architects incorporate this into their documents.
- (2) Not applicable. Builders are responsible for the supervision of their works under the contract with a combination of private architects/designers/contract administrators inspecting the works to ensure that these are in accordance with contract documentation.

HOMESWEST - CONSTRUCTION OF DWELLINGS, STATISTICS; CONTRACTS

3658. Hon A.J.G. MacTIERNAN to the Minister for Finance representing the Minister for Housing:

- (1) How many dwellings were constructed by Homeswest in the period July 1993 to June 1995?
- (2) What building companies received contracts to build such dwellings and how many did each such company build?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

- (1) 3 518 dwellings commenced. This figure includes all building programs (rental, WiseChoice, remote and community housing), together with the spot purchase program.
- (2) See below (spot purchase excluded).

Homeswest Building Program from July 1993 to June 1995 - Number of Dwellings Allocated to each Building Company.

Building Company	Dwelling
ABC Kit Homes	2
A. Ietto & Associates	2
Barry Baxter Builders	11
Barry Collins Master Builders	6
Bert Meuzelaar Homes	1
Bill Pearson Construction	4
Bremer Bay Builder Co	6
Brian & Trevor Smith Construction	20
Bridgetown Residential Contractors	6
Cable Beach Homes	13

Callan Construction	26
Canton Constructions	11
City Cove Constructions	6
Conolad Pty Ltd	5
Contour Quality Builders	3
Country Life	3
Dale Alcock Homes Pty Ltd	29
Dekker & Spaanderman Homes	17
Delich Construction	9
Devaugh Pty Ltd	38
Easi Built Pty Ltd	4
Endius Pty Ltd	92
Evanfield Pty Ltd	10
F.J. & D.K. Ashplant	2
F. & L. Homes	3
Forde Constructions	61
Forma Construction	3
Franmor Constructions	15
Gary Chambers	2
Gavin Homes	1
Gearing and Hornbergen	6
Geha Building and Renovating Co	9
Geraldton Building Co Pty Ltd	29
Gnowangerup Building Supply	1
Goldawn Constructions	25
Grand International	138
Holiner Builders	4
Homestyle Pty Ltd	494
Ietto Developments Pty Ltd	12
Ital Developments	8
J.B.L. Littlefair	4
J.C. Schleicher	5
J. Corp Pty Ltd	19
J.M. Best & Son Holdings Pty Ltd	38
James Constructions	114
Jaxon Construction Pty Ltd	151
Joe's Construction	12
K.S.C. Construction	10
L.R.C. Quality Homes	20
Lowrey Constructions	21
M & C.A. Pirone	24
Mae Constructions	44
Maitland Building Co	6
Matteo Daqui	1
Messina Building Co Pty Ltd	27
Midland Painting and Renovating	1
Murray River North	13
Myers Construction	31
N. & J. Cavlovic	9
Nat Constructions	1
Ngaanyatjarra Services	6
Owston Building	5
P.F. & M.A. Evans	1
P.S. Chester & Son	42
P. & F. Building	5
P. & F. Kulker	7
Pannett Homes	1
Paradam Construction	34

Parkview Developments	3
Paul Karamfiles & Son	4
Perum Building and Construction	15
Peter Vowles	1
Pieros Corporation	9
Plunkett Homes Pty Ltd	39
Prime Projects	196
Princi Constructions	6
Project Management Australia	4
R.G. & W.M. Wilson Pty Ltd	2
R. & L.M. Besso	4
R. & M. Prosser & Son	1
Rainbow Homes	17
Ranieri & Corasanti Builders	2
Rapley Wilkinson Master Builder	28
Rimini Homes and Constructions	43
Romstead	5
Rural Homes	5
Rushton Constructions	4
S.D. Hughes	7
S. Geha & Co Pty Ltd	64
Saigon Constructions	2
Salvatore Emanuele	10
Scaffidi Developments	60
Shiloh Enterprises	4
Shire of Boyup Brook	2
Shire of Bruce Rock	14
Spaanderman Homes	19
Spadaccini Brothers	33
Spencer Developments	19
Statesman Homes	4
Stylecraft Homes	21
Summit Constructions	25
Summit Homes	15
Swinbourne Building Co Pty Ltd	10
T.C. Newby	22
T. & R. Homes	4
Tapper and Watkins	12
Tara Constructions	124
Tara Homes	51
Thornton Building Co	19
Town & Country Construction	7
Tradesman Homes	6
Trans Homes	2
Trevor Parsons & E.J. Menghini	8
Trlin Developments	2
Urban Building Co	6
Ventura Homes	72
Warark Building Co	6
Western Transport	2
Westruct Constructions	4
Whyte Constructions	46
Wilsons Patch Community (self-help)	2
Wyn-Nyoon Nulla	7
Yawony Building Co Pty Ltd	19
Yorkwood Holdings	2
Total	2 909

