



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE COUNCIL

Thursday, 12 March 1998

Legislative Council

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

DEPUTY CLERK, IAN ALLNUTT - STATEMENT BY THE PRESIDENT

THE PRESIDENT (Hon George Cash): Members will have noticed that Ian Allnutt, Deputy Clerk and Usher, has been absent since the House resumed this year. I assure the House that the Black Rod is not the victim of a coup but recuperating from a fairly major operation on his knee that will keep him out of action for another month or so. I am sure that everybody joins me in wishing Black Rod a speedy recovery. We hope he will return to his duties in due course with renewed enthusiasm.

Hon Max Evans: He should stop jogging; it is a warning to all of you.

MANJIMUP SHIRE TOWN PLANNING SCHEME - PETITION

Hon Bob Thomas presented the following petition bearing the signatures of 237 persons -

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

We, the undersigned, respectfully request the Parliament to urge the Government to reject Amendment 74 to the Manjimup Shire Town Planning Scheme which seeks to rezone the "Widdeson Street Bush" for urban development.

We further request that Parliament take into account the heritage and conservation value of this area and ask that the Government work with the Manjimup Shire Council to identify suitable alternative land within the vicinity which has already been cleared and is presently under utilized.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See paper No 1429.]

STANDING COMMITTEE ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Salinity in Western Australia - Motion

Resumed from 11 March on the following motion -

That the House calls on the Standing Committee on Ecologically Sustainable Development to examine the salinity problems facing Western Australia and to report every three months on the Government's progress on implementing the State's salinity action plan.

to which Hon Bruce Donaldson moved the following amendment -

Line 3 - To delete the words "every three months" and substitute "annually, the first report to be tabled not later than 31 December 1998"; to delete the word "Government's"; and to delete the words "on implementing" and substitute the words "of implementation of".

THE PRESIDENT: Yesterday when Hon Ljiljanna Ravlich finished speaking she asked whether, in speaking to the amendment, she was able to range into the substantive motion. She can do so, because she is speaking following the moving of the amendment and she will be deemed to be speaking to the amendment and the substantive question.

HON LJILJANNA RAVLICH (East Metropolitan) [11.06 am]: Thank you, Mr President, for that guidance.

Towards completion of my speech yesterday I was drawing comments in response to Hon Bruce Donaldson's amendment which seeks to water down the provisions of the substantive motion which require that the Government present a report on its progress every three months to the Standing Committee on Ecologically Sustainable Development. Hon Bruce Donaldson's amendment seeks to provide only an annual report to the standing committee. As I said yesterday that would clearly mean that the first report would not be due until the end of 1998. That is not good enough. It smacks somewhat of the Government's not having a story to tell about the progress of the salinity plan. One must therefore ask why the Government is not prepared to present quarterly reports on the plan if it is proceeding in accordance with the Government's aim. Many objectives were set under the salinity action plan. It is therefore fair that the taxpayers of this State receive some regular feedback on whether the targets are being achieved. Clearly with only an annual reporting requirement the accountability mechanisms are not as strong as they are in the substantive motion. Therefore, I cannot support the amendment moved by Hon Bruce Donaldson.

His second amendment seeks to remove the word "Government's" from the substantive motion. The word "Government's" is a fairly important part of the substantive motion because, after all, this is the Government's salinity action plan. The Government crowed about this plan, took the kudos and enjoyed the media attention and positives that went with its launching. If the Government was quite prepared to put its stamp on the salinity action plan at that point and some bad news emerged during regular reporting of its progress, the Government should also bear the responsibility for that. We must accept that the Government is driving this salinity action plan. If, in moving this amendment, Hon Bruce Donaldson is indicating that the Government wants to distance itself, it begs the question of who is now driving it anyway. Therefore, I cannot support that amendment.

The third amendment is neither here nor there. Hon Bruce Donaldson made the point that the salinity problem is not new, and I agree with him. It is a growing problem, but not a new one. What is new is that this Government has given some undertakings about how it will deal with this problem. This is what the substantive motion is about. It is about a new government initiative and making the Government accountable for the targets it sets for how it will address this critical issue. We on this side of the House recognise that this is a very serious problem. We want to know whether things are happening. We see it as the number one environmental issue, as a more important issue than perhaps forests or uranium. I am not saying that they are not important issues, but this has enormous impact not just on regional areas of Western Australia, but everybody.

The salinity action program is aimed at addressing four key areas. The first aim is to reduce further deterioration of agricultural land and, wherever possible, to recover or rehabilitate existing salt affected land. It is also aimed at protecting and restoring key water resources to ensure salinity levels are kept at a mark which permits safe, potable water supplies in perpetuity. It is also designed to protect and restore high value wetlands and maintain natural biological and physical diversity within agricultural areas in Western Australia, and to protect infrastructure affected by salinity. It is calculated that the cost of implementing the salinity action plan is about \$3b, an enormous amount of money. Its goals are to be achieved over 30 years. It is a very long plan. In short, it will take 30 years and \$3b to address the problem.

Given the magnitude of that exercise, there must be enormous cooperation between the key stakeholders - community members, farmers and the Government. It was interesting to hear the comments made yesterday about broadening the consultation process and ensuring local community people had a greater input on how some of the outcomes outlined in the salinity action plan might be achieved. We know the downside of the salinity problem. We know it leads to a loss of biodiversity and to the death of remnant vegetation and of aquatic habitats and organisms. All of those things are very important. I suppose it has a very direct impact on those in the agricultural areas because it affects the value of crop production and the amount of arable land. It is a very important issue from many perspectives.

The decline of rural communities and the depletion of soil and water resources must be seen as critical to this whole issue. In addition, country towns are at risk and can be affected very much by this problem. Where land becomes unproductive, people cannot make a living from it, and they will move away. There are signs that this is already happening in some parts of this State. It affects not only the people who must leave their land, but also the infrastructure in small towns when shops and other facilities are closed. Eventually, it may lead to the demise of country towns as we know them.

Apart from threatening billions of dollars which contribute to the State's economy each year, salinity has much broader implications. If it starts to impact on agricultural production, it can affect the State's gross product and, if we take that to the absolute logical conclusion, it can impact on the State's credit rating. If a lot of our land became unproductive, it would be shown up in those two areas.

We on this side of the House recognise that salinity is a very serious problem, and it is getting worse; it is accelerating. Every year in which we see delays is a year in which we allow the problem to get worse. The solution lies in a cooperative approach, as the Government has outlined already. There are signs that some positive moves are being made in that direction with the announcement that there will be greater community consultation. All does not seem to be well for the Government's salinity action plan. When the Government first announced that plan, it was almost set in concrete. The Government was very clear in what it wanted to achieve. It had very clear objectives. It even allocated money to certain areas. That was a part of the launch, the big splash, that got the Government onto the front page of the newspapers.

Hon Kim Chance: That is where all the money went.

Hon LJILJANNA RAVLICH: The member is quite right. We now have a glossy brochure from the Western Australian State Salinity Council in which its chairman, Alex Campbell, states that the salinity action plan is about everybody in the community taking responsibility for our most serious environmental problem. He goes on about a partnership between the private sector and the Government and says that the plan is not set in concrete. When it

was first launched it seemed to be set in concrete. I think the Government banked a bit on the Commonwealth Government coming through with some funding to assist it to achieve some of the objectives in the plan. Unfortunately the Commonwealth Government chose not to provide the State with funding. That did not slow this Government down in all the media hype and advertising it did when it launched the salinity action plan.

The plan outlines quite clearly how it will be implemented. A key part of this plan is about investment and funding and the final component is a whole of government approach. Given that the focus is on that approach, I cannot understand why Hon Bruce Donaldson wants now to take the word "Government's" out of the substantive motion.

Hon Kim Chance: It could be an embarrassment.

Hon LJILJANNA RAVLICH: I suspect it probably is. This plan clearly outlines that the investment requirement will be \$100m every year for 30 years, or about 2 per cent of gross production from Western Australian agriculture. It says that much of this investment will come from landowners and private industry. It goes on to state -

The Action Plan will add to existing funding (\$22.8 million per annum) by:

. redistributing \$5.8 million per annum from existing agency budgets to salinity management;

We want to know whether that is happening. That is a reasonable thing to ask. Over three years an extra \$10m per annum of state government money will be phased in to implement the plan and, in particular, to support the remnant vegetation recovery catchment and rural towns rescue component. We want to know how much of that is happening and how much money has been allocated. It will also phase in over four years \$18m per annum from the Department of Conservation and Land Management's budget by adjusting assets sales and debt reduction schedules to implement a major commercial farm forestry program in the medium rainfall zone and on sandy soils in the Swan coastal plain. We want to know the position of that.

The State was to seek \$30m per annum of commonwealth money. This is money that has not even hit the State. It has not in any way been promised. The State Government does not even know whether it has this money, yet it is carving it all up already in a salinity action plan. Quite clearly the money will not be forthcoming from the Commonwealth Government but it has not slowed down this Government in outlining how it will spend it. Unfortunately the State Government does not have it to spend. This \$30m was to be as follows. The Government was to allocate \$13.5 per annum for land conservation and biodiversity planting; \$11m per annum for development of commercial woody plant crops and associated industries; \$1.5m for additional plantings to support commercial plantations on key water supply recovery catchments; and \$1m for the rural towns rescue program.

This is money the Government does not have; in fact it has less than half of this money. What does it have to report on, because this part of it will not be done? It is no wonder Hon Bruce Donaldson wants to distance the Government from this and wants to report annually. It probably wants to report annually because it wants to go cap in hand back to the Commonwealth Government every year. In any case, it will take a year to get the money, because every time the Minister has gone to the Commonwealth, he has never come back with the amount he expected to come back with. We are always diddled out of the equation. Maybe Hon Bruce Donaldson has moved the amendment to this substantive motion because he knows there are major problems in reporting back. I will quote some information to demonstrate the point so that members do not think I am making this up.

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: The Attorney General is in enough trouble already. If I were him, I would just sit there and behave myself. I do not know how someone so smart can get himself into so much trouble.

Hon Peter Foss: I thought I was a good boy.

Hon LJILJANNA RAVLICH: So that members do not think I am making this up or telling tales out of school, I will refer to an article from *The West Australian* which appeared on 11 October 1997 about a funding row between the State and the Federal Governments specifically relating to this \$30m which the State Government sought to assist it to implement its salinity action plan, but of which it got only \$14m. The article states-

On Thursday, Mr Cowan, the responsible Minister, revealed a funding row between the State and Federal governments, blaming Senator Hill for a shortfall that he said could slow down State action to tackle WA's land and water salinity problem.

Mr Cowan said he had expected a \$30m allocation to be used for new community projects in bush care, river care, farm forestry and fisheries.

It further states-

But Senator Hill had decided departmental projects would share the \$30m pie, leaving only \$14m for community projects dominated by programs to address salinity, Mr Cowan said. Many landcare groups risked losing out on funds.

Quite clearly we have a situation here which is problematic for the Government. We did not know it would be like this, but the Government in its wisdom spent a whole lot of money it did not have and is now in the absolutely embarrassing situation of having to explain to the Western Australian public how it got itself into this mess and why it has this problem. It has this problem because it spent the money before it had received it and because the Commonwealth was not as generous as it expected it would be. It knows that when that first report of the salinity action plan hits the Ecologically Sustainable Development Committee, it will have enormous problems because there is no way the Government can achieve its outcomes given it does not have the resources to do the job. Not only does the State Government not have the resources, but it was earlier looking at a \$300m projected budget deficit this year before it sold off the gas pipeline. Under normal circumstances, it would have had enormous difficulty meeting this \$16m shortfall. The Government has got itself into a bit of a pickle.

The substantive motion was moved in the first place because we believe this Government should be accountable - and we say it falls down in the area of accountability. This Government seems to say it will do many things and be honest, open, accountable and consultative, but we find it being none of these things. Perhaps Hon Bruce Donaldson thought I might not do some research on this aspect of the salinity action plan and that the intent of his motion might not be recognised. I think Western Australians would be very concerned about this state of affairs and to think the Government has virtually allocated money it does not have, and indeed has therefore made it almost impossible to achieve the planned objectives.

I cannot support Hon Bruce Donaldson's amendment because I think it is a cop out and therefore I wholeheartedly support the motion that the Government report every three months to the Standing Committee on Ecologically Sustainable Development to ensure things are happening under the Government's salinity action plan.

HON KIM CHANCE (Agricultural) [11.28 am]: I support the motion. The extent to which I have a view on the amendments has largely been set out by Hon Ljiljana Ravlich, but it would be difficult for me, given the nature of my electorate, not to comment on an issue of this type which has such incredible significance to that area which has been called the biggest man-made savanna in the world, and that essentially describes the Agricultural Region. I am not sure whether that is technically true, but it is certainly not the case with the other vast wheatbelts in the world - those in the United States and Canada and in the eastern steppes in Russia. They were not cleared for the purpose of agriculture, in the main. They were native grasslands or at least savanna in their native state. What makes the Western Australian wheatbelt significantly different from at least those two areas is that all of our wheatbelt was initially covered by either forest or a heathland scrub structure. I have flown on a number of occasions from one end of the electorate to the other - from Esperance to the Murchison River. That can take up to six hours, depending on the type of aircraft used. During that six hours one covers an unbroken area of cleared land. It is a massive slice of Australia, one so significant that, when viewing a satellite photograph of Australia, the edge of the clearing shows as a straight line from Southern Cross to Esperance - it is visible from space. It is a massive interference with the natural elements.

I have also read accounts, from the macro to the micro scale, of the early explorers who went through what is now the Western Australian wheatbelt. They detail how they found the country in its virgin state. Some of those areas are now part of the wheatbelt with which I am intimately familiar. Those accounts detail the existence of vast salt lakes in the region that are part of the natural landscape and have been for millions of years. They are certainly not products of the clearing and agricultural use of that area, as they are sometimes purported to be.

A large part of the wheatbelt - the east and south east - has a primarily internal drainage system. The runoff and seepage water drains through a series of flood creek systems into the ancient salt lake system. While some of that water ultimately finds its way into ocean bound rivers at the overflow point, most of it remains in the lake system and evaporates. As the water evaporates it leaves behind a complex range of minerals and elements, including sodium chloride and other forms of salt.

The majority of the clearing has happened in the past 100 years, and the vast majority in the past 50 years. The rapid clearing of the wheatbelt has been so complete and extensive that the amount of salt already in the soil and subsoil profile that has been mobilised by the increased movement of water has created some very significant problems. Those problems do not need to be spelt out here - every member would recognise them. The resolution of those problems will not be a simple matter. Indeed, like any other difficult question, if there were an easy answer, someone would have already found it. The vision rather than the execution of the State's salinity plan provides a framework for what will be a huge task in stabilising the hydrogeology of the wheatbelt. The vision of the plan is as comprehensive as its execution has been utterly pathetic.

Hon Peter Foss: You were going well until then.

Hon KIM CHANCE: I cease being friendly at this point. The coalition Government spent an obscene amount of public money on the launch of the state salinity plan, which was nicely timed to coincide with the election.

Hon Peter Foss: It was a total coincidence.

Hon KIM CHANCE: I am told the cost was about \$500 000. That was a matter determined by a question in this place at the time. The amount included the hire of a helicopter to ferry a television news crew into the Avon Valley.

Hon B.K. Donaldson: Were you there?

Hon KIM CHANCE: Strangely I did not get an invitation.

Hon B.K. Donaldson: I was there.

Hon KIM CHANCE: I am pleased; that means someone from our electorate attended.

After spending all that money, the State Government has delivered next to nothing by way of increased action in salinity research and prevention. Had the members of the news crew not gone on the helicopter ride and instead looked at some of the data produced by the Government they would have seen that that would always be so.