**POLICE - SMITH, WAYDE, COMPLAINT FROM JUDITH TREBY
REGARDING KEN KING**

3663. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Minister for Police:

- (1) Are there records within the Police Department, of Wayde Smith receiving a complaint in 1989 or 1990 from Judith Treby regarding allegedly fraudulent business dealings of accountant Ken King in his dealings with Australia Wide Publications and Media?
- (2) If so, do these reveal why no investigation followed this complaint?

Hon GEORGE CASH replied:

The Minister for Police has provided the following response -

I am advised by the Commissioner of Police as follows -

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

POLICE - YOUNG OFFENDERS ACT

Juveniles Referred by Police Prosecutors to Juvenile Justice Team; Training

3686. Hon CHERYL DAVENPORT to the Leader of the House representing the Minister for Police:

- (1) Since the proclamation of the Young Offenders Act in March 1995, how many young Aboriginal and non-Aboriginal people have been referred by police prosecutors to a juvenile justice team?
- (2) What education and training programmes have been conducted for police prosecutors on this aspect of the Young Offenders Act?
- (3) If none, why not?
- (4) If so, who conducted the training?
- (5) How many training sessions were the police prosecutors required to attend?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police as follows -

- (1) Police prosecutors have not referred any young people to the juvenile justice team. Section 28 of the Act provides that the court may refer the matter for consideration by a juvenile justice team.
- (2) The then officer in charge at the Perth Children's Court was involved on the police committee reviewing this Act. Subsequently, the acting superintendent in charge of the prosecuting branch issued a memo, with the relevant sections of the Act, to all police prosecutors who appear in the Children's Court. "Police Gazette" No 11 of 1995 contains a general information notice for all police officers in relation to this Act.
- (3) Not applicable.
- (4) See (2) above.
- (5) Nil, the memo notification was considered sufficient.

POLICE - YOUNG OFFENDERS ACT

Juveniles Cautioned; Cautioning Powers; Training Programs

3690. Hon CHERYL DAVENPORT to the Leader of the House representing the Minister for Police:

- (1) Since the proclamation of the Young Offenders Act in March 1995, how

many young Aboriginal and non-Aboriginal people have been cautioned?

- (2) How many young people have received a conditional caution; for example, attend a lecture or agree to curfew?
- (3) What is the section of the Young Offenders Act that grants police the power to impose such conditions?
- (4) What training programs have been conducted for police on cautioning?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police as follows -

(1)	Month	Aboriginal	Non-Aboriginal
	March*	71	350
	April	71	356
	May	75	441
	June	57	387
	July	89	502
	August	65	474

*Figures for March are from 1 March, not from the proclamation of the Young Offenders Act on 13 March.

- (2) This information is currently not specifically recorded.
- (3) Sections 6 and 7.
- (4) Extensive training of police officers was undertaken when the formal police cautioning system was introduced in 1991. Since March 1995, operational police have been made aware of their responsibilities under the Young Offenders Act by means of instruction contained in the Police "Gazette" and by lecturers from youth prevention and diversion unit personnel. Recruit training includes a segment on juvenile justice cautioning.

QUESTIONS WITHOUT NOTICE

OFFICIAL CORRUPTION COMMISSION - PREMIER UNDER INVESTIGATION

707. Hon KIM CHANCE to the Leader of the House representing the Premier:

- (1) With reference to the Premier's admission that he was tipped off that he was under investigation by the Official Corruption Commission, does the Premier recall whether the informant was male or female?
- (2) Given the Premier's certainty that the information was provided at a social occasion, can the Premier recall any detail about the nature of that occasion?
- (3) Was the social occasion in the day time or evening?
- (4) Was the social occasion of a private nature or related to the Premier's then shadow portfolio responsibilities or electorate?
- (5) Was the Premier accompanied by anyone at the social occasion?
- (6) Can the Premier recall whether the social occasion was in the Perth metropolitan area; and, if so, in which suburb?