I have a coloured graph entitled "Salinity Investment" that was a component of the state salinity plan publicity material released at the time. It is coded with four colours and it is best to describe it by referring to those colours. The first section is appropriately black, and is entitled "Existing resources - state and commonwealth", and extends for the 10 years of the plan. That amount does not increase one iota over those 10 years. The next section is yellow and is entitled "Agency supplemental funds", the largest of which is that amount specified by the Department of Conservation and Land Management of up to \$18m a year. Hon Ljiljanna Ravlich has already revealed that the bulk of that CALM money is for a commercial forestry project.

Hon Peter Foss: What is wrong with that?

Hon KIM CHANCE: Nothing is wrong with a commercial forestry project, but we find it relabelled for the sake of convenience to boost the figures so that the Government can boast that it will spend \$1b over 10 years.

Hon Peter Foss: That is probably the major thing to be done.

Hon KIM CHANCE: I have no argument with that, but this would probably have been done anyway. This whole project is built on ambit claims and the relabelling of existing projects, and the Attorney knows that perfectly well. Commercial forestry projects have been part of CALM's budget for years.

Hon Peter Foss: The problem has been that considerable resistance by farmers is continuing.

Hon KIM CHANCE: I am not sure that that is correct, but I will not engage in a debate on that. That is my contention. If the Attorney thinks he can provide evidence to prove otherwise, he can try.

The next section of the graph is green and is labelled "New state funds - \$10m a year". It should be easy enough to determine whether that will be delivered. In fact, if it were a genuine \$10m a year and not a relabelling project, we would welcome that. When one puts those colour codes together - that is, principally state sources, although some \$7.7m of commonwealth funding is included - over the 10 years there is a bit of a rise over years two, three, four and five. After that it declines and by year 10 in dollar terms it is almost back to where it was in year one. The state commitment is falling because the commonwealth commitment remains constant. The broad increase in the height of the column from year one to year 10 represents an increase from about \$26m to over \$120m. The largest component of that is in two areas: "New federal funds requested", \$30m a year, and "Estimated private funds", up to \$60m a year.

Hon Ljiljanna Ravlich has already indicated what she thinks of the new federal funds. She is dead right, although I think she was a little kind. The \$30m a year that was to be delivered out of the State's share of the Telstra sale was never to come to Western Australia in that form. The Commonwealth knew it was never to come to Western Australia in that form and, what is more, the State knew it was never to be delivered in that quantum.

Several members interjected.

The PRESIDENT: Order! Members should speak one at a time. Hon Kim Chance is making good progress.

Hon KIM CHANCE: The State Government was well aware that the current Federal Government and its predecessor the Labor Government had determined their priorities in respect of any future spending of land care money. The nation accepted that we had a problem in the Murray-Darling Rivers system that needed to be fixed. Anybody who

has followed this issue with any interest and dedication at all will understand that the commonwealth allocation will always prioritise the Murray-Darling system. Western Australia most certainly has a claim. I would not deny for a moment that WA deserves \$30m and I would join with the Government to argue for \$40m or \$50m. However, to submit an ambit claim of \$30m, to suggest to people that we will get it, which is what the state salinity plan is based on, and then to spend half a million dollars in a promotional exercise prior to the election based on that projection is nothing less than disingenuous.

I can recall the Minister for Transport coming into this place with a similar proposition, except that he was far more honest. At a time when there was a federal Labor Government, Hon Eric Charlton presented a budget which predicated spending of federal road grants based on his ambit claim to the Commonwealth of what the State deserved. Again I have no complaint with the Minister that we could have used that money and needed that money. However, he came in with that budget predicated on an ambit claim. I argued with him that he should not have done that in the terms of a state budget, but at the same time he did not spend half a million dollars on a pre-election promotional exercise predicated on the ambit claim he had before the Commonwealth. He said, "This is what I think we should spend." The Minister for Transport was far more honest in the way he dealt with that issue. That is not what happened in this case. A pre-election campaign was predicated on an ambit claim.

It gets worse when we go to the next colour code. On the red code nearly half of the total quantum of funding, which is in the order of \$120m, is an estimate of private funds. The proportion of red in that scale indicates the significance of the level of private investment. Of course, private investment is important, but remember what we were being sold by the Government at election time. We were being sold \$1b over 10 years to address very serious salinity problems. When we look at how that \$1b is constructed we find there is an expectation that it will not come from the Government; people will shell it out of their own pockets for their own reasons. Is that a fair thing to put before the public as a government program? It is appalling and my feeling is that this has been nothing but a con by the Government from day one.

Opposition members: Hear, hear!

Hon KIM CHANCE: Notwithstanding my uncharacteristic cynicism on this matter I embrace the vision of the plan. I was angry at the time of the launch because I could see that an issue that people felt very seriously about was being exploited by the Government in a cynical way. I still have that view and I believe that a critical analysis of the fundamentals of the state salinity plan established that. We have a reduced commitment by the State, not an increased commitment and we have an increase predicated on, first, a wild estimate and, second, an ambit claim to the Commonwealth. Notwithstanding that, I support the vision of the plan. This place should be seriously concerned with monitoring the delivery of that vision. For that reason Hon John Cowdell's motion is and should be an effective way of monitoring the way this plan will be delivered, and I hope something concrete comes out of the ashes of what has been a gross exploitation of people's feelings and one of the worst examples of the use of public funds for political party purposes that I have ever seen.

HON SIMON O'BRIEN (South Metropolitan) [11.45 am]: I support the amendment moved by Hon Bruce Donaldson. I will not venture down some of the avenues that have been covered by Hon Kim Chance and Hon Ljiljanna Ravlich. What leads me to speak on this amendment is the way in which this House directs its committees to inquire into matters and to report.

It concerns me that the House is tending on some occasions to refer matters of great complexity that involve workloads of great significance to committees without regard to the workloads of the committees. A number of matters have been referred, in particular to the Standing Committee on Ecologically Sustainable Development, which causes me concern.

Hon Ljiljanna Ravlich: Where else would you send it?

Hon SIMON O'BRIEN: I do not have any problem with referring this matter to the Ecologically Sustainable Development Committee. That is not the point I am raising. If the member listens I will tell her what my concerns are. It will take only a minute and she may learn something.

Hon Ljiljanna Ravlich: From you? I doubt it.

Hon SIMON O'BRIEN: I have spoken briefly about referring issues to the Public Administration Committee. Much of my comment was about the incredible workload which it was suggested should be pursued by that committee. I recall that it was also proposed by Hon Ljiljanna Ravlich. The workload was so great that it would have precluded that committee from doing anything else for months. In relation to this amendment I ask why we would require the Standing Committee on Ecologically Sustainable Development to table a report on this every three months. The Ecologically Sustainable Development Committee has plenty of other things to do. The terms of Hon John Cowdell's motion require that committee to report every three months. For this House to direct a committee to comply with

that frequency of reporting is excessive in view of the other tasks with which the Ecologically Sustainable Development Committee is charged. I make that observation dispassionately and as a positive contribution.

I support the amendment moved by Hon Bruce Donaldson.

HON NORM KELLY (East Metropolitan) [11.50 am]: I shall comment on the motion before the House, as well as on the action plan in general. It is important to point out that a referral to the Ecologically Sustainable Development Committee would basically involve its monitoring the workings of the salinity action plan, rather than assessing the seriousness of the salinity problem in Western Australia.

Hon Simon O'Brien: There are other mechanisms that would be better to do that.

Hon NORM KELLY: One of the ways to look at the seriousness of the salinity problem in this State is highlighted in one of the action plan documents, which indicates that in 1994 two million hectares were affected. The problem has the potential to grow and to affect more than six million hectares. Western Australia is obviously the worst affected of all States. Unfortunately, although the intentions in the salinity action plan are good, it has been a long time coming and the time has passed when serious action should have been first implemented. I refer to a report from the "Australian Journal of Soil and Water Conservation" in 1996 detailing some of the history of the seriousness of the salinity problem in Australia. With reference to Western Australia, the report states -

By 1897 -

That is more than 100 years ago -

- farmers in the Northam Toodyay district had reported the relationship between land clearing and salinity. By 1907 the catchment of the Mundaring weir had been ringbarked, salinity had increased in the dam, the situation assessed and the rising salinity attributed to the clearing. A regrowth and replanting program was implemented to reverse the salinity trend. By 1924 Wood had established that there was salt stored in the landscape, and had demonstrated that clearing native vegetation resulted in increased salts in the soil and water.

More than 100 years ago these reports had determined the relationship between land clearing and salinity problems. Unfortunately, the salinity action plan has a scarcity of information and detail about how to address the continued clearing of land in Western Australia. This is one of the weaknesses of the plan and, despite the fact that it has been jointly prepared by four government departments, this emphasis has been overlooked.

Hon Ljiljanna Ravlich said that she objected to the deletion of the word "Government's" in the motion. I disagree with her, because even though this has been put together by the Government, the only way the action plan will be successful is by achieving the full cooperation and support of the farming community in tackling these problems. It is disappointing that consultation with these farming groups appears to be occurring only now. It was reported in *The West Australian* a few weeks ago that a series of public meetings will be held over the next few months. Proper community consultation starts on day one. As I said to the Minister for Transport recently, if the Government wants community support it must involve the community from the first day of the process.

Hon Barry House: Yes, that is true; but perhaps the community is afraid that it will be asked to bear the full financial burden.

Hon NORM KELLY: One of the problems may be that when the community is asked to be involved, it fears what may be in store. Often government departments tell the community what is planned and, rather than consultation, it becomes a one way process whereby the department tells people what is to occur. Proper consultation is a two way flow of information, and government departments must learn to take on board the views of the people living in the area. Local people know the history of the area and their knowledge is built up generation after generation. That knowledge is valuable and it cannot instantly be matched by the knowledge gained from using scientific methods to make assessments. This lack of proper consultation and participation, and the neglect of that part of the process, is disappointing. The action plan has been released and these community groups feel left out of the process. That neglect of the community in the first place to some extent devalues the process. This is once again a good reason that the ESD committee should be involved to assess how improvements can be made to the plan and its ongoing operation to ensure that local knowledge is better appreciated.

Hon Kim Chance pointed out at length and in detail the funding requirements to make sure the action plan has the necessary resources for implementation. An amount of \$3b over the next 30 years is a small price to pay, given that adequate funds have not been allocated over the past 100 years. The tenuous nature of the source of those funds puts this in a difficult situation. The Natural Heritage Trust funds are granted to various communities and land care groups not on an ad hoc basis but sometimes on the basis of questionable criteria. Given that these funds are generated by the sale of public assets, one must question the long term availability of such funds. Two-thirds of Telstra remains

to be sold, and once that is sold consideration must be given to what other assets can be sold to fund these programs. Obviously, the Government will run out of money and perhaps it must then start up a new government communications program.

Another weakness in the salinity action plan is the lack of emphasis on biodiversity conservation. I pointed out earlier on the question of land clearing that there are no provisions to tackle the broader issue of the sustainability of rural areas. I relate this to the fact that inevitably the return on products depends on the market prices at the time, and the prices paid for commodities do not reflect the true environmental costs of production. The best available price is achieved on a year by year, commodity by commodity basis. Often that price is below the true environmental cost of producing the commodity.

Last year I heard Professor Harry Rechter talking about this issue. He put forward a proposal that the price of a loaf of bread should include a certain proportion of money that reflected the environmental cost of producing that loaf of bread. In a sense, it would be possible to fund environmental programs by levying that extra charge on the final product. In that way there would be a cycle of a sustainable flow of money, and what was taken from the land be put back into it to protect it and ensure that agricultural methods were sustainable.

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS - CONSIDERATION

Committee

The President (Hon George Cash) in the Chair.

Standing Orders Committee - Report on Proposed Amendments to Standing Orders Recommended by a Select Committee on the Committee System

The PRESIDENT: We are dealing with the report on the proposed amendments to standing orders as recommended by a Select Committee on the Committee System. It is usual for the Chairman of the Standing Orders and Procedure Committee - that is, the President - to take the Chair for the Committee stage, and there being no objection, I have adopted that course of action.

Last Tuesday, a report was tabled in the House recommending certain amendments to standing orders in accordance with the recommendations of the select committee which was established to review the Legislative Council's standing committee system. The Leader of the House moved a motion, which the House carried, requiring the Standing Orders Committee to consider various matters.

Hon N.F. MOORE: As the person who moved the original motion that has caused us to contemplate new standing orders, it is appropriate that I move that the new standing orders be adopted.

The first matter dealt with in the committee's report is participation in committee deliberations. The House ordered, pursuant to a motion that I moved in November, that the standing orders be amended to enable a member who is not a member of a particular committee to participate in that committee's deliberations on a specified matter, by leave of the committee. In order to give effect to that matter, the report recommended that Standing Order No 326 be amended. Therefore, I move -

That Standing Order No 326 be amended by -

- (a) inserting after "proceedings" the words ", and by leave of a committee, its deliberations," and
- (b) deleting the second sentence commencing "Such" and substituting -

Leave can be given only for a specific inquiry, but a member may be given leave in relation to more than one inquiry whether or not those inquiries are contemporaneous with one another.

The PRESIDENT: Members will recall that one of the recommendations made by the select committee to review the Legislative Council's committee system was that Standing Order No 326 be amended to enable a member who is not a member of a particular committee to participate in that committee's deliberations on a specified matter at the invitation of the committee. It recommended also that the prohibition against voting in Standing Order No 326 in respect of that additional member be retained.

Hon J.A. COWDELL: I support the amendment to Standing Order No 326 both on behalf of the Australian Labor Party and as a member of the committee. Members would be aware that these amendments originated with the report of the committee set up last year to review the Legislative Council's committee system, and the amendments recognise

the consensus that existed during the discussion of that committee report. It is not necessary to canvass the arguments at length because we have gone through those arguments on a Thursday morning. This amendment embodies committee recommendation No 4. It is obvious that it will allow for greater participation in the committee system by a range of members, as will the following amendment. For that reason, the Opposition supports the amendment.

Hon BARRY HOUSE: I was also a member of that committee. I would like to dwell on that part of the amendment that allows for the extra participation by leave of the committee rather than by a mechanism such as a direction or proposal from the House. It is an important distinction in the first and second of the proposed amendments that the committee, rather than the House, can determine whether an extra member should participate in its deliberations, because there may be occasions in the future when members want to foist their agenda onto a committee and that is not welcomed by the committee.

Hon Kim Chance: That would never happen!

Hon BARRY HOUSE: I am not suggesting that would occur often, but the committee would then have some control over its destiny. I am also a member of the Select Committee on Native Title. Hon Helen Hodgson has attached herself to that committee, at the invitation of that committee, and she has been received warmly in all of its activities to date. However, no mechanism exists to allow her to participate in the committee's deliberations. I believe her voice in those deliberations would be welcome, and I cannot foresee any instance where that participation would be denied.

Hon J.A. SCOTT: It is certainly valuable to open up committees to members who have expert opinions in some areas or have a particular interest. The only matters of concern are, firstly, that if more than one person wanted to get onto a particular committee, a large number of people might sit in on its deliberations, so perhaps there should be some limitation on the number of members who can participate. Secondly, if the committee's deliberations took place in far flung countries, or whatever, the committee might incur additional costs if people were happy to travel around at the cost of that committee. I guess at the end of the day it will be left to the good sense of those committees, and I presume they will properly consider those matters. These committees are split to allow them to achieve more, but if too many members are involved, we could face more problems, in some instances.

Hon HELEN HODGSON: We support this amendment. It relates only to standing committees not select committees; therefore, the example referred to by Hon Barry House unfortunately means the committees still will not have the benefit of my wisdom during deliberations! I was concerned about the term "by leave of the committee" as opposed to it being a right. However, that is the only way to address the concerns raised by Hon Jim Scott regarding the number of members attending deliberations growing beyond control. The term "by leave of the committee" will provide a mechanism by which to consider the matters raised by Hon Jim Scott. I support the amendment.

Question put and passed.