Several members interjected.

The PRESIDENT: Order! Please listen to the question.

Hon KIM CHANCE: The question continues -

- (7) Did the Premier record details of the conversation in his personal notes?
- (8) Did the Premier ask any of the other guests at the social occasion to identify the stranger?

Several members interjected.

The PRESIDENT: Order! I want members to stop their interjections and discussions across the Chamber. Members do not have to like the question, but it is an interesting one.

Hon KIM CHANCE: Thank you, Mr President. I like the question. The question continues -

- (9) Did the Premier discuss the information with any third party?
- (10) Did the Premier seek legal advice following the provision of this information?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The Premier has provided the following reply -

- (1)-(10) These and related issues were the subject of evidence given at the Royal Commission Into Use of Executive Power. I suggest the member consult the transcript of the hearings.

OFFICIAL CORRUPTION COMMISSION - PREMIER UNDER INVESTIGATION

708. Hon KIM CHANCE to the Leader of the House representing the Premier:

With reference to the Premier's admission that he was informed that he was under investigation by the Official Corruption Commission and that the provision of such information is a serious breach of the Official Corruption Commission Act, did the Premier report this breach to the police; and, if not, why not?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The Premier has provided the following reply: These and related issues were the subject of evidence given at the Royal Commission Into Use of Executive Power. I suggest the member consult the transcript of the hearings.

EDUCATION DEPARTMENT - TEACHERS INDUSTRIAL DISPUTE, ADVERTISEMENTS

709. Hon P.H. LOCKYER to the Minister for Education:

I refer the Minister to advertisements placed by the Education Department this week in various newspapers with regard to the pay proposal. Has that action been taken in the past by other Governments or the Education Department during other pay disputes?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I want to draw members' attention to a prolonged dispute in 1989 during the time of the then Labor Government, when Dr Carmen Lawrence was Minister for Education. I was interested today to hear Hon John Halden criticise the Government for placing advertisements in respect of this dispute, so Hon Phil Lockyer's question is timely because it gives me an opportunity to remind Hon John Halden and his colleagues of what happened in 1989. The then leader of the State School Teachers Union was engaged in a significant industrial dispute with the State Labor Government, and on 27 September, part way through the dispute, the Minister for Education, Dr Lawrence, was asked a question in the Legislative Assembly about how much

money had been spent by the Government on newspaper advertisements, and the answer that was given was \$88 984. One of the advertisements appeared in *The West Australian* on 29 July 1989. It is entitled "Teachers' Strike - Advice to Parents", and was signed Carmen Lawrence, Minister for Education.

Hon Kim Chance: It was not a full page advertisement.

Hon N.F. MOORE: The copies I have are reduced. I assure the member that they were full page advertisements. The advertisement states -

I am most concerned that Monday's strike by teachers will disrupt your children's schooling.

Several members interjected.

The PRESIDENT: Order! I said a while ago that I want people to keep quiet when members are asking questions. It is equally important that people keep quiet when members are answering questions.

Hon N.F. MOORE: Carmen Lawrence spent \$88 000 half way through that dispute in 1989, which bore an amazing resemblance to this dispute, and the same tactics that were used by the union in those days are being used now, and the same advertisements that were used by the Government in those days are being used now. Another advertisement dated 11 August 1989 is entitled, "Teachers, Talks Have Taken Place. Did Your Union Tell You?" That advertisement lists a series of talks that have been engaged in by the Government and the union, and it concludes -

The only crisis in teaching is the communication crisis in the Teachers' Union.

Another advertisement dated 22 September 1989 is entitled "Teachers, Spare A Thought For Our Students." It urges the union to keep students out of it. That advertisement was also signed Carmen Lawrence, Minister for Education. Another advertisement dated 26 July 1989 is entitled "Teachers' Union 15% Pay Claim. Strikes Don't Work, Talks Do." It states, "It's time the Teachers' Union faced the facts." It then cites the following quotations from State Industrial Commissioner Gavin Fielding -

"Industrial action at this time is futile . . .

"Special cases are rare and exceptional . . .

I strongly recommend that the Union forthwith withdraws from its proposed course of industrial action . . .

"It requires a calm and rational approach . . .

"What the principles do allow is an increase in salaries based on a proper restructuring of the Award . . ."

Another advertisement dated 8 September 1989 is entitled "We Talked, But Did They Listen?", and is again signed Dr Carmen Lawrence MLA, Minister for Education. It states -

For weeks we asked the Teachers' Union to sit down and talk about its 15 per cent wage rise claim and not threaten industrial action.

It eventually did. But the Union didn't like the generous wage rise package offered within the wage fixing principles.

Now the Union executive is urging stop-work meetings, rolling strikes and work bans.

By rejecting a reasonable offer, the Teachers' Union has once again delayed pay rises for teachers. It's about time teachers told their Union the facts of life.

Teachers deserve the most substantial pay rise available - and as soon as possible.

The Teachers' Union must not disrupt our education system again and affect the education of our children.

That advertisement is also signed Dr Carmen Lawrence MLA, Minister for Education.

Hon Kim Chance: You have not learnt much from your predecessor.

Hon N.F. MOORE: I think the problem is that she cannot remember having done that. Another advertisement dated 21 July 1989 is entitled "The Teachers' Union 15% Pay Claim", and it states, "What chance has the Union got?" It then quotes the then Premier, Peter Dowding, as saying "Absolutely out of the question.", and Trades and Labor Council Secretary, Clive Brown, as saying "Half of a half of a half of one per cent chance." That fellow is now the member for Morley, and I suspect he supports the teachers' union. The Industrial Relations Commissioner, Gavin Fielding, described it as a wild dream. I raise these comments today on the question of Hon Phil Lockyer because an amazing similarity exists between the present teachers' dispute and the dispute which occurred in 1989. It demonstrates once and for all that the State School Teachers Union at times in its history has been capable of taking action against Governments of both sides in a wild and irrational way, and that it will not bring itself to a position to resolve the dispute. That is the problem now. The teachers' union executive is so divided and incapable of reaching a decision that it does not know how to end the dispute. It simply believes that it should go on and on, as it did in 1989, and that somehow it will get a result.

In 1989 the teachers were awarded a 6 per cent increase after the then Labor Government took the teachers' union through the process of deregistration in the Industrial Relations Commission. At the end of the day the commissioner said that the commission would not deregister the union on that occasion, although it deserved to be deregistered, and it would give the union one more chance. This Government is offering the teachers 15 per cent - two lots of 7.5 per cent. It is a significant pay rise, and the union should take it.

Hon John Halden would do us all a great favour if instead of trying to make political mileage out of this issue and saying that the Government was wasting taxpayers' money by taking out advertisements, he looked into history.

Hon John Halden: You spent that much money this week.

Hon E.J. Charlton: Tell us whose side you were on before.

The PRESIDENT: Order! The Minister should not interject in the way he is interjecting, and Hon John Halden should refrain from interjecting also. Question time is short enough as it is. Every time I must speak it becomes shorter and it is one question that cannot be asked. I am not in the business of curtailing questions; however, I certainly will if members do not come to order when I call for order. As I said at the beginning when Hon Kim Chance asked his question, members may not like a question, but a member is entitled to ask it. Similarly, members may not like the answer, but that is the answer they will get.

Hon N.F. MOORE: It is a pity that Hon John Halden does not take a moment to reflect on history; on the action that was taken when Carmen Lawrence was the Minister for Education, and the outcome of that. He might also reflect on the fact that the then Opposition did not attack the Government in the same way as Hon John Halden seeks to attack me. It recognised that a problem existed in the education system which needed to be resolved at the time. It would be helpful if Hon John Halden sat back and relaxed, and allowed others to sort out this situation. If, however, he has any influence on the teachers' union, he should suggest to the executive that 15 per cent is a good offer, and it should accept it; that it should stop interrupting education in the schools; and that it should stop making threats against the tertiary entrance examination - a most outrageous suggestion that was made last week.

Hon Kim Chance: It has made no threats against the examination.

Hon N.F. MOORE: It has made threats against the marking of TEE papers. It is astounding that grown people who are the teachers' union executive at the end of an all day meeting last Saturday put the proposition that they would not mark TEE papers. Does Hon Kim Chance think that is all right?