Hon N.F. MOORE: Last year this Chamber decided to allow substitute members to be appointed to committees. I move -

That a new standing order be inserted as follows -

Substitute members

- 326A.** (1) A member of a committee may be replaced by another member ("**substitute member**"). The substitute member, subject to this order, is a member of the committee for all purposes.
- (2) Substitution is made by leave of the committee.
- (3) A substitution must be for the purpose of a specific inquiry but a substitute member, by further leave, may be a substitute member on 1 or more committees at the same time and in relation to more than 1 inquiry being conducted at the same time.
- (4) Nothing in this order alters the capacity of the member who is substituted to act as a member of the committee in relation to any inquiry or matter that is unaffected by the substitution.
- (5) Where a committee:
- (a) presents its final report on an inquiry for which a substitution was made; or

- (b) for any reason, discontinues such an inquiry, the leave granted in relation to that inquiry lapses, and the substitute member, subject to paragraph (3), ceases to be a member of that committee.
- (6) When a substitution is made, the Chairman shall cause the Clerk to be notified of the names of the member being substituted, the substitute member, and the purpose for which the substitution is made and the Clerk shall publish that information in the next available Notice Paper.

Hon J.A. COWDELL: I rise on behalf of the Australian Labor Party to support the proposed new Standing Order No 326A. I do not want to canvass the arguments again. Suffice it to say there is a range of expertise within this Chamber and this alternative may allow that expertise to be drawn upon. I am aware that as long as we have the current committee system this is a worthwhile change. A committee such as the Legislation Committee which deals with controversial legislation may draw on members who possess particular expertise which would be of great value on a particular term of reference. That is not to say that some of us - when a reference of six months' inquiry into the Strata Titles Amendment Act is heading towards us - will want to head for the hills and find a substitute member. However, I see general merit in the change.

Hon PETER FOSS: I support the amendment. We tried this once before with the Legislation Committee when we allowed the establishment of sub-committees. It became clear that there were areas in which members had particular interests and should be allowed to participate in that legislation as members of the committee. It was not successful, partly due to a lack of resources, and it became impossible for subcommittees to be resourced. The amendment is important in anticipation of the next one relating to the adoption of Standing Order No 326B because if a member is disqualified under that standing order it is essential that a substitute member be appointed under Standing Order No 326A.

Hon HELEN HODGSON: When the committee originally considered this amendment I pushed strongly for consideration of a substitution. There are only two Australian Democrats in this Chamber and often our expertise is such that it is impossible for either of us to cover matters that the other person is looking after. Recently, when the hairdressing registration Bill was referred to the Public Administration Committee, the member who had been handling the matter in this place and had all the knowledge and information was not the member appointed to the relevant committee and we had to transfer knowledge from one member to another to participate effectively in the committee system. It worked effectively ultimately but it would have been preferable for us, as a small party, to simply request a substitution. This will be a useful mechanism in the operation of the committee system. It will ensure a proper voice for those who are limited by resources. For those reasons, I support the amendment.

Hon J.A. SCOTT: The Greens (WA) members support this amendment. However, some consideration should be given to the workings of the Ecologically Sustainable Development Committee, of which Hon Christine Sharp is chairperson. She possesses extensive and longstanding experience in marine ecology and associated matters. If we required a substitute member on a marine matter, we would need to substitute that chairperson. Perhaps we should think about each committee having a deputy chairperson.

Hon BARRY HOUSE: The situation referred to by Hon Jim Scott is provided some protection by the wording "by leave of a committee". The committee could foresee any of those difficulties and adjust its decision accordingly.

Question put and passed.

Hon N.F. MOORE: I move -

That a new standing order be inserted as follows -

Committee Member not to vote in certain cases

- 326B.** In relation to any matter or inquiry before a committee, a member shall not vote on a question in which the member has a direct pecuniary or personal interest not held in common with the rest of the subjects of the Crown.

The Standing Orders Committee has recommended the insertion of this new standing order. The Government supports the insertion of this new clause; it is almost identical to the old standing order.

Hon J.A. COWDELL: The Australian Labor Party also supports proposed new Standing Order No 326B, which is in line with the mechanisms proposed by the Commission on Government. I hope that some of the media outlets do not utilise this in a frivolous fashion to raise false claims on whether members may serve on a committee.

Hon N.F. Moore: Maybe members will have the same view about those things.

Hon J.A. SCOTT: Greens (WA) also support this proposed standing order. Clearly, we should be under the same sort of accountability procedures as one would expect to find in local government or other organisations as we make decisions which can have considerable economic impact, negative or positive. Therefore, that direct pecuniary interest clause is important to ensure that the public can be assured that we are acting in the public interest and not our own.

Question put and passed.

Hon N.F. MOORE: The House ordered the Standing Orders Committee to look at deleting the requirement for notices of intention to table reports. At the same time it contemplated the situation which occurs from time to time in which a member of a committee, other than the chairman, may wish to present a report. Accordingly, I move -

That Standing Order No 334 be repealed and the following substituted -

Presentation of report.

334. A report is presented by the chairman or other member designated by the committee for the purpose.

Hon J.A. COWDELL: The Opposition supports the proposed Standing Order No 334. Obviously, giving notice of intention to table reports is unnecessary. This order is a straightforward change so that another committee representative apart from the chairman may be designated to present a report. This particularly applies to a joint committee where the chairman resides in the Legislative Assembly. I hope that this is the first of a range of amendments to standing orders which will make the procedures of this House more straightforward and apparent. Scope remains for further reforms of this nature, but I am pleased to start by supporting this reform.

Question put and passed.

Hon N.F. MOORE: As members will be aware, the committee which reviewed the committee system made a number of recommendations about the Standing Committee on Constitutional Affairs and Statute Revision. Without going through all the recommendations, which are included in the report from the Standing Orders Committee, the House ordered that standing orders be drafted to give effect to the recommendations relating to the Constitutional Affairs and Statute Revision Committee, with the exception that all petitions continue to be referred to that committee. The committee may then determine to refer any petition to any committee for consideration and report. The House has agreed to that proposal and the Standing Orders Committee now recommends the following amendment to the schedule; I move -

- (1) The Schedule to Standing Orders is amended by repealing the item entitled "*Standing Committee on Constitutional Affairs and Statutes Revision*" and substituting the following -

Standing Committee on Constitutional Affairs

1. A standing committee under the name of "*Constitutional Affairs*" is established.
2. The committee consists of 3 members.
3. The functions of the committee are to inquire into and report on -
 - (a) the constitutional law, customs and usages of Western Australia;
 - (b) the constitutional or legal relationships between Western Australia and the Commonwealth, the States and Territories, and any related matter or issue;
 - (c) a bill to which SO 230(c) applies but subject to SO 230(d);
 - (d) any petition.
4. A petition stands referred after presentation. The committee may refer a petition to another standing committee where the subject matter of the petition is within the terms of reference of that standing committee. A standing committee to which a petition is referred shall report to the House as it thinks fit.

- (2) Standing order 230 is amended by adding the following paragraph -

- (d) a bill to which paragraph (c) applies stands referred to the *Constitutional Affairs Committee* which shall report on the bill within the 30 day period prescribed in that paragraph. The policy of a bill so referred, evidenced by an explanatory memorandum or the second reading speech of the Minister having charge of the bill, is not a matter for inquiry by the committee.

- (3) The Schedule to Standing Orders is amended in the item entitled "*Standing Committee on Legislation*" by -
- (a) inserting in clause 5 after the word "on" the expression "(a)"; and
 - (b) adding the following paragraphs -
 - (b) what written laws of the State and spent or obsolete Acts of Parliament might be repealed from time to time;
 - (c) what amendments of a technical or drafting nature might be made to the statute book;
 - (d) the form and availability of written laws and their publication.

Hon J.A. COWDELL: The Opposition supports these changes to the schedule regarding the responsibilities of the new Constitutional Affairs Committee and the Legislation Committee. It is appropriate that the House from time to time give particular weight to matters of concern, such as constitutional affairs, and recognise the need to re-distribute responsibilities between different committees. If a petitioner refers a matter of an environmental nature which has been the subject of an inquiry by the Standing Committee on Ecologically Sustainable Development, it may be appropriate that the petition be referred to that committee where the expertise resides. It is also appropriate that the Legislation Committee should have some role in initiating statute revision. I am sure, under the dynamic chairmanship of Hon Bruce Donaldson, much good work will be done in that area.

Hon J.A. SCOTT: Greens (WA) support this very good amendment. The Standing Committee on Constitutional Affairs and Statute Revision spends a great deal of its time dealing with petitions. Given time demands, less time is available to work on statute revision - the work its title suggests. It is necessary for the committee to look at obsolete Statutes as this will reduce all our workloads in the long run. Furthermore, it also enables committees established to deal with particular areas of interest, or which have spent a great deal of time on a subject, to deal with a problem raised in a petition. That is preferable to expecting a single committee to be an expert on everything under the sun. As we know, petitions can be very wide ranging in subject matter. Those are very good changes which will promote the smoother running of this place and I support them.

Hon HELEN HODGSON: I am particularly interested in clause 3(b) of the proposed standing order, which will authorise the standing committee to look into the constitutional and legal relationships between Western Australia, the Commonwealth, other States and Territories. It is an important function. To date we have not had a standing committee looking into these areas. We find more and more under the commonwealth arrangements that relationships between the States and the Commonwealth are requiring more and more uniformity of legislation as well as causing the inevitable consequential financial issues. It will be very valuable to this Chamber to have a committee looking into some of these aspects as they arise and when the legislation comes before us. We support the change.

Question put and passed.

The PRESIDENT: The standing orders we have dealt with today will improve the flow of business of the Council. I am sure it will improve the general efficiency of the way we are doing business in the committee system. It will obviously lead to a more effective committee system as we work our way through these and other standing orders. I thank members of the Standing Orders Committee for the time they spent deliberating on these issues. Members will be aware that an outstanding matter before the Standing Orders Committee is the question of the right of reply. The committee has begun consideration of that matter. We have made progress and we will meet again. I look forward in due course to bringing forward a suggested standing order or at least a recommendation from the committee on the right of reply.

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

*Joint Standing Committee on Delegated Legislation - Report on Weights and Measures (Exemptions)
Regulations 1997*

Hon N.D. GRIFFITHS: I move -

That the report be noted.

The twenty-ninth report concerns the Weights and Measures (Exemptions) Regulations 1997. The Joint Standing Committee on Delegated Legislation became concerned about these regulations because it appeared they might not be within power. One of the committee's terms of reference is the starting point for the committee when it deals with delegated legislation. It is to the effect that the committee is to consider and report on any regulation that appears

not to be within power or not to be in accord with the objects of the Act pursuant to which it purports to be made. There was and there remains a concern that part of these regulations is not within power.

I refer the committee to the report of which it is being asked to take note. The Joint Standing Committee on Delegated Legislation summarises the nature of the regulations and the Act from which they come. Paragraph 2.1 refers to the Act of 1915, which establishes the standards and units of weight and measure, and the system and procedure for the verification and stamping of weights, measures, and weighing and measuring instruments. The committee was concerned that one of the regulations was ultra vires. It undertook a process so as to be in a position to report to the Chamber and to facilitate debate in the event that the Chamber was to consider whether the regulation should be disallowed. The procedure undertaken by the committee is set out on page 3 under the subheading of the committee's inquiry.

I propose to make some brief observations about the inquiry because when a committee such as this is seeking to provide an informed view as to whether something is within power, it is important for the committee to engage in due process in formulating its view. It would be most inappropriate for a committee of this place to accuse a government agency of not getting its process right if the committee does not behave properly in its processes. I invite the Committee to look at what is set out at paragraph 3.1 and subsequent paragraphs. I trust that members will be assured that the Joint Standing Committee on Delegated Legislation has carried out a very proper and thorough process in its inquiry.

It is important to note the timing of what took place. First, the committee looked at the matter on 9 October 1997. On 10 October it wrote to the relevant ministry outlining its concern about a regulation being ultra vires. A response was received from the ministry in a fairly reasonable time on 15 October 1997. Unfortunately the response was not before the committee when it met that morning. Because of the disallowance procedures and the timing applicable to them, particularly in view of the fact that the regulations were gazetted on 20 June 1997 and tabled on 19 August 1997 and that 14 sitting days is the period from the date of tabling in which there is power to move to disallow, it was necessary, given the committee's concerns which had not at that stage been addressed by the ministry, for the committee to give consideration to moving a disallowance motion, as is the committee's practice, to make sure the matter would not drop off the agenda, so that the regulations could be disallowed, if that was the view of the committee and, more appropriately, the view of the Legislative Council. Pursuant to the instructions of the committee, a notice of motion was tabled on 16 October 1997 and moved pro forma on 22 October. According to our standing orders and the passage of time with respect to sitting days, it was necessary for the matter to be dealt with by 27 November 1997.

In essence the concerns of the committee are that the Act requires that where a person has in his possession for trade any weight measure or weighing or measuring instrument it is to be stamped in certain circumstances set out in the standing committee's report. One of the regulations sought to exempt certain instruments from being stamped. The committee was concerned that regulation No 5 was ultra vires because nothing specific permits the degree of exemption set out in that regulation concerning the restamping of instruments. The committee undertook the process to which I have referred and received the Ministry of Fair Trading's view. The Ministry made a number of observations which, in the committee's view, were arguable. However, its primary observation was that the regulation is within power because of section 52(t) of the Act. After giving that due consideration the committee thought it was an arguable proposition. The committee did not determine whether that argument was right or wrong. Nonetheless, a degree of uncertainty existed and therefore the committee resolved to seek to have the notice of disallowance withdrawn. It was withdrawn, but in the meantime this report had been presented. In considering this matter the committee has brought to the attention of the Chamber deficiencies between practice and the law in this important area of regulating measuring instruments. It points out the state of the world as it was in 1915 and invites the Parliament to contemplate how the matter should be addressed. In particular, the committee expresses its opinion that the Act should be updated and certain legal uncertainties and practical deficiencies addressed in the context of the world in 1998 as distinct from the way things were in 1915.

Question put and passed.

Standing Committee on Public Administration - Distribution Adjustment Assistance Scheme

Hon KIM CHANCE: I move -

That the report be noted.

I record my appreciation to the other members of the Standing Committee on Public Administration and its predecessor the Standing Committee on Government Agencies, which also considered this issue, for their professionalism in their deliberations.

The committee was deliberating on the outcome of legislation which had been recently enacted. Indeed many

members of the committee had taken opposite sides in the debate on that issue in the Chamber. The legislation included a component directly relevant to this report and which had been the subject of debate conducted in an atmosphere of controversy. At times that debate was quite bitter. This meant that committee members, some of whom had taken opposite sides in the parliamentary debate, found themselves revisiting the issue in the context of a committee investigation. Most members will have some sympathy for other members in that position. It is a testament not only to the individual members' ability and integrity but also, in a broader sense, to our committee structure and committee system that the inquiry could proceed at all, let alone produce a unanimous report which so comprehensively addresses the issue.

Some important work was done for the committee by a subcommittee consisting of Hon Murray Criddle and me. In a sense Hon Murray Criddle and I were the polemic factor in the debate. Although I am always reluctant to single out another individual member of the committee I acknowledge the integrity with which he approached this issue. If this issue caused committee members to draw on their resources, it is fair to say that that is a small matter compared with the anguish experienced by the people affected by the change in the legislation. Those people lost their businesses and in some cases their life savings with the stroke of a legislative pen. That was the issue the committee had to address. When we passed the Dairy Industry Amendment Act 1994 we effectively signed the death warrant for some 40 small businesses in Western Australia. They were licensed milk vending and distribution enterprises which ceased to exist as a result of two factors in the legislation: The deregulation in the industry had the effect of withdrawing their licences which were legal instruments with tradeable property rights and their authorisation to trade in the closed distribution industry. The second factor was that they were not offered or, for some other reason, refused to accept a contract with the dairy companies which, as a result of legislation, supplanted the Dairy Industry Authority as the body responsible for organising distribution. Individual losses as a result of this change have been estimated to be in excess of \$500 000 per business in direct terms alone. In some cases indirect losses drive the loss figure much higher.