Hon Kim Chance: It is not a threat against the TEE. It might delay it a few days.

Hon E.J. Charlton: Go and tell that to your country electorate.

Hon N.F. MOORE: I suggest that Hon Kim Chance talk to some of the students at Swanleigh whom I watched on the "The 7.30 Report" the other day. They are most concerned about the effect of this dispute on their TEE.

Hon Kim Chance: Probably because they have been listening to people like you.

Hon N.F. MOORE: The teachers' union sought to target that group. Why else would it say that it would not mark the TEE papers? Why would it do that if the aim of the exercise was not to attack a small group of people at a vulnerable time in their careers? In my view that is despicable. I told the union that.

Hon Kim Chance: You have said previously that it would not affect the TEE.

Hon N.F. MOORE: That is because I guaranteed that the Government would ensure that the papers were marked, regardless of the action by the teachers' union.

Hon John Halden: Sit down. We are sick of listening to you, like the teachers are, because you are arrogant, rude and do not tell the truth.

Hon E.J. Charlton: Coming from someone like you!

The PRESIDENT: Order! We have a visitor in the President's Gallery who I am sure will be absolutely astounded at that behaviour.

Hon N.F. MOORE: I remind Hon John Halden that when he attacks me for taking out advertising in newspapers, he should also understand that this situation has occurred before. He spent some time this morning on radio trying to distance himself from Hon Carmen Lawrence by saying that that was another Government and he was not a Minister. However, that Government of which he was a member spent \$88 000 at the minimum on its dispute.

OFFICIAL CORRUPTION COMMISSION - PREMIER UNDER INVESTIGATION

710. Hon KIM CHANCE to the Leader of the House representing the Premier:

- (1) When the Premier was informed that he was under investigation by the Official Corruption Commission, was he aware that the person providing this information was committing an offence?
- (2) If not, when did the Premier become aware that this was an offence, and what action did he take?

Hon GEORGE CASH replied:

I thank the member for some notice of this question to which the Premier has provided the following reply -

- (1)-(2) These and related issues were the subject of evidence given at the Royal Commission Into Use of Executive Power. I suggest the member consult the transcript of the hearings.

HEALTH ACT - AMENDMENTS TO ASSESS APPLICATIONS FROM MULTINATIONAL COMPANIES

711. Hon SAM PIANTADOSI to the Minister for the Environment:

- (1) Does the Minister have an answer to the question I asked yesterday about the Minister's action when he was Minister for Health?

(2) If so, will the Minister provide the answer?

The question was as follows -

- (1) Can the Minister inform the House that while he held the portfolio as Minister for Health -
 - (a) he received advice from the then Commissioner of Health, Mr Brennan, and the Assistant Commissioner of Health, Dr A. Penman, memos requesting changes to the current Health Act so that they could properly assess any applications from multinational companies;
 - (b) such changes to the legislative base that were necessary as the current Act was inadequate in respect of scrutiny and assessment of applicants for hospital licences;
 - (c) the current Act rendered the Health Department helpless in any challenge to its assessment of any applicant?
- (2) If yes to the above, why did the Minister fail to take the necessary action to safeguard Western Australian interests against such multinationals?

Hon PETER FOSS replied:

(1)-(2) Unfortunately the notice of this question was given to me as the Minister for the Environment rather than as the Minister representing the Minister for Health. I have since asked the Health Department to provide me with the information to enable me to answer the question. When I receive that information, I will give the member an answer.

Hon Sam Piantadosi: It was to you, you drongo!

Withdrawal of Remarks

Hon PETER FOSS: I ask that that remark be withdrawn.

Hon Tom Stephens: It's true.

Hon PETER FOSS: I ask also for that to be withdrawn.

The PRESIDENT: Order! I did not hear the comment. The Minister must tell me what it is.

Hon PETER FOSS: The word used by Mr Piantadosi was "drongo". Mr Stephens said that it was true. I ask that both of those remarks be withdrawn.

The PRESIDENT: Those comments must be withdrawn.

Hon Graham Edwards: Withdraw it, you drongo.

The PRESIDENT: Order!

Hon SAM PIANTADOSI: Hon Sam Piantadosi - not Mr Piantadosi - will withdraw the term "drongo" in reference to the Minister.