The committee's task was to assess the claims of the former licensed vendor situation and to determine whether they had been dealt with fairly and according to the law. To do that we had to assess their present position. It is now approximately three years after the event but the assessment occurred about two and a half years after the Act had taken effect. Listening to the affected people tell us their current situation was a fairly harrowing experience for the subcommittee.

I refer members to page 23 of that report in which the situation is briefly outlined. As I said, the date of our informal meeting, which had been requested by Mr George Chapman on the former vendors' behalf perhaps with a sense of foreboding, was Friday, 13 June 1997.

That date was two and a half years after the proclamation of the Act. Paragraph 9.3 of the report states -

The Subcommittee heard disturbing evidence of hardship and injustice from each of the persons who related their experiences since their businesses had been in effect, legislated out of existence.

Paragraph 9.4 states -

Amongst the events recounted to the Subcommittee -

I must be very careful to advise members that from now on these issues are as reported to the committee. The committee does not hold that these pieces of evidence are necessarily tested and proved.

Hon B.K. Donaldson: Is that by way of a disclaimer?

Hon KIM CHANCE: I think it is fair that the Committee understand the context in which the evidence was taken.

Hon Barry House: Legal action may be pending.

Hon KIM CHANCE: Legal action may well result. It was recounted to the subcommittee and ultimately via the subcommittee to the committee that it was given evidence that continuing debts to the dairy companies were being aggressively pursued by those companies two and a half years after the event. The report continues that in some cases it involved -

- . the loss of the family home;
- . life savings and superannuation have been consumed in attempts to re-establish these people and to repay debts. Significantly much of the vendors' indebtedness was to the dairy companies, Masters and Peters/Brownes;
- . continuing unemployment for both the former vendors and in one case, for a disabled daughter of one of the vendors;

- . an attempt to establish a new business was endangered by a dairy company which advised potential suppliers to the new business of the debts owed by the new business to the company.
- . business failures and stress-related ill health resulting from a difficult financial position;
- . difficulties in obtaining credit;
- . significant reduction in family living standards and income, in one case a fall in income from \$1620 per week to \$260 per week;
- . in the same case outlined above, the former vendor is repaying combined debts to the two dairy companies of \$31 500, at a rate of \$150 per month from a DSS payment of \$280 per week, which has now reduced to a \$260 per week payment under another arrangement. One dairy company has lodged a caveat on the former vendor's home to secure its position;
- . in another case, it was reported that a former vendor whose business was turning over \$1 000 000 per year received \$99 000 in the DAAS payment, and on seeking relief from the arbitration process, an additional payment was denied by the arbitrator;
- . a former vendor with a lifetime experience in the industry who received \$67 000 from DAAS was also denied additional assistance by the arbitrator on the grounds that as he owned some land, he was not suffering hardship, as he could sell the land to improve his financial position. This former vendor considered himself fortunate that he was able to get permission from the DIA -

That is, the Dairy Industry Authority -

- to work for another vendor for two hours per day, for a short period;

I will digress from the report a little at this stage. Members may not fully understand that one condition of receiving the distribution adjustment assistance scheme payment was that the former vendors agreed not to work in the industry in any way. To get a job in the industry, even for a couple of hours a day, it was necessary for the vendor to get the permission of the DIA. This matter is considered at some length in the report. The report continues -

- . It appears that the DAAS payments in most cases equated to a sum less than one years gross profit. Prior to deregulation, the market value for a round was generally equivalent to two years gross profit, and had previously been as high as four years gross profit. Evidence was provided that within weeks of the new deregulated 'contractual' system beginning, the contracted rounds were again being advertised at a price equal to two years gross profit;

Perhaps I should explain what that means. I will use the word "compensation", because it makes an explanation easier although, in fact, it has always been denied that the DAAS scheme is a compensatory measure, and the committee accepted that. It is an adjustment measure, and the committee accepted that as well. In shorthand, I will call it compensation. The amount of compensation paid generally did not exceed one year's gross profit in the cases we observed. There had certainly been a situation for a long time where the industry standard was accepted at two years, in terms of the goodwill value of the industry.

At the moment of deregulation when the licences ceased to exist, so too did the value of the licences cease to exist. The right to organise the distribution of the industry passed from the DIA, and in turn was devolved to the licence holders, to the dairy companies. In a sense, so did the value of that right pass to those dairy companies. They did not attempt to capitalise on that value, and to this day still have not attempted to do so. They have said that they will not, but it is argued in the report in another place that there is nothing to prevent them in the future capitalising on the value; for example, by franchising the distribution operations at a cost to the franchisee. Indeed, it is possible that the shareholders of the dairy companies may insist that the board take that action. It would be quite proper. All I am saying is that the ability to do that is available. When the dairy companies organised their distribution by means of a contractual system, they did not attempt to profit from that; however, once the contractor had gained the contract, that in itself became a negotiable element and was traded. The committee has evidence of these businesses being advertised at a price very close to the formerly accepted price of two years' gross return, which was the level at which the licence vendor authorisations were trading at.

At the point of the change in legislation, the value of these licences - in some cases they exceeded half a million dollars - passed from the hands of one person into those of another, and could have been realised within weeks at the same value. There was a very real exchange of property value as an outcome of the legislation. I spent some time on that issue because it is crucial to the outcome of what happens here. We have had somebody's property taken which has effectively been given to another person.

Hon Peter Foss interjected.

Hon KIM CHANCE: Of course that is possible. An examination of the evidence indicates that is simply not the case. It is possible in theory.

Hon Peter Foss: The market is probably more accurate in the second case than it was in the first case.

Hon KIM CHANCE: I do not intend to go into that in detail. The only way I can explain the situation is that in each case the market made its decision. The value of the licence was not set by the licensor, but by the market. I suggest that the market may develop accurate commercial judgments in each case. I am quite happy to accept the theory of the market, given a realistic buyer and a seller. We will always come out at somewhere near the true market value. The fact is that the market made a decision, or has apparently done so, that the value of a right to distribute milk at a certain litreage a day is very much the same.

Debate adjourned, pursuant to sessional orders.

Committee Report

Resolutions reported and the report adopted.

Sitting suspended from 1.00 pm to 2.00 pm

COUNTRY HOUSING BILL

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

Clause 1: Short title -

Hon MAX EVANS: Last night at the end of the second reading debate I said that I would clarify certain points for Hon Norm Kelly and Hon Bob Thomas regarding retired farmers. There will be checks in the system of the Country Housing Authority to assist retiring farmers who are in need of assistance. That is the important point. First, the standard interest rate that applies to the Rural Housing Authority is 6.95 per cent, which is the upper end of the housing loan interest rate range. The CHA will not compete with the private sector. It is proposed that the CHA will adopt the same practice when setting its standard interest rate. It is envisaged that this rate will apply to retired farmers. Therefore, retired farmers will not have an incentive to apply for assistance to the CHA as private sector rates are generally lower. In practice, they will apply to the CHA when they cannot access the private sector. For example, a retiring farmer with a cash resource will either have the funds to purchase a home or provide a large enough deposit to secure private sector finance, probably at the lower rate.

Secondly, clause 10 provides flexibility. Country towns do not need to be listed in the Act, but it ensures that the authority will direct resources to towns where there are limited housing finance options. In practice, the authority will not provide assistance to the larger towns where there is an established housing finance market; that is, Bunbury, Mandurah, Albany and so on.

Thirdly, in addition, farmers must meet other requirements; first, to apply within 12 months of transferring the interest; and, secondly, the dwelling must be used as a home.

As to accountability, the criteria for assistance must be published in the *Government Gazette*; and an amendment made in the lower House. This is a result of an amendment made in that House. Secondly, the standard interest rate to apply must be published in the *Government Gazette*. Thirdly, details regarding non-commercial assistance or subsidised loans must be published in the *Government Gazette*. This is an upper House amendment.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Interpretation -

Hon NORM KELLY: I move -

Page 2, line 10 - To insert after "5(1)(a)" the following -

or (b)

This amendment and the following amendment relate to the membership of the Country Housing Authority. The Democrats consider that the clause should stipulate that one member of the authority should be a representative of

local government interests. This has always been the intention of the Government because the Minister in the other place alluded to such a provision. We feel this should go further than being an intention. In discussion with the Western Australian Municipal Association I was told that its members support such a provision.

Further consideration of the clause postponed until after consideration of clause 5, on motion by Hon Norm Kelly.

Clause 4 put and passed.

Clause 5: Membership of authority -

Hon NORM KELLY: I move -

Page 5, line 15 - To delete the figure "4" and substitute the figure "3".

Page 5, line 20 - To insert the following new subparagraph -

- (b) a person appointed by the Minister from a list of 3 nominees submitted by the Western Australian Municipal Association (WAMA) referred to in section 9.58 of the *Local Government Act 1995*;

Page 5, after line 28 - To insert the following subsections -

- (2) When the submission of a list of nominees is required for the purposes of subsection (1) (b), that submission is to be made to the Minister in writing within such reasonable time after the receipt by WAMA of a notice from the Minister stating that the submission is required as is specified in that notice.
- (3) If a submission is not made under subsection (2) within the time specified in the notice the Minister may appoint such person as the Minister thinks fit to be a member of the Authority in place of the person referred to in subsection (1) (b).

This amendment seeks to entrench in this legislation a provision for a member of the authority to be a representative of local government bodies. As WAMA is the most suitable representative umbrella organisation it should recommend a number of nominees. The final selection of that representative will remain with the Minister. Therefore, he will choose his preferred nominee from three people. The provision will allow the Minister some flexibility, but WAMA will make the original nominations.

Hon MAX EVANS: The Government supports the amendments. A WAMA representative will provide an extra check and balance for larger country towns, to ensure that funding goes in the right direction.

Amendments put and passed.

Clause, as amended, put and passed.

Postponed clause 3: Interpretation -

The clause was postponed after the following amendment was moved by Hon Norm Kelly -

Page 2, line 10 - To insert after "5(1)(a)" the following -

or (b)

Amendment put and passed.

Postponed clause, as amended, put and passed.

Clauses 6 to 9 put and passed.

Clause 10: Objective of the Authority -

Hon NORM KELLY: During previous debate, the question was raised about how the loans would be granted, and whether they would apply to larger regional centres. Clause 10 states that the authority must assist persons for whom it considers housing finance options are otherwise limited. I understand through briefings that assistance will apply where no other access to finance channels is available to finance the purchase of property in smaller country towns; however, that point is not specified in legislation. It is unnecessary.

I can understand Hon Kim Chance's reservation about the fact it leaves it open for people to relocate to the larger regional centres. Can the Minister comment in that regard?

Hon MAX EVANS: Hon Norm Kelly and Hon Kim Chance raise two different subjects. In many small towns, like Woodanilling, it would be difficult to achieve a 100 or 90 per cent of property value borrowing as houses there have limited resale value. Such cases would only be solved if some worker or farmer wants to buy the house. It is not unlike the situation with the Rural Housing Authority building houses on a farmer's property: They had no real commercial value and would take time to sell.

Hon Kim Chance raised another point yesterday about abuse of the system. That must rest in the hands of the committee. If people step out of kilter, they will be pulled into line and the statutory responsibilities of directors will apply. One could not tie this process up a great deal. One might have \$20m going out for housing, although I am not sure how many applications will be received. It will be very well serviced. We must rely on the committee and the whole of the authority.

Hon KIM CHANCE: This provision relates to one of my key areas of concern. I understand what the Minister said, and I have sympathy with his view. We expect that in the execution of the Bill, which is a function of the committee, that propriety will be observed and that the Government's intentions will be carried out in the manner prescribed. However, the courts will look to the Act to determine whether a director has carried out his or her responsibilities properly and without favour. My concern is that the Act will be so wide open that it will be very hard to make a determination that the director has not acted properly. Nothing in the Act prevents people from gaining assistance to build a house in a major regional centre. Certainly, we are told that in the guidelines to facilitate the Act there will be some kind of sanction against such lending. Similarly, nothing in the Act prevents taxpayer assistance being given to a person who has voluntarily devolved \$3m of assets to another family member. In either case, these matters would bring this Bill into disrepute. I repeat, potentially at least, this matter will be regarded by the public in time as bad law, and we should be aware of that aspect when enacting it.

Hon MAX EVANS: I repeat earlier comments. The standard interest rate of the Country Housing Authority is 6.95 per cent, which is at the upper end of the current housing loan interest rates. If the rate were lower and at a non-commercial rate, my next amendment would apply; that is, information that a lower rate was given would be tabled in the House. Hon Norm Kelly had that idea, but used different wording. The amendment will make the process open. At the normal rate, the recipient has no great benefit, and anything better than a standard rate loan will be gazetted. There must be some faith in the process somewhere along the line.

Hon Kim Chance: I wonder what the courts will come back to.

Hon NORM KELLY: It is required that the standard rate of interest be gazetted. That may or may not be a commercial or lower than commercial rate of interest. The Minister has the power to fix a standard rate which is below the normally available commercial rate of interest. However, the national competition policy would prevent the Minister from fixing such a rate. I understand that concern arises only when the Minister allows a lower than prescribed standard rate of interest.

Hon MAX EVANS: If it is lower than the standard rate, it is a non-commercial rate which must be disclosed. I was thinking last night about non-commercial loans, of which a few instances will arise. It was said last night that wheat farmers are wealthy and other farmers are not. A drop in the interest rate may be provided to have a house built in a town, but it would not be a big house.

Hon Norm Kelly: It can be important when you want to maintain a professional trade in town and you want to retain that person.

Hon MAX EVANS: As was said about Koorda, electricians, mechanics and others may be needed. A lot of country towns have a lower loan interest rate for doctors.

Hon Kim Chance: It can be justified.

HON BOB THOMAS: I am alarmed that we have introduced the subject of competition into this debate. I see the way this State Government has treated competition policy as economic rationalism gone mad. I would hate to think it would apply the same competition policy principles to this area. This Government seems to have forgotten about the Hilmer proposals on competition policy which said that things should be done in the public interest. This Government has not taken that into account. That is why so many times when it has applied competition policy it has done so wrongly. It is important that we provide housing assistance for a variety of reasons in small country towns. I mentioned Woodanilling yesterday. It is typical of small country towns which are losing generations of people. It is not economic to provide land for housing there because it costs more to develop the land than can be recovered. At Rocky Gully the Plantagenet council has spent a lot of money developing land infrastructure to attract people to the town. It has subdivided land and put in roads and so on. It is prepared to accept less for the land than it cost to develop it, but it sees economic benefits for Rocky Gully if more housing land is available. I hate to think that retiring farmers who were divesting assets to the next generation and then moving on to Peaceful Bay, Walpole

or Albany would be subsidised by the Country Housing Authority. I am particularly concerned that the Minister's answers in response to Hon Kim Chance were less than adequate. He did not give us an assurance that this would not happen. He was saying that he did not think it would happen. We need an assurance that this assistance will be provided in small country towns where it is needed. The Bill will be too loose if we leave it to a committee to determine whether it will provide assistance. There should be some guidelines stipulating the sort of country towns to which this will apply.

Hon MAX EVANS: The normal finance rate for housing loans goes up and down. Clause 42 provides for ministerial approval for non-commercial assistance. It reads that the authority is not to provide financial assistance at a rate of interest lower than the current rate determined by the Minister under clause 40 or on terms which are outside the guidelines issued by the Minister under clause 41 without the prior approval of the Minister. The Minister in considering the grant or refusal of an approval under subclause (1) is to have regard to whether the grant of that approval would provide economic or social benefit to a rural town or region. That sums it up as well as one can. An amendment will be moved to clause 42 and the member will then be able to see to whom it applies and what is the rate. It means that if something is going wrong somebody will be able to follow it up. The most important thing is to get the legislation up and running in order to help people. The criteria of the system must also be published in the *Government Gazette* as a result of an amendment in the other place.

Clause put and passed.

Clause 11: Functions and powers of the Authority -

Hon KIM CHANCE: When we look at clause 11(1)(a), it is quite reasonable to expect that the class of persons who will be affected by the Bill will be expressed in that way, particularly given the consistency with the wording of the long title, which clearly sets out the former roles of, in the first instance, the Rural Housing Authority and, in the second instance, the Industrial and Commercial Employees Housing Authority. In clause 11(1)(a)(i) and (ii) is an expression of the role of what will be the former Rural Housing Authority. That points out to me by the isolation of one occupational group, which is farmers and retired farmers, a weakness in a Bill which sets out to do broader things. To the extent that the Bill sets out in part to replace the functions of the Rural Housing Authority, which was unashamedly to assist a housing problem which existed at the time it was set up in rural Western Australia, when we go into the broader scope of the Bill, notwithstanding the people who will be picked up by clause 11(1)(a)(iii), who are the old ICEHA clients, we have essentially failed in what we have set out to do. This is not only to combine the functions of ICEHA and the Rural Housing Authority but also to expand the meaning of the provision of assistance to country housing. I imagine that is one of the functions of the Bill.

Subparagraphs (i) and (ii) concentrate on a single occupational group - farmers and retired farmers - yet in parts of rural Western Australia, although certainly important, they are not the only occupational group of importance. In some places they are not even the majority occupational group. Obviously in some places it might be miners; in fact, in Southern Cross probably more people are involved in the goldmining industry than in the farming industry. I do not have the figures to hand but I imagine that in Katanning there are as many meat industry workers as farmers, if not more. In Kellerberrin there are probably as many metal workers as farmers. My role here is not to downgrade the importance of farmers in the community. I certainly would not do that. In the main it is an occupational group which causes the employment of many other people. However, at the same time I must ask the question, in trying to broaden the role of the Country Housing Authority, why have we maintained our focus on one particular occupational group? Are we to treat a retiring Katanning farmer any differently from a retiring Katanning meat worker?

Hon MAX EVANS: Task forces were established by the boards of both operations. The farmers were naturally insistent that their interests be clearly identified in the Act because of the likes of Hon Kim Chance, who might decide they should not be represented. The business interests are covered. Farmers wanted two provisions to ensure that they should not be left out at a later stage by definition.

Hon Kim Chance: Who will represent the meatworkers?

Hon MAX EVANS: Mechanics and meatworkers are catered for under "certain businesses and services". If housing is required that provision will enable them to come into a town.

Hon KIM CHANCE: We have a problem here. Farmers as retirees are specifically mentioned in subparagraph (i). Farmers have a right encompassed within the legislation. Why has a single occupational group been named as having that right and other occupational groups not been given the same recognition? The Minister said that farmers were insistent on having that representation on the board. I noticed that but I did not raise a question about it because I appreciate that is a flow-on from the function of the Rural Housing Authority. It is proper that as an occupational group farmers should be represented on that board.

When the Minister said that farmers were insistent that they not be left out I could reasonably say that he does not know whether meat workers were insistent they not be left out because they were not even asked if they wanted to be involved. We are trying to flow-over from a narrow spectrum housing facilitation scheme which dealt with on-farm housing; that is, the Rural Housing Authority. This Bill broadens that to in-town housing for retired farmers. Once that move is made, like it or not, we open ourselves up to the question of: Why single out an occupational group in respect of that new function?

Hon E.J. Charlton: If they are not included they can be seen to be excluded.

Hon KIM CHANCE: There is a legal term for that which means that they are included because they are not excluded. My concern is that once a group is named it can be argued that unnamed groups are excluded. If subparagraph (ii) had included "retired farmers and other occupational groups" - I will not propose an amendment because I have not given notice of it - I would be entirely comfortable with the Bill. Unfortunately it does not say that.

Hon Max Evans: Do you mean other occupational groups who are retired?

Hon KIM CHANCE: Yes; the Minister knows what I mean. I did not have to be specific because I am not proposing an amendment. Does the Minister see what I am getting at? We have named one former occupational group in a whole new function of this Act. If we were talking about farm housing it would not be an issue because that was the function of the Rural Housing Authority. When we talk about assistance to housing of retirees in a country town, is a retired meat worker not as qualified for the assistance as a retired farmer in Katanning?

Hon E.J. Charlton: They have always been catered for.

Hon B.K. DONALDSON: People may be jumping at shadows. As we are all aware retired farmers were excluded under the Rural Housing Authority. As indicated during the second reading debate, this Bill is aimed at retaining expertise, experience, community input and involvement.

Hon Kim Chance: We agree with you; we want that to happen.

Hon B.K. DONALDSON: We must weigh up the pros and cons with that conclusion. As Hon Kim Chance well knows, many farmers are asset rich and cash poor. During a downturn in the rural economy in many country towns banks were loath to lend additional funds to a farming enterprise so that mum and dad could live in town. For example, a home built in Perth at a cost of \$60 000 would cost \$100 000 to build in the town of Koorda.

Hon Kim Chance: A meat worker has all the same problems.

Hon B.K. DONALDSON: He is not excluded. As I read it he is covered under subparagraph (iii) "in connection with certain businesses and services".

Hon Kim Chance: Not if he is retired. Tell me if I am wrong, but he is excluded.

Hon B.K. DONALDSON: I am asking that question. In my interpretation a mechanic who worked for a business and was retiring might want to purchase a house belonging to his employer.

Hon Bob Thomas: I am talking about retirement.

Hon B.K. DONALDSON: That is right. A mechanic might be living in a house owned by Jolly and Sons that he rents or lives in at no charge and he wishes to retire and remain in Koorda. Jolly and Sons might divest themselves of that house by selling it to him. As I interpret the Bill the mechanic would be eligible to apply for funds to purchase it on the basis of being connected with certain other businesses and services. It does not specify businesses or services; it is a broad ranging criterion. I do not think it excludes other people such as meat workers.

Hon Kim Chance: It does not exclude them if they are still working, but it does if they are retired.

Hon B.K. DONALDSON: Long serving outside staff in the Shire of Koorda have bought the house for which they have paid a low rental for many years. In the light of the fact that it meant they would live in Koorda the council made some attractive deals to ensure they remained. In some cases we could have rented a house to the Jolly and Sons mechanic. We did not need it for outside staff because some of them procured their own homes in Koorda where they have been living for many years. We expect the legislation to be too specific.

Hon Kim Chance: The legislation is too specific.

Hon B.K. DONALDSON: The legislation clarifies the position of retired farmers which was not previously relevant.

Hon Kim Chance: Why does it not say "retired persons"?

Hon NORM KELLY: I understand Hon Kim Chance's concern about this clause. I am concerned that under

subparagraphs (i), (ii) and (iii) a retired farmer would be given a higher priority than someone in connection with a local business or service. It is my understanding that these are the three categories that will be catered for. However, we are yet to see a policy paper that will show how the scheme will be implemented. It would be quite wrong to see money flow into retired farmers when people who are willing to establish or continue businesses or services in a town miss out. I can understand there is probably a greater demand for retired farmers than for retired meat workers or people in other occupations; however, we are talking about a relocation of premises for the retired farmers. Apart from that, my main concern is whether the provisions in paragraph (a)(iii) are a third priority, or just the basis for a simple list of categories.

Hon MAX EVANS: I do not want to say that sub-paragraphs (i) to (iii) are a way of prioritising the order. Housing will still be available in these towns through Homeswest and other commercial agencies. The rate of interest is no better than the commercial rate. The tradesperson to whom Hon Bruce Donaldson referred is unlikely to be in one town and retire to another, therefore he will not want to be relocated, whereas the farmer will relocate from the farm into the nearby town. If a person lived and worked in one town for many years and wanted to retire to another, that person would plan ahead and approach Homeswest or a commercial lender to enable him to obtain accommodation. Usually this person will own or rent a house and will stay in the town. He will not usually relocate to another town when he retires. I would like to give this clause a go in its current form and see what problems, if any, arise. The responsible Minister may want to give some directions to the committee. The difference is that the farmer is relocating from the farm into the town, whereas the tradesperson will not be doing that when he retires. As I said, if he has been living and working in the town for many years, he will already have a house or will have made plans to buy one upon retirement.

Hon BOB THOMAS: Hon Bruce Donaldson and Hon Eric Charlton said emphatically that people in other occupations who are retiring will be looked after. The Minister for Finance has now disputed that.

Hon E.J. Charlton: He just quoted the different circumstances that must be catered for.

Hon BOB THOMAS: I stand by my comments. Hon Eric Charlton clearly stated that people in other occupations would be looked after. Now the Minister for Finance has said that they will be looked after, but with a qualification.

Hon E.J. Charlton: You did not listen to what he said.

Hon BOB THOMAS: I did listen to what he said, and that is why I am speaking now.

Hon E.J. Charlton: You do not understand what he said.

Hon BOB THOMAS: Yes I do. I do not think the Minister for Transport understands what he has just said. The fact is that we are introducing discriminatory legislation.

Hon E.J. Charlton: You are trying to say that you do not want farmers to be included, so we will go out and tell the world that.

Hon BOB THOMAS: Have I said that?

Hon E.J. Charlton: Yes.

Hon BOB THOMAS: No, I have not. The Minister should listen. We are abolishing the Rural Housing Authority and replacing it with another organisation. We are writing into this legislation conditions which are positively discriminatory towards farmers. Plenty of other people make an economic contribution in country towns who, by virtue of the nature of their enterprise, must leave their accommodation when they retire. I will give a couple of examples. Some people in country towns have retail businesses, of which accommodation forms part. When we changed the stamp duty legislation in 1995 so that there could be intergenerational transferral of farming assets, we did nothing for those people in country towns. We did nothing for the small business people who were hurting just as much as farmers. We will be doing nothing here either.

The balance of payments figures show that the biggest export earner for Australia is tourism. It raises \$8b a year. Much of that tourist income is generated in country towns and by enterprises where the owner has accommodation on site. There is nothing in this legislation to help retailers and tourist operators who have accommodation included in their enterprise get into other accommodation in the town in which they want to stay. I understand the point made by the Minister for Transport. Quite often, farmers are not able to borrow money commercially for housing in small country towns because they may be asset rich and income poor; however, the situation is much the same for other retailers.

Hon Kim Chance: How can the farmer be asset rich if he has transferred his farm?

Hon BOB THOMAS: That is a good point. Much the same occurs under this legislation. Many tourist enterprises

do not make a lot of money when they sell out and move. I do not think we should pass legislation which discriminates positively in favour of one group - this is based on the ethos that somehow farmers generate export income - when other people who are just as important generators of export income are not being considered here, and cannot be if the legislation as it currently stands is passed.

Hon KIM CHANCE: I will not press this matter any further. I do not intend to move an amendment because I have not given notice of it. I have not had the opportunity to discuss this issue in detail with the Minister. However, it appears some members opposite misunderstand the point the Opposition has been trying to make and I want to make quite sure that they understand it. The Minister for Transport, in particular, seems to misunderstand what we are saying. I will try to distill the points. Paragraphs (i) and (iii) of clause 11(1)(a) essentially reflect the situation of the current housing authority; that is, (i) relates to the Rural Housing Authority and (iii) relates to the Industrial and Commercial Employees Housing Authority. I know there are detailed differences outside of the definition, but that is broadly correct. Paragraph (ii) is new. We will now have a partly publicly funded scheme - it can draw from the consolidated fund - which can facilitate the purchase of housing by and for retired people, but which is not for all retired people. It specifies one occupational group, which may not even be the majority occupational group in a country area.

Hon N.D. Griffiths: A group that deserves to be treated well, but why is it given preferred treatment?

Hon KIM CHANCE: Contrary to what the Minister for Transport said by way of unruly interjection, the Opposition does not want to remove farmers from the list of people who should be encouraged to retire into country towns under this legislation. Indeed, we recognise that, across the whole of rural Western Australia, they are the major group of people this legislation is aimed at assisting. I have no problems with that at all.

Hon B.K. Donaldson: That is the principle of the Bill. If you do not agree you should not vote for it.

Hon KIM CHANCE: Even Hon Bruce Donaldson misunderstands what I am saying. The old part of the Bill puts the two functions together. Essentially the new part is dealing with retired people and the encouragement we want to provide for them to stay in country towns. I am saying that, because we have limited the scope of the application of the new part of the Bill to only one occupational group by saying in paragraph (ii) that it will be available to facilitate the provision of housing outside the metropolitan region for retired farmers, we exclude everybody else. As soon as we specifically enumerate a position in legislation, we automatically exclude everybody else. Of course we should help retired farmers and I am delighted that we will do that. However, we are expressly saying that we will not help retired meatworkers or retired welders, boiler makers or school bus drivers. We will only help retired farmers. I have to ask whether that is what the Government intends to say in the legislation. I will not amend this legislation; this is the Minister's job! If that is what he wants, he can have it. However, is he really sure he knows what he is doing? Is he really sure that he does not want to help meatworkers, but he will help farmers? If that is his intention, he has to be aware that ungenerous people will say that the purpose of this legislation is to ensure that the branch president of the Mundijong branch of the National Party for 25 years was helped to retire in Mundijong! I am not allowed to record that the Minister opposite has winked at me! Does that mean that is the intention of the legislation? The Government should be aware of what it is doing. If the proposition I have put to the House is wrong, somebody opposite should tell me it is wrong.

Hon E.J. Charlton: It is wrong.

Hon KIM CHANCE: That is fine, as long as the Minister can tell me why it is wrong. All the Government has to do to change this is replace the words "retired farmers" with the words "retired persons".

Hon MAX EVANS: People will not be precluded from building in country towns. Normal commercial loans are available at rates similar to this. The Government believes that there are many other avenues through which other people can borrow money to live in those towns.

Clause put and passed.

Clauses 12 to 39 put and passed.

Clause 40: Determination of standard rate of interest -

Hon NORM KELLY: This clause deals with the Minister's power to establish the rate of interest. What assurances can the Minister give, stipulated or expressed, that will ensure that the standard rate remains at or higher than the currently available rates of interest?

Hon MAX EVANS: I understand it will be established in the policy which will be published in the *Government Gazette* as it has been with the Rural Housing (Assistance) Act.

Clause put and passed.

Clause 41 put and passed.

Clause 42: Ministerial approval for non-commercial assistance -

Hon MAX EVANS: I move -

Page 26, after line 20 - To insert the following subsection -

(3) Where the Minister has granted approval under subsection (1) the text of that approval is to be laid before each House of Parliament within 14 sitting days of that House after the approval is granted.

Hon NORM KELLY: I support the amendment. In my discussions on this Bill with the Minister's officers, I expressed a desire for an accountability mechanism to put into the Bill to ensure that, on those occasions when there is a need for a lower than standard interest rate to be applied, the details of such loans would be made available to the public. I support the Minister's amendment which will allow scrutiny of the detail of such loans. The 14 day period for the tabling of the approval in the Parliament gives the Government plenty of time to table the approval. That could be a period of six to eight weeks. At the other extreme, the period could be five months because it could take place during the parliamentary summer recess. I would support a seven day period, but I accept that this provision brings this Bill into line with other Statutes' tabling of documents requirements.

Hon BOB THOMAS: The Labor Party will support this amendment. I compliment the Government and the Australian Democrats for picking this up from issues raised by the opposition spokesperson in another place during that debate.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 43 to 48 put and passed.

Schedule 1 -

Hon NORM KELLY: I move -

Page 29, line 35 to page 30, line 2 - To delete the words after the word "appoint" up to and including "5(1)(a)" and substitute the following -

- (a) in the case of a member appointed under section 5(1)(a), another person who has, in the opinion of the Minister, knowledge of and experience in any of the fields referred to in that paragraph; or
- (b) in the case of a member appointed under section 5(1)(b), another person whom the Minister considers to be suitable to represent the interests of local governments,

This is a consequential amendment resulting from previous amendments which allow for the change in the status of authority members.

Amendment put and passed.

Hon MAX EVANS: I move -

Page 30, line 5 - To delete "5(1)(b) or (c)" and substitute "5(1)(c) or (d)".