Hon TOM STEPHENS: I withdraw.

The PRESIDENT: Order! I cannot comprehend why members act like lemmings which keep committing suicide by going over the cliff. It is members' question time, not mine.

Questions without Notice Resumed

QUESTIONS ON NOTICE - UNANSWERED

712. Hon J.A. SCOTT to the Minister for the Environment:

I refer the Minister to questions on notice 1317, 1318, 1320, 1321, 1322, 1324, 1325, 1326, 1327, 1328, 1329 and 1330 of 2 May 1995, and the Minister's commitment to research the questions and provide written responses.

- (1) Is it the Minister's intention to provide answers to those 12 questions?
- (2) If yes, when will the Minister provide the answers, and what has been the reason for the extended delay in providing them?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) 29 September 1995.
- (3) As was said at the time - the member does not appear to have paid much attention to this or does not seem to be concerned about it - it is due to the considerable amount of research involved, including seeking specific information from the company.

I am going out of my way to seek information from the company. It could just as easily be an answer that information in the hands of the company is something he will have to seek separately. Having gone out of my way to seek information from the company, I find it somewhat extraordinary that the member should complain that it takes time to do something I am not obliged to do. We will continue. I hope the member appreciates that I am going beyond the requirements on me as a Minister in seeking information from other people.

SCHOOLS - MAINTENANCE AND CAPITAL WORKS EXPENDITURE

713. Hon JOHN HALDEN to the Minister for Education:

The Minister has recently said publicly that the proposed expenditure of \$765m on school maintenance and capital works is a record.

- (1) How can the Minister justify that statement when the total amount to be spent on capital works in education over the next six years is \$474m or an average of \$79m a year?
- (2) Does that not compare poorly with Labor's last two Budgets when \$82m and \$84.5m were spent on the education capital works program?

Hon N.F. MOORE replied:

- (1)-(2) I do not recall using the word "record", but I will take Hon John Halden's word for that. If it is a record, so much the better. I shall make a comparison between the Labor Government and the present Government and I shall quote a couple of figures. In the eight years from 1993-94 to 2000-01, which is our term in office plus what we projected yesterday, we will spend \$602m on capital and \$358m on maintenance, making a total of \$960m over eight years. The previous Government, in its last years in office from 1985-86 to 1992-93, spent \$444m on capital and \$186m on maintenance, making a total of \$630m. By way of comparison, the increase in capital by our Government over the eight years we are talking about is \$158m or a 36 per cent increase on what Labor spent, and on maintenance a \$172m increase or an increase of 92 per cent, totalling \$330m or a 52 per cent increase. Hon John Halden can talk all he likes about inflation -

Hon Kim Chance: This is a two decade -

The PRESIDENT: Order!

Hon N.F. MOORE: I have taken Labor's last eight years in office out of its 10 and our first two years in office and what we project to spend in the next six years and compared the two. I have just read that out. Hon John Halden talks about inflation and so on. He should have a very close look at what they did in government, when the State's finances were growing very dramatically. We went

through a time of significant growth in government revenue during the time of the previous Labor Government. At a time of growth in revenue, Labor reduced expenditure on education.

Hon Kim Chance: You have had the benefit of 16 quarters of growth - an Australian record.

Hon N.F. MOORE: Instead of interjecting on me, Hon Kim Chance should go away and have a little look at how much his Government spent on maintenance in its period in office. He will be as appalled as I was. The only redeeming feature, if one can call it that, is that in 1991-92 and 1992-93 Labor spent \$70m on maintenance - up from \$19 a year. His Government did that because it borrowed the money. That is his Government's record. It went from \$40m in 1984-85 down to \$19m in 1990-91, and then it borrowed for two years before an election - Hon John Halden selectively used the two years before the previous election - when his Government started spending money and sending the debt spiralling. It borrowed for maintenance. Carmen borrowed \$1b in her last year in office.

We have sensibly and properly worked out what the State can afford over the next eight years. We have made a deliberate decision on maintenance. We will increase the maintenance level along the lines recommended by the Building Management Authority to wind back the backlog in maintenance in the government school system over that time. That is a proper, well planned, sensible approach and it represents a significant increase in the number of dollars being spent. If members want to make comparisons -

Hon John Halden: I am happy to make comparisons. You will get caught every time.