Amendment put and passed.

Schedule, as amended, put and passed.

Schedules 2 and 3 put and passed.

Title put and passed.

Bill reported, with amendments.

MISUSE OF DRUGS AMENDMENT BILL

Second Reading

Resumed from 27 November 1997.

HON N.D. GRIFFITHS (East Metropolitan) [3.01 pm]: This Bill has the support of the Australian Labor Party.

It is well overdue. I note that in his second reading speech, the Attorney accurately referred to the purpose of the Bill. It is a very short Bill and its purpose is very simple, as is its genesis. Its purpose is to insert a definition of "supply". By doing so it is intended that the word will be applied to the situation of a person redelivering drugs under a bailment; that is, where it is said that the accused alleges that he or she was holding the drugs on behalf of the owner for return to the owner as required. This amendment was considered necessary because of a decision of the Court of Criminal Appeal - *Manisco v The Queen*. I will refer briefly to the decision, which succinctly points out why this amendment is necessary and the terms in which it is provided. I refer particularly to the judgment of Justice Pidgeon. The case is reported in *14 Western Australian Reports* at page 303, and Justice Pidgeon's judgment commences at page 304. He states -

The question that has arisen for determination in this appeal is whether a person, who has been given a prohibited drug by its ostensible owner for the purpose of its being held for a short time and of its being returned to that owner, is guilty of the offence of having the drug in his possession with an intent to supply it to the owner.

He referred to the trial judge dealing with the issue. The matter involved the possession of amphetamines. There was never any doubt that, in respect of the law at the time, the person was guilty of possession. It is implicit that the issue was whether the accused person was guilty of possession with intent to sell or supply. Justice Pidgeon pointed out that in his view - which was agreed to by the other judges - the ordinary meaning of the word "supply" in respect of the Misuse of Drugs Act does not include a bailment of the type referred to. That seems fairly simple. I note the concluding observations in the Attorney's second reading speech -

The amendment is also consistent with the state coalition Government's law and order policies in which a clear commitment to the community has been made to pursue offenders who are presently escaping prosecution by using a loophole in the law.

That is good. It is now March 1998 and this decision was handed down in May 1995. That says a lot about the Court Government's commitment. This Government's commitment on this important issue is similar to that of Hon Daryl Williams and the Minister for Justice, Senator Amanda Vanstone, in pursuing Christopher Skase. I do not want to be uncharitable. I want this Bill to pass as soon as possible, and it has the strong support of the Australian Labor Party.

HON NORM KELLY (East Metropolitan) [3.09 pm]: The Australian Democrats support the Bill. The Act is definitely worthy of amendment, but rather more substantially than appears here. This Bill has been presented to Parliament to correct an anomaly. I take this opportunity to mention one section of the Act that is also worthy of amendment in the near future; that is, section 5, which relates to the possession of utensils in relation to smoking or the manufacturing or preparation of prohibited drugs. This Government does not place enough emphasis on the variety of illicit drugs available and their varying degrees of harm and effect. Cannabis use is widespread and, although that use is illegal, the criminal penalties it attracts are out of proportion to any possible detrimental effect the drug might have. I understand that this Bill is not the vehicle to use to bring about those sorts of changes, but I will use the opportunity to express the desire of the Democrats to make changes at a later date. The Democrats support this Bill.

HON GIZ WATSON (North Metropolitan) [3.10 pm]: I express the support of the Greens (WA) for this Bill. It is a reasonable amendment to the Misuse of Drugs Act.

HON PETER FOSS (East Metropolitan - Attorney General) [3.10 pm]: I thank members for their support of the Bill. Any form of change in the law relating to cannabis is a different issue from that which is before the House and would require considerably more remedial amendments as it is a significant policy change.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

CHARITABLE TRUSTS AMENDMENT BILL

Second Reading

Resumed from 15 October 1997.

HON N.D. GRIFFITHS (East Metropolitan) [3.11 pm]: The Charitable Trusts Amendment Bill has the support of the Australian Labor Party, in particular the support of the members of the Australian Labor Party in this House. It is a good Bill which seeks to put in place a number of worthwhile changes with respect to the operations of a charitable trusts.

The Bill deals with circumstances in which small trusts may be terminated. Currently the position on the termination of small trusts is set out in section 7 of the 1962 Act. In general terms the provisions relate to the impossibility, impracticability or inexpediency to carry out the purpose of the trust, the amount available is inadequate to carry out that purpose or the purpose being effected, or the purpose is illegal, useless or uncertain. The Bill proposes that termination may take place by reference to an amount which is the value of the trust property. A figure is set out in the Bill and there is also provision for the amount to be increased by prescription in due course.

The Bill also permits trust property held for similar purposes to be combined and sets out matters relevant to that. It also enables trustees of more than one scheme, when the issue involves matters of similarity, to make application to the court to combine and seek approval for schemes. Most importantly from my perspective, the Bill makes provision for the Attorney General to approve certain schemes. That is considered to be important because it enables this area of charitable trusts, in many instances, to be dealt with more efficiently. It does not preclude people who may be aggrieved by the decision of the Attorney General from going to court. It enables such people to adopt a more efficient practice. I trust it is more efficient. It may not necessarily be that that would depend on who is the Attorney General. The Attorney General has a supervisory role and that enables him to engage in an efficient way for the benefit of the community. Again, this is one of these measures which are very important to the community. No doubt it has taken a long time to come about. It was put to me that matters which are very important and take a long time to come about lead to very little debate in this House or in the other place for a good reason; namely, there is nothing controversial about it and it is something with which we all agree. We should get on with it and have the matters that are set forth implemented.

HON HELEN HODGSON (North Metropolitan) [3.17 pm]: The Charitable Trust Amendment Bill, as Hon Nick Griffiths has already said, will enact something that has been needed in the community for some time. It will enact the doctrine of *cy-près*, which has been established in the law of equity for some time. The definition of the doctrine of *cy-près* in the *CCH Macquarie Law Dictionary* states -

in equity, a doctrine relating to charitable trusts whereby a court may approve an approximate scheme to achieve the donor's general charitable purpose where it is impossible for one reason or another to effectuate the particular scheme nominated by the donor.

Because of the way the law of equity has developed it is now practical to legislate that doctrine into Statute law. This Bill is essentially legislating that doctrine of equity. According to Ford and Lee's reference "Principles of the law of trusts", as at 1990 this doctrine was already law in Queensland, Victoria, South Australia and the United Kingdom and I am sure it has been enacted in other jurisdictions with trust law. The existing Western Australian law has a provision relating to circumstances which are impossible, impracticable or inexpedient for a trust to be administered and these amendments will extend that provision.

I note also that this is a matter that is within the Attorney General's total responsibility. I am sure the Attorney General will be interested to hear what *Jacobs Law of Trust* has to say -

It is the duty of the Crown, as *parens patriae*, to protect property devoted to charitable purposes, and that duty is executed by Attorney-General as the officer who represents the Crown for all forensic purposes. He represents the beneficial interest, in other words the object of the charity. There is in the Australian States no administrative body comparable with the Charity Commissioners in England. Therefore, the Attorney-General is always a necessary party to legal proceedings connected with a gift to charity generally or for undefined charitable purposes.

Although the administration of this Bill relies very heavily on the Attorney General, that is already entrenched in the law and to that extent we are simply legislating what is already established in the courts of equity. The Bill requires the trustees to prepare the scheme, so that will not be taken out of the hands of the people responsible for the trust. The trustee already has the power to create a scheme under existing legislation, but that power will be extended to two new situations. One is the power to terminate small trusts with a value of less than \$15 000. This is consistent with common law practice. The references and the text indicate that the value of the property is often used as a measure of when it is impracticable to administer a trust of less than a certain amount. I did have a query about the arbitrary nature of that figure but I note that the legislation allows for the amount to be prescribed and amended as needs arise. There is always the question of where to impose the cut-off point, and this Bill at least allows it to be raised when the case requires it.

Under section 10(1) of the existing legislation, which applies to small trusts of less than \$15 000, the scheme must be submitted to the Attorney General, who may charge fees - I am interested to know what fees are charged at the moment - and may suggest changes to that scheme. A written report is required on the final scheme, and then the trustee may apply to the court for approval of the scheme. Effectively, this is a review mechanism. If there is some question as to whether the Attorney General's decision is a fair one, it can be taken to the court and the decision can

be reviewed by the court. The application, scheme and report are all open to the public, which allows scrutiny, and under section 11 the scheme is required to be advertised. Proposed new section 7B will allow funds to be combined where the charitable purpose could be more effectively carried out if the property and income were combined with other property and income held for similar purposes. That has required some consequential amendments so that the trustees of the combined funds can act jointly in lodging applications and going through the process. The essence of the doctrine is flexibility, which is in accordance with the way in which the courts have interpreted the doctrine in the past. When the value of the property in the trust is more than \$50 000 or the income is more than \$10 000 for the previous financial year, the requirements are more stringent.

I have some criticism about the drafting of the amendment to section 10(1) and proposed new section 10A. For example, existing section 10(1) refers to schemes under this part. Proposed new section 10A will be inserted, and it applies to specific schemes. Some of the detail of the two schemes are different. Once I became aware of that, I managed to work out the legislation, but it is probably one of the more confusing Bills with which I have dealt with regard to technical drafting of that proviso. I do not think it raises any legal issues, but when considering legislation I still tend to wear my hat as a person teaching students. When drafting of legislation is confusing, it makes life very difficult.

The specific schemes referred to under section 10(1) must be submitted to the Attorney General. Under proposed new section 10A(3) trustees must submit the scheme to the Attorney General under existing section 10(1) and may apply in writing for approval under proposed new section 10A(3). The new section states that the Attorney General shall approve the scheme submitted by the trustees after they have considered any amendments suggested by the Attorney General under section 10(1)(a), or the Attorney General may refuse to approve the scheme. That indicates my point about drafting. It should not be necessary to flip between new section 10A and existing section 10(1) when one part applies and another section within the part also applies. It would be tidier to have drafted the provisions in a section that listed all the requirements for these trusts. The Attorney General may require the trustees to give public notice and, if so, they must consider any representations. Approval will be gazetted. I note that no report is required for approval, although a refusal does require a report. It would be more open and accountable if a report were available to concerned parties with respect to refusal or approval. I raise that as a minor point.

Hon Peter Foss interjected.

Hon HELEN HODGSON: If the scheme serves as the report, perhaps a checklist from the Attorney General to indicate that it has been approved would be sufficient. There should be formal documentation to the effect that the scheme has been properly approved.

Hon Peter Foss: That happens. The Attorney General sets out the scheme and says he has approved it, and that must be submitted in the court.

Hon HELEN HODGSON: If that is covered in practice, it would be preferable for it to be accountable in the same way that the smaller ends are, whereby reports must be available to interested parties. Under the Bill any costs for putting the scheme together and any fees will be a charge on trust property. Approval of the scheme by the court must be gazetted. An approval by the Attorney General is required to be gazetted under new section 10A but under the general part there is provision for approval to be gazetted. It is another area where the drafting is unnecessarily complicated. I do not think any of these drafting issues affect the intent or the manner in which the legislation will operate, but with regard to the larger schemes the Bill could have been drafted in a way that made the provisions clearer by inserting a totally new part. I will not propose any amendments in those areas. The Australian Democrats support the Bill.

HON PETER FOSS (East Metropolitan - Attorney General) [3.29 pm]: I thank members for their support. As was pointed out by Hon Nick Griffiths, the Attorney General already has a role with regard to larger schemes. The process that would have been gone through in any event as it currently stands will come to an end before it goes to the court. The reason is that the process from then on becomes extremely expensive. Many of these provisions take into account that often an application is made because there is not enough money to go around, and it has become ineffective for that reason. For example, I remember a time when there were numerous charitable trusts for orphans. However, we seldom find orphans these days, and the many hundreds of these trusts all became ineffective because there were no orphans on which to spend the money. Unfortunately, under the law as it then stood, an application had to be made for each trust, not just each trustee. Therefore, a church that had 100 gifts made to it for the purpose of looking after orphans had to make a separate application for each trust, which entailed separate advertising, separate applications to the court and separate bill costs to be taxed out of the fund. There was generally no point in doing that because there was never enough money to do that. Therefore, what a lot of people did, and what they probably had a duty to do, was completely ignore the law and spend money on some allied purpose. Hon Nick Griffiths is shaking his head, but there are some cases in the area of trusts where there is an obligation on trustees to breach the trust. It is an interesting point.

Hon N.D. Griffiths: I am shaking my head at the use of the words "completely ignore the law". It is a dreadful thing for people to completely ignore the law, and Attorneys should never be involved in the process of telling people to ignore the law.

Hon PETER FOSS: It is probably incorrect to say they ignored the law. What they did was ignore the trust. They looked at the law which said they had a duty to breach the trust in order to preserve the trust property. The other concern was that educational institutions that had been given a gift of £5 to apply the income towards a scholarship or a book prize found that as time went by the income from that £5 did not go very far.

Hon N.D. Griffiths: It would be lucky to buy a bookmark!

Hon PETER FOSS: Yes, or more likely it would not even be enough to pay for the accounting charges on the interest that was derived. Obviously in those cases it would make sense for those amounts to be amalgamated. Scholarships are a classic example. A generous endowment might be made to an educational institution, but over time that would become a minuscule amount. Therefore, in order for the moneys to do any good whatsoever, it made sense to combine them. Even then, the amount of the trust involved might be so small that the entire process of going to court, engaging counsel and doing all the other things that needed to be done would use up the full amount of the trust property. That is why those figures were chosen.

Hon Helen Hodgson is right about *cy-près*. That still applies in Western Australia. When this Act was introduced in 1962, it did not abolish *cy-près*, but it did provide a substantial statutory alternative to *cy-près* and was, in fact, easier than *cy-près*. We are now trying to give it even more flexibility than we have with *cy-près*, because courts can deal with only one trust at a time; therefore, there is no present capacity to combine applications and no present capacity to do the things that are in this Bill, so it goes beyond *cy-près*.

Hon Helen Hodgson is also right about the role of the Attorney General as *parens patriae*. It is in recognition of that matter that I introduced this Bill, and that is also the reason that the Bill refers to the Attorney General rather than the Minister, because the Attorney has an independent role that is outside that of Cabinet.

There is a review mechanism, as Hon Helen Hodgson said. I notice the member's criticism of the drafting. Earlier I said to Hon Nick Griffiths that I thought it was a rather brilliant piece of drafting and had been handled very well. I suppose the problem arises from the fact that charitable trusts are a fairly obtuse and esoteric area of practice. Probably only a limited number of lawyers who act for churches, educational institutions and charities practice in the area of charitable trusts, so not many lawyers would be familiar with the situation. The drafting has proceeded a bit like the situation with equity practice, where it is assumed to a large extent that the legislation will always be in the hands of equity practitioners; therefore, they will know the bits that fit in-between the two statutory provisions to which the member referred. To a large measure, this legislation will supply for the benefit of the people who practice in this area the bits that are not already in the law, and those people will have the background of practice to be able to slot those bits into the places where there are omissions.

This legislation is not intended to be a code of the law for charitable trusts but rather a supplement to make up for the inadequacies in the law of *cy-près*. If we look at it from that point of view, it is very helpful legislation because it fills in gaps that are currently not filled in by the law as it stands.

Obviously, we hope this legislation will last for some time and will pick up most of the difficulties with charitable trusts. I should mention that one quirk in the question of *parens patriae* is that some years ago everyone had an obsession with getting involved in trusts as a way of limiting tax, and many people who wanted to ensure that their trust did not fail ended up making a charitable trust the final residual beneficiary. Those people then found that they were not too happy with the wording of the trust, and unfortunately, when they moved to amend it, because a charitable trust was involved, the Attorney General had to be joined as a party to any action. That was an unforeseen circumstance for some of the people who drafted the trust, and after a couple of those experiences charitable trusts quickly disappeared as any form of possible beneficiary under a family trust.

Hon N.D. Griffiths: They were being too clever by half.

Hon PETER FOSS: They were being too clever by an awful lot. Some of those trusts still exist. They were set up in the mid-1970s, and in about 80 years from that time the Attorney General of the day will have an extremely busy time because all of the trusts will be folding up because of the law against perpetuity and charitable trusts will be coming out of people's ears when most people did not even realise that that would happen. Families in the year 2050 will have an interesting time indeed. I thank members for their support of the Bill and commend it to the House.

Question put and passed.

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

GUARDIANSHIP AND ADMINISTRATION AMENDMENT BILL*Second Reading*

Resumed from 15 October 1997.

HON N.D. GRIFFITHS (East Metropolitan) [3.38 pm]: This is usually the time of the sitting week when we deal with an issue of great controversy, and although I am pleased to speak at this time on the Guardianship and Administration Bill, I must point out that this is not a matter of any controversy whatsoever. The Bill has the support of the Australian Labor Party in this House, and although I would like to speak at great length about the importance of guardianship and administration and matters of that kind, I will leave that to others because I am well aware of the length of the Bill, the length of the clause notes and the length of the second reading speech.

The Bill amends section 6 of the Guardianship and Administration Act. That section outlines who can be appointed as a president and deputy president of the Guardianship and Administration Board. This Bill seeks - albeit in a convoluted way - to enable a registrar of the Supreme Court to have concurrent appointment as a registrar and president of the Guardianship and Administration Board. Currently that is the case with respect to a deputy president. It is a very strange situation.

It may be an interesting exercise to read section 6 as it will be, in the event that the Bill is passed; as I am sure it will be. However, I will not do so. Those who pick up the Act when it is reprinted containing the provisions of this Bill - if they are very interested and curious regarding what was said about this matter - may realise that I concur with the future view that the wording we will be presented with is very convoluted. This is a strange way of achieving a very simple resolution.

HON HELEN HODGSON (North Metropolitan) [3.41 pm]: Hon Nick Griffiths is correct about the length of the Bill and the clause notes, and their complexities. It is a worry when the briefing paper is longer than the clause notes and the Bill combined. However, we have no serious concerns about the Bill. At one stage the doctrine of separation of powers concerned me. The Guardianship and Administration Board will include a judge from the Supreme Court as a board member, and any appeal case will go to the Supreme Court. When we looked at the functions and powers of the board we realised that it would act in a judicial rather than an administrative capacity; so, although it is a board, in a sense it is more like a tribunal. In that respect, it will not cause a problem in the separation of powers, because this is an informal way of dealing with incompetency, rather than using the court system.

The matters considered by the board are legal in nature. Therefore, these provisions appear to be appropriate. The practical effect of the Act is to make the board like a lower court, and the appeal mechanisms are in order with that. The Bill states that the board must apply the principles of natural justice. That is an important feature in allaying our concerns. Given that we have satisfied ourselves there will be no blurring of the separation of powers, in this instance, it is clear that we are fixing an oversight in the 1996 draft to ensure that registrars can be appointed as president. On that basis, we support the Bill.

Question put and passed.

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

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

CRIMINAL LAW AMENDMENT BILL*Suspension of Standing Orders*

HON PETER FOSS (East Metropolitan - Attorney General) [4.34 pm]: I move -

That standing orders be suspended so far as will enable -

- (a) the order of the day for the second reading of the Criminal Law Amendment Bill to be discharged and the Bill to be committed forthwith to a Committee of the Whole House;
- (b) a motion without notice to be moved in the following terms -

That it be an instruction to the Committee of the Whole on the Bill to divide the Bill into two separate Bills, the first of which is to consist of clauses 2, 3, 5, 7 and 21 of the Criminal Law Amendment Bill, and the second to consist of clauses 4, 6, 8, 9, 10, 11 to 20 and 22 to 27, and to do such things as may be necessary to achieve that purpose, including the addition of enacting words, titles and short titles, and thereafter report the Bills separately to the House;

- (c) on report from the Committee of the Whole House, moving such motions relating to the next stage of each of the Bills so reported.

I move this motion because it appears that the Bill under consideration has matters which may proceed with the agreement of this House but others which it is apparent should be referred to the Standing Committee on Legislation for consideration. Without at this stage taking these moves, I am unable to do so.

Point of Order

Hon DERRICK TOMLINSON: In a sense this matter has been referred and it is in the Bill. What is the status of the Bill before it is referred to the Legislation Committee and what will be the status of the Bill when it is returned from the committee in terms of its progression through the House?

The PRESIDENT: No doubt you will get answers to that in a moment. At the moment we are dealing with the suspension of standing orders to enable the Attorney-General to move certain motions. One of them appears to be a motion that you have just referred to. It is not for me to explain it; it is for the Attorney-General to explain and that will occur in a few minutes. I have counted the House and there being a constitutional majority present, standing orders are suspended to enable those motions to be moved.

Debate Resumed

Question put and passed with an absolute majority.

Order Discharged

HON PETER FOSS (East Metropolitan - Attorney General) [4.38 pm]: I move -

That the order of the day for the second reading of the Criminal Law Amendment Bill be discharged and the Bill be committed forthwith to a Committee of the Whole House.

If the motion is passed, I will move another motion that the Committee be instructed to divide the Bill. The House will move into Committee, divide the Bill into two parts and then on its return from Committee, the one part will be referred to the Standing Committee on Legislation and later be reported back to the House. The other part will continue through the second reading stage so that second reading response speech can be made. The Criminal Law Amendment Bill has come to this place at regular intervals because amendments are required to be made to the criminal law from time to time. They are then aggregated as the amendments become available into a criminal law amendment Bill. Therefore, the Criminal Law Amendment Bill is often a series of unrelated amendments to the criminal law. The response to those unrelated amendments is something quite different, depending on the nature of what we are seeking to achieve. We are trying to make certain that criminal law amendments continue to move through the House and that the necessary amendments are proceeded with. However, if problems arise in the House, there are other forums in which they can be dealt with. The amendments which appear not to have the complete acceptance of the House and to be suitable to be considered by the Legislation Committee are those relating to what is called a summary offence of presumed intent on stalking, the amendments relating to the whole of life sentence, and amendments relating to DNA testing. I believe each of those matters could usefully be looked at by the Legislation Committee; in fact, that there are quite interesting points that I would like to put to the Legislation Committee which relate to the relationship between the stalking legislation and the restraining orders legislation.

It is intended to put a time restriction on the report of the first Bill, which I foreshadow will be 9 April 1998, which has been agreed to by the chairman of that committee as being within its capacity. There is no limit on the other parts relating to the stalking provisions and the restraining orders legislation. The remaining part of the Bill which has the general acceptance of the House will proceed immediately to completion of its second reading.

I realise that we are referring in this Bill to the Legislation Committee prior to settling the policy. However, the matters which are being raised are matters of policy and because it is a matter of criminal law I hope we can achieve some sort of bipartisan support for it. That is why I am happy for it to go to that committee. From the conversations I have had with various members, I believe we will be able to arrive at some sort of agreement on the policy. It is not so much a wording concern, but a matter of the underlying policy.

Hon Kim Chance: Are you asking the committee to draft it?

Hon PETER FOSS: No, we are not asking the committee to draft it. It is a matter of the policy. I do not think it is a matter of drafting at all. The members might produce drafting references, but that is not the point that arises - it is the underlying policy. When I was discussing the amendments on the Notice Paper, it became clear that the underlying policy needed to be considered rather than the drafting. Members are trying to deal with the policy by drafting, and that is not the best way to proceed. I urge the House to support the motion.

HON N.D. GRIFFITHS (East Metropolitan) [4.41 pm]: I support the proposition moved by the Attorney General. In doing so, I point out that the Australian Labor Party believes it is in the interests of the people of Western Australia that, insofar as is possible on this very important range of issues concerning public safety, there be bipartisanship. The mechanism being put in place might achieve that.

HON MARK NEVILL (Mining and Pastoral) [4.42 pm]: I have no problem with the question of bipartisanship. However, it appears that we are putting the cart before the horse. We are telling a committee of the House to refer back to the House what it should discuss during the second reading debate. We should be debating the second reading of the Bill and referring to it those matters that we feel are more appropriately dealt with by the committee before the conclusion of the second reading debate. This is a highly unorthodox way of dealing with a Bill. I have genuine sympathy for the intent of the Bill, but the House should be deciding what should be referred to the committee rather than the committee's deciding what is referred to the House for deliberation during the second reading debate.

The PRESIDENT: It is not for me to enter into the debate or explain why a motion is moved. However, it is my clear understanding that we are referring a Bill to a committee and that the next motion will deal with a number of the matters that the member raised. For the time being, we are talking about referring a Bill to the Committee of the Whole House.

HON HELEN HODGSON (North Metropolitan) [4.43 pm]: It is clear from the matters that have been raised on the Supplementary Notice Paper that some issues must be thrashed out. Given that some of those matters overlap, it is appropriate that that be done in the committee. I agree with the Attorney General's assessment that they involve matters of policy. As those members who read the Supplementary Notice Paper will see, this relates to stalking and whether we need a simple offence of stalking as well as the more serious offence. We must also deal with the issues of the appropriateness and treatment of DNA sampling when it is taken as forensic evidence and whole of life sentencing, and at least two proposals have been submitted to deal with that. It could become difficult to resolve those issues on the floor of the House. It is appropriate that those matters of policy be discussed by the committee and brought back so the House can resolve them.

This Bill will be referred to the Legislation Committee. A couple of items on the Supplementary Notice Paper stand in my name, and I will probably ask that the House consider the new standing order passed this morning about substitution on committees in this context. I would like the opportunity to speak to members of the committee on that matter to see whether there is the possibility of substitution. That would be appropriate given that some of the amendments stand in my name. I support the motion.

HON DERRICK TOMLINSON (East Metropolitan) [4.45 pm]: I know I am being very naughty speaking on this issue because as a government backbencher I am not supposed to have an opinion, but on this occasion I do. We have found ourselves debating a similar matter at considerable length. As a matter of fact, I was the object of an opposition censure motion. Perhaps I therefore feel particularly sensitive about these matters.

We have a Legislation Committee, the terms of reference of which are that matters will be referred to the committee after the second reading; that is, after the policy of the Bill has been established by this House. We now have the situation where the Minister responsible for the Bill is suggesting that there are matters of principle that need to be resolved before the House debates the questions of policy or principle. If matters of policy need to be resolved before the House debates them then the responsibility for resolving them rests with the persons responsible for or sponsoring the Bill. In this case, the Attorney General has a responsibility to present to the House a Bill that represents government policy. It is then up to the House to determine whether it supports, rejects or modifies that policy. To say that the Bill raises questions of principle that need to be resolved before it is debated by the House as a whole suggests that the Government was not ready to present the Bill. It is an inappropriate use of the Legislation Committee to determine these matters of principle. It will not only unavoidably involve the resolution of matters of principle, but as a consequence it will lead to a redrafting of the Bill. We are asking the Legislation Committee to present a first draft of a Bill for the House to consider, and that is a very hazardous approach to legislation.

I recommend that, if there are matters of principle in this Bill that must be resolved, it should be withdrawn. The Government should then introduce those things that it feels will not be contentious and those that it should resolve should be presented as a second Bill. I know I will attract the censure of my colleagues for speaking in this way, but it is a very important matter of principle of which the House should take note.

Question put and passed.

Instruction to Committee of the Whole

HON PETER FOSS (East Metropolitan - Attorney General) [4.48 pm]: I move -

That it be an instruction to the Committee of the Whole on the Bill to divide the Bill into two separate Bills, the first of which is to consist of clauses 2, 3, 5, 7 and 21 of the Criminal Law Amendment Bill, and the second to consist of clauses 4, 6, 8, 9, 10, 11 to 20 and 22 to 27, and to do such things as may be necessary to achieve that purpose, including the addition of enacting words, titles and short titles, and thereafter report the Bills separately to the House.

To some extent what Hon Derrick Tomlinson was suggesting should be done is contained in this motion, because he will then have a later opportunity to deal with that question when another question is put. This enables the House to proceed with part of the Bill because the policy and wording is agreed. The part on which the policy and wording is not agreed can then be returned to the House. At that stage, if the member does not want it to go to the Legislation Committee, he can express his views. This separates those two parts.

It is different from the previous situation, where we had a Bill as a whole. In this case we have an omnibus Bill. The Criminal Law Amendment Bills are presented twice a year - one in the autumn session and one in the spring session. They contain all the amendments that are ready to go at that time. The combination is to some extent determined entirely by that matter.

The Bill needs to be split so that the policy can be enunciated. I do not think the Legislation Committee will need to draft any provisions, as it will be a matter of resolving the disputes between the parties on policy. Once it is resolved -

Hon Derrick Tomlinson: Do it in the House.

Hon PETER FOSS: I do not think the differences can be resolved by discussion in the House. The ability to sit down in the Legislation Committee and discuss these matters is preferable to the slanging match which could occur in the House. The Legislation Committee is capable of producing a resolution.

Hon Derrick Tomlinson: Do it before you come into the House.

Hon PETER FOSS: It may be that members will need the assistance of people called before the committee. The difficulty with criminal law is that people may not necessarily have had exposure to the problems involved. To understand what the Bill seeks to achieve, advice may be necessary. It would be regrettable if everybody adopted a position in this House which prevented us arriving at a bipartisan position. I would rather the Bill go to the Legislation Committee where members can talk the matter through. I hope we can achieve unanimity and can deal with the Bill without any posturing in the Chamber.

Question put and passed.

On motion by Hon Peter Foss (Attorney General), resolved -

That on report of the Committee of the Whole House, to move such motions relating to the next stage of each of the Bills so reported.

[Resolved, that the House sit beyond 5.00 pm.]

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

On motions by Hon Peter Foss (Attorney General), resolved -

That -

- (1) Pursuant to instruction, the Bill be divided into 2 Bills, the first consisting of existing clauses 2, 3, 5, 7 and 21; the second consisting of existing clauses 4, 6, 8, 9, 10, 11-20, and 22-27.
- (2) Clause 1 of the first Bill be inserted as -

Short title

1. This Act may be cited as the *Criminal Law Amendment Bill (No 1) 1998*.

That the title of the Bill be -

AN ACT to amend -

- the *Criminal Code*;
- the *Sentencing Act 1995*.

- (3) Clause 1 of the second Bill be inserted as -

Short title

1. This Act maybe cited as the *Criminal Law Amendment Bill (No 2) 1998*.

That the title of the Bill be -

AN ACT to amend -

- the *Criminal Code*;
- the *Criminal Law Amendment Act 1996*;
- the *Justices Act 1902*;
- the *Sentence Administration Act 1995*;
- the *Sentencing Act 1995*;
- the *Young Offenders Act 1994*.

Report

Bill reported, with amendments, and the report adopted.

Referral to Standing Committee on Legislation

HON PETER FOSS (East Metropolitan - Attorney General) [4.57 pm]: I move -

- (1) That -
- (a) The Criminal Law Amendment Bill (No 1) 1998 be referred to the Legislation Committee and that it report the Bill not later than 9 April 1998;
- (b) the Legislation Committee consider and report on the stalking provisions of the Criminal Law Amendment Bill (No 1) 1998 and their relationship with stalking provisions in the Restraining Orders Act and the Criminal Code.
- (2) That the second reading of the Criminal Law Amendment Bill (No 2) be made an order of the day for the next sitting.

This motion will allow the non-contentious provisions to proceed forthwith through Parliament. The remaining provisions will be referred to the Legislation Committee. The first part of the motion is to deal with the provisions with urgency and return the Bill to the House. The second part is more an ongoing review because it will consider the relationship between the stalking provisions in the Criminal Law Amendment Bill (No 1) and the Restraining Orders Act and Criminal Code. As we passed the Restraining Orders Act only last year, it is appropriate that the policy matters be dealt with by the committee. I do not see it coming back with a re-draft, but with comment on underlying policy. I hope difficulties that arise will be resolved in the committee; if not, they will be returned to the House for it to resolve.