Hon N.F. MOORE: The member should not say, as he tried to say this morning, that if we work out inflation at 4 per cent and compound it over a period, we should actually be spending X number of dollars in never-never land.

Hon John Halden: That is the way you did it.

Hon N.F. MOORE: That is not what we have done. We have asked, "What needs to be spent on the government school system to get the backlog down to a manageable level?" We have used the BMA's recommendations. I will show Hon Kim Chance the report that says that is what we must increase expenditure by each year. On top of that, we must add an inflationary factor. If we spend that number of dollars between now and 2000, we will get our maintenance backlog down to a manageable level after what the people opposite did.

I did not cause the problem. If we look at 1984, we will find that the backlog was nil. That is when Labor had just come to government. There was no backlog in maintenance in government schools. Before 1982, there was a system whereby there were repair and renovations in schools. Every seven years, schools would be maintained whether they needed it or not. The Labor Government got rid of that.

Several members interjected.

Hon N.F. MOORE: Schools will not get anywhere near seven years with the member's lot. They could wait 20 years before they had any maintenance.

Several members interjected.

The PRESIDENT: Order! I want the Minister to draw his answer to a close.

Hon N.F. MOORE: Hon John Halden can be selective and pick the last two years when his party was in office. Of course it spent a lot of money - it borrowed it all. It looks really good on the graph until one shows people what that actually means. If Opposition members want to compare the facts of what they did in office with what we have done and what we propose to do, they will see a massive difference of 52 per cent.

EDUCATION DEPARTMENT - TRAVEL

714. Hon JOHN HALDEN to the Minister for Education:

As the Minister is perpetually blaming the woes of the Education Department on the previous Labor Government, on the State School Teachers Union, me, or Uncle Tom Cobbley and all, will the Minister guarantee the House that he will curtail the level of interstate and international travel undertaken by himself and his officers, which was reported in the first quarter of this year as \$321 022?

Hon N.F. MOORE replied:

I do not blame Uncle Tom Cobbley at all, but I blame the rest of the people whom the honourable member mentioned. Most of all, I blame his Government for the mess that we inherited. He and I know and everybody else knows what he did not do when his party was in government.

Several members interjected.

Hon N.F. MOORE: Just read the Vickery report, if members opposite are capable of reading words of more than two syllables.

Several members interjected.

The PRESIDENT: Order! I ask Hon Bob Thomas to stop interjecting.

Hon N.F. MOORE: That report will tell the member what happened to education expenditure in Western Australia during his term in Government. The Labor Government increased the number of dollars going to the private sector and comparatively reduced the amount going to the government sector. That was extraordinary.

Hon John Halden: Those are your figures.

Hon N.F. MOORE: That is in the Vickery report. The member claims to stand for public education, yet at the same time that his Government was reducing public education expenditure it was increasing money going to the private school sector. That is extraordinary.

As for travel, I authorise every bit of travel undertaken by any officer in my department. The application must come to my office and I sign it. I have not gone anywhere, unlike some other members of Parliament.

Hon John Halden: That is not correct. You are mentioned in the report, so be careful.

Hon N.F. MOORE: I might have gone to one place.

Several members interjected.

Hon N.F. MOORE: Honourable members should read the report. There are many conferences and activities that people who work within the bureaucracy attend, and I believe it is appropriate for them to attend them. I have no compunction whatsoever in granting approval for people to attend conferences or other activities which are relevant to a State like Western Australia, which is isolated from the rest of Australia and the world. I am one of those people who does not mind whether members of Parliament travel a lot. It is good for us. I am also one of those people who is prepared to stand up and say, "Let's do it more often because in a State like Western Australia it is vital."

If Hon John Halden looks very carefully at the Education portfolio, he will find that a large number of those dollars come from the Commonwealth. The Commonwealth has a very significant involvement in national forums and it provides the funds for people from Western Australia to attend those conferences.

Hon John Halden: It costs a lot of money.

Hon N.F. MOORE: Of course it does. Western Australia is a long way from other places. I have no hesitation whatsoever in giving approval for people to

travel to conferences and other activities when it is appropriate to their service in the Western Australian education system.

FARM WATER GRANT SCHEME - FUNDING; COMMITTEE

715. Hon KIM CHANCE to the Minister for Water Resources:

I refer to the farm grant scheme.

- (1) What funds have been allocated for 1994-95 and 1995-96?
- (2) How many applications have been made, how many assessed, and how many approved for each of 1994-95 and 1995-96?
- (3) What has been the total dollar value of applications during 1994-95 and 1995-96?
- (4) What has been the total of payments during 1994-95 and so far in 1995-96?
- (5) Has the Minister determined that the scheme is successful?
- (6) Is a committee established for the purposes of the scheme?
- (7) If so, what are the committee's functions?
- (8) Who are the members of the committee?
- (9) How was the membership of the committee determined?
- (10) Did the initial publicity of the scheme state or imply that the scheme would be available to applicants in areas covered by reticulated scheme supply?
- (11) Is it the case that areas supplied by the country areas water supply or the great southern towns water supply are now not eligible for assistance from the farm water grant scheme?
- (12) If reticulated areas are not eligible, will the Minister extend the eligibility criteria to conserve water conservation in these areas and reduce dependence on Western Australia's potable water resource?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) \$2.5m and \$2.4m.
- (2) For 1994-95 and 1995-96: Number of requests for assessment, 2 338; number of assessments completed, 915; and number of requests given technical approval, 409.
- (3) For 915 completed assessments - total value, \$17.8m; value of potential grants, \$6.2m.
- (4) No payments have been made. That was at the time I received notice of the question and I imagine that some payments have been made since then. However, the grant expenditure committed is \$2.7m.
- (5) I am delighted with the enthusiastic response from the farming community and the operation of the new grant scheme so far. Starting up a new grant scheme in February 1995 was bound to create great interest due to the serious farm water shortage which many farmers were experiencing at that time. Because many farmers needed to install water supply improvements immediately, some of the works to be assisted have already been constructed. This was not ideal, but there was no choice because the need for better water supplies was urgent.
- (6) The Farm Water Coordinating Committee advises the Ministers for Water Resources and Primary Industry in regard to all farm water matters, including the farm water grant scheme.

- (7) The functions of the coordinating committee are -
- (a) Make funding recommendations for farm water supply programs to Government.
 - (b) Provide farm water supply advice to the Ministers for Water Resources and Primary Industry.
 - (c) Review, coordinate and integrate government farm water supply programs.
 - (d) Encourage the development of new initiatives to improve farm water supply.
 - (e) Make recommendations for "water deficiency" declarations, and manage emergency farm water supply arrangements.
 - (f) Coordinate the state NLP submissions for farm water supply projects.
- (8) The membership of the Farm Water Coordinating Committee is as follows -
- Chairman - Mr Bill McNee, MLA.
- Farmer representatives -
- Zone 1 - Mrs Barbara Dinnie, Buntine
 - Zone 2 - Mr Malcolm Strahan, Cadoux
 - Zone 3 - Mr Doug Tiernay, Bindi Bindi
 - Zone 4 - Mr Kelly O'Neill, Ongerup
 - Zone 5 - Mr Robert Bayly, Mukinbudin
 - Zone 6 - Mr Keith Stephens, Nyabing
 - Zone 7 - Mr John McDougall, Jerdacuttup
- Agencies representatives -
- Mr Paul Taplin - Water Authority of Western Australia
 - Mr Brian Gabbedy - Department of Agriculture
 - Mr Tony Laws - Geological Survey of Western Australia
 - Mr Bill Mireylees - Treasury
 - Mr John Nicholls - Rural Adjustment and Finance Corporation
- Executive Officer - Mr Ian Laing.
- (9) The Farm Water Coordinating Committee composition was recommended by the Farm Water Strategy Group. The Ministers for Water Resources and Primary Industry agreed to appoint seven farmer members representing the seven farm water zones and five government agency members. Lists of potential farm representatives were nominated by the Farm Water Strategy Group, the Western Australian Farmers Federation and the Country Shire Councils Association, and the two Ministers selected a representative for each zone from those lists.
- (10) Initial publicity for the grant scheme stated that "Farms connected to a Water Authority piped supply will be given a lower priority in the first instance."
- (11) Farmers with a Water Authority piped supply, although theoretically eligible for a farm water grant, are unlikely to qualify under the current priorities.
- (12) The strong demand for grants from farmers without a Water Authority piped supply needs to be satisfied before the priority rules can be changed.
-