HON CHRISTINE SHARP (South West) [4.58 pm]: I raise a practical concern as chairperson of another committee in the committee system. I support the Attorney General's motion. However, if the Legislation Committee shares a research officer with the Standing Committee on Ecologically Sustainable Development, a difficulty could arise. Our committee is at the stage of writing a report. It is a matter of not only consulting the chairpersons of different committees to discuss the feasibility of workloads but also considering how it reflects on resourcing in the committee office. I assume that that will be dealt with appropriately. An overload in the office could be caused by the Bill's urgent treatment under this motion.

The PRESIDENT: The operation and resourcing of the committee system are a matter for the Clerk. I am sure that the member's comments were heard and will be read by the Clerk. Also, I am sure that the Attorney General, as a Minister in the Government, will have regard for this matter in considering the forthcoming Budget.

Question put and passed.

House adjourned at 5.00 pm

QUESTIONS ON NOTICE

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

SECRET HARBOUR DEVELOPMENT - UNDERGROUND WATER ALLOCATION

469. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Water Resources:
- (1) Have the developers of Secret Harbour overdrawn underground water allowed by their licences?
 - (2) What amount are they allowed to draw and by how much have they exceeded their allocation?
 - (3) What effect will this have on -
 - (a) the local water table level;
 - (b) inundation of the aquifer by sea water;
 - (c) wetland and vegetation in the drawdown area; and
 - (d) further allocations for new underground water licences in the area?

Hon MAX EVANS replied:

- (1) Yes.
- (2) Total licence use is 625,000kL per annum. In 1996/97 the actual use was 648,000kL.
- (3) (a) None or very small.
- (b)-(d) None.

PORT KENNEDY RESORT - UNDERGROUND WATER ALLOCATION

470. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Water Resources:
- (1) What amount of underground water can be drawn under the licence held by the developers of Port Kennedy Resort at Port Kennedy?
 - (2) Have they exceeded this amount and/or have they applied for additional quantities?
 - (3) If so, how much have they applied for?
 - (4) What effect will this have on -
 - (a) the local water table level;
 - (b) inundation of the aquifer by sea water;
 - (c) wetland and vegetation in the drawdown area; and
 - (d) further allocations for new underground water licences in the area?

Hon MAX EVANS replied:

- (1) The quantity is 320,000 kilolitres per annum. In January 1997 a one off increase of 104,700kL was approved allowing a total of 424,700.
- (2) No, they have not exceeded their allocation. Yes, they have applied for additional quantities.
- (3) 320,000kL.
- (4) (a)-(d) None.

CRISIS ACCOMMODATION AND COMMUNITY HOUSING PROGRAMS

570. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Housing:

On page 908 of the Budget Statement and under the heading "Crisis Accommodation and Community Housing Program", \$12.8m is allocated for development of 100 dwellings to be managed by community groups/local government authorities -

- (1) What proportion of the dwellings allocation is to be part of the Domestic Violence Protection Program?
- (2) What proportion of the dwellings allocation will be to address the symptoms of youth homelessness?

- (3) Would any new dwellings constructed form part of the Co-operative Housing Program?
- (4) What is the proposed timetable for construction completion?

Hon MAX EVANS replied:

The \$12.8m allocation (100 dwellings to be commenced) was made up of \$5.3m allocated for the Crisis Accommodation Program (CAP) and \$7.5m for the Community Housing Program (CHP) and included funding provision for the completion of 48 units which were commenced during 1996/97.

- (1) \$2.342m (inclusive of carried forward commitments) is dedicated to six Domestic Violence projects for 17 units being 44.2% of CAP funds. In addition, \$1.39m (18.5% of CHP funds) for two projects totalling 15 units has been allocated under the CHP specifically for long term housing options for women, inclusive of women escaping domestic violence. Subsequent to the release of the Budget Statement, I have approved four additional projects totalling \$0.89m under the CAP for women in housing crisis due to domestic violence.
- (2) \$0.87m is dedicated to four youth homelessness projects for six units being 16.4% of CAP funds. In addition, \$0.4m has been allocated to one project for four units under the CHP for long term housing options for young people exiting crisis housing arrangements. Subsequent to the release of the Budget Statement, I approved a further project for one unit totalling \$0.125m under the CAP to help ease youth homelessness.
- (3) Incorporated associations established as Housing Cooperatives are eligible to apply for funding for capital works under the CHP. \$2.187m (inclusive of carried forward commitments) was dedicated to three Cooperative Housing projects for 23 units being 29.16% of CHP funds.
- (4) Estimated Completion dates the above projects are as follows :-

Domestic Violence Projects - due for completion between March 1998 and April 1999.

Youth Projects - the first of these projects was completed in July 1997 and the last project is due for completion in August 1998.

Cooperative Projects - the first project was completed in February 1998 and the last project is due for completion in August 1998.

[See paper No 1432.]

HOMESWEST - POLICY ON DEATH OF AN ABORIGINAL PERSON

571. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Housing:

- (1) Does Homeswest have a policy to cover the event of the death of an Aboriginal person in a Homeswest dwelling?
- (2) If so, would the Minister for Housing table the policy?
- (3) If not, why not?

Hon MAX EVANS replied:

- (1) No.
- (2) Not applicable.
- (3) Homeswest's current policies allow for tenants to transfer to alternative accommodation where their circumstances demonstrate a need. There is discretion within this policy which enables cultural issues to be considered when assessing the need for a transfer. I have requested Homeswest to investigate the possibility of including reference to "cultural issues" in its policies.

ABORIGINAL DEATHS IN CUSTODY

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

Further to question on notice 515 of June 10, 1997, part (b) -

- (1) Which recommendations constitute the five per cent that have not been implemented?
- (2) Which recommendations constitute the 15 per cent that have been partially implemented?

- (3) Which recommendations represent the 40 per cent that are on-going implementations?
- (4) What recommendations constitute the 40 per cent that are fully implemented?
- (5) Which recommendations has the Government rejected?

Hon E.J. CHARLTON replied:

- (1) Recommendations which constitute the five per cent that have not been implemented: 7, 12, 16, 38, 185, 190, 191, 200, 201, 324, 329.
- (2) Recommendations which constitute the 15 percent that have been partially implemented: 6, 25, 28, 42, 45, 47, 90, 95, 100, 117, 118, 121, 128-130, 143, 147, 163, 173, 174, 188, 192, 195, 207, 221-224, 226, 242, 261, 295, 296, 320, 326.
- (3) Recommendations which represent the 40 per cent that are on-going implementations: 1, 3, 5, 29, 32, 39, 40, 48, 51-53, 55, 56, 58, 60, 62, 64, 65, 72, 74, 75, 76, 80, 82-85, 87-89, 91, 96, 97, 101, 104, 111-114, 119, 120, 140, 145, 150-156, 160, 166, 177, 178, 183, 184, 193, 196, 198, 199, 203-205, 208-213, 219, 235-237, 238, 246-260, 262-267, 269, 271-273, 276-280, 282, 283, 285-288, 289-294, 299-302, 305, 306, 307, 309, 314, 321, 327, 334-339.
- (4) Recommendations that constitute the 40 per cent that are fully implemented: 2, 9, 10, 11, 13, 14, 15, 17-24, 26, 27, 30, 31, 33-37, 41, 43, 45, 47, 49, 57, 59, 61, 73, 79, 81, 86, 89, 92-94, 98, 99, 102, 103, 109, 115, 116, 122-127, 130-139, 141, 142, 144, 146, 148, 149, 157-159, 161, 162, 164, 165, 167-172, 175, 176, 179, 181, 182, 186, 187, 202, 206, 214, 215, 220, 225, 227-229, 230, 231, 233, 239, 240, 245, 297, 298, 303, 304, 320, 322, 323, 325, 328, 331, 332.
- (5) Recommendations which the Government has rejected: 54, 180, 274, 316.

FLOOD MINIMISATION TASK FORCE - RESOURCES AND TERMS OF REFERENCE

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

With reference to the proposed task force on flood minimisation announced by the Minister for Water Resources in June -

- (1) Who comprises the task force?
- (2) What are the terms of reference of the task force?
- (3) What staff and other support are provided or proposed to be provided to the task force?
- (4) What is the budget allocated or proposed to be allocated to the task force and what amounts have been allocated for each item of the budget?
- (5) Where is the task force based and from where does it operate?
- (6) What is the proposed travel itinerary for the task force?
- (7) Is the task force seeking submissions?
- (8) If so, from whom?

Hon MAX EVANS replied:

- (1)

Chairman		Member for Ningaloo
Mr R Sweetman		
Members		
Ms D Mills		Shire President, Shire of Carnarvon
Mr B Carter		Mayor, Town of Bassendean
Ms B Thurlow		Water and Rivers Commission
Mr J Yeates		State Emergency Service
Mr G Ezzy		Bureau of Meteorology
Mr A Moore		Ministry for Planning
(for Mr D Nunn)		
Mr J Ruprecht		Project Leader
		Water and Rivers Commission
Mr R Bretnall		Executive Officer
		Water and Rivers Commission
- (2) The terms of reference for the taskforce were to inquire into existing floodplain management and flood

warning arrangements across the State in order to recommend a practical arrangement with clearly defined institutional and landowner responsibilities.

- (3) Mr J Ruprecht Project Leader
Water and Rivers Commission
- Mr R Bretnall Executive Officer
Water and Rivers Commission
- Ms B Thurlow Water and Rivers Commission
- (4) Budget is \$30,000. No specific allocations to items.
- (5) Based and operating in Perth.
- (6) Visited Carnarvon, Pinjarra and Bunbury.
- (7) Yes.
- (8) Water and Rivers Commission
Bureau of Meteorology
WA State Emergency Service
Ministry for Planning
Crown Solicitor's Office
Commonwealth, State and Local Government
Other related groups

HOMESWEST - ROOFING BATTENS POLICY

704. Hon BOB THOMAS to the Minister for Finance representing the Minister for Housing:

- (1) Does Homeswest have a policy (or practice) of specifying F8 stress graded jarrah or karri battens for roofing in its contracts?
- (2) Why has Homeswest not followed the private sector trend to softwood equivalents such as pine battens with stress grades of MGP10 or MGP12?
- (3) Does Homeswest intend to review this practise to ensure that all future contracts will specify equivalent softwood products for battens?
- (4) If not, why not?

Hon MAX EVANS replied:

- (1) Yes. Homeswest specifies roof framing timber shall be hardwood or CCA treated softwood in its contracts.
- (2) Roof battens are part of the roof structure and are considered as structural timber, therefore they require termite protection.
- (3) No.
- (4) As per (2) above.

WATER QUALITY GUIDELINES

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

- (1) How many water quality samples taken in 1995/96 and 1996/97 failed to meet the current guidelines?
- (2) What were the guidelines in place in -
 - (a) 1995/96;
 - (b) 1996/97?
- (3) Where were the failed samples taken from?
- (4) What is this as a percentage of total samples taken?
- (5) On what criteria did the samples fail?
- (6) How many samples taken since June 30, 1997 have failed to meet current guidelines?
- (7) On what criteria did those samples fail and where were those samples from?

- (8) When will the proposed new Australian Drinking Water Guidelines be implemented?
- (9) If the new guidelines were in place during 1996/97, how many water samples would have failed to meet the guidelines?

Hon MAX EVANS replied:

- (1) These answers refer to schemes operated by the Water Corporation.

Approximately 10,000 samples were collected in both 1995/96 and 1996/97 for microbiological and chemical testing.

The results for metropolitan and country areas are tabulated below:

METROPOLITAN

Characteristics	Target	1995/96	1996/97
Faecal coliforms	95%	98.1%	99.4%
Total coliforms	90%	95.6%	96.9%
Amoeba	95%	100%	100%
Chemical	95%	100%	98.7%

COUNTRY

Characteristics	Target	1995/96	1996/97
Faecal coliforms	95%	97.2%	98.0%
Total coliforms	90%	95.9%	96.6%
Amoeba	95%	97.5%	98.0%
Chemical	95%	98.9%	97.7%

The metropolitan area and country as a whole, complied with the guideline targets.

- (2) The guidelines used in 1995/96 and 1996/97 are a combination of the 1987 publication by the National Health and Medical Research Council/Australian Water Resources Council entitled "Guidelines for Drinking Water Quality in Australia" and directions from the Advisory Committee for the Purity of Water and the Health Department.
- (3) The country schemes as a whole met the guideline targets but the schemes listed below, when considered individually, just failed to meet the guideline targets. However, the water remained of high quality and was not a health concern for customers.

1995/96	1996/97
Collie	Dumbleyung
Wellington Dam	Donnybrook
Worsley	Mullalyup
Donnybrook	Esperance
Wubin	
Cervantes	
Esperance	
Three Springs	

- (4) See (1).
- (5) The towns listed in (3) (except Three Springs and Esperance) failed to meet the annual microbiological targets.

For Three Springs and Esperance, not all samples met the Nitrate requirements.

- (6) Compliance with guidelines is assessed on a rolling 12 month basis. The results to 31 August 1997 are tabulated below and the Metropolitan area and Country complied with the guideline targets.

Characteristics	Target	Metropolitan	Country
Faecal coliforms	95%	99.3%	98.1%
Total coliforms	90%	96.8%	96.7%
Amoeba	95%	100%	97.9%
Chemical	95%	98.7%	97.5%

- (7) The country schemes as a whole met the guideline targets, but when considered individually, Wubin,

Dumbleyung, Donnybrook and Mullalyup failed to meet the annual microbiological targets. All samples from Esperance and Bolgart did not meet the nitrate requirements. However, the water remained of high quality and was not a health concern for customers.

- (8) A date for implementation of the 1996 Australian Drinking Water Guidelines is yet to be agreed with the Health Department, but they are likely to be phased in over a number of years.
- (9) Implementation of 1996 Australian Drinking Water Guidelines requires a revision of the existing water quality sampling program. The Water Corporation has commenced this review and it should be completed in 1998. At this stage there is insufficient data to comment on compliance with the new Guidelines.

BORES NEAR SEPTIC TANKS

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

- (1) Are there any controls placed on bore water being pumped from areas near septic tanks?
- (2) If yes, what are they?
- (3) If no, why not?

Hon MAX EVANS replied:

- (1) No for garden bores. Yes for public water supply bores.
- (2) For public water supply bores within the Perth metropolitan area, an Underground Water Pollution Control Area is proclaimed under the Metropolitan Water Supply, Sewerage and Drainage Act. In country areas, a water reserve is proclaimed under the Country Areas Water Supply Act. The proclaimed areas for public water supply provide for implementation of by-laws to protect water resources used for public supply. Septic tanks must conform to Health Department criteria and must not be located within 100 metres of a production bore unless approved by the Water and Rivers Commission.
- (3) Garden bore water is not for human consumption.

WATER CORPORATION - COMMUNITY SERVICE OBLIGATIONS

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

- (1) Has the Water Corporation developed a framework to identify the need, number, level and costs for Community Service Obligations?
- (2) If not, why not?
- (3) If so, will the Minister for Water Resources provide me with a copy?

Hon MAX EVANS replied:

- (1) Yes. A framework is in place for 1996/97 and 1997/98.
- (2) Not applicable.
- (3) Yes. The high level framework for the provision of CSOs by the Water Corporation is as follows:

Identification and Costing of CSOs: The basis for determining the cost of a CSO is to be the difference between revenue and long run avoidable cost as measured by operating expenditure, replacement cost depreciation and a 4% rate of return on the written down replacement value of existing assets. The annual cost of existing CSOs will be calculated as if they have been funded since their inception in order to set the annual CSO funding at the appropriate long term level. A CSO agreement is to be developed for three years with appropriate annual reductions built in for target productivity improvements (after allowance for projected price adjustments), and increases to allow for growth, inflation and additional requirements of the regulators. The Water Corporation will be compensated for revenue CSOs based on the cost of the revenue forgone and agreed administration costs incurred. (The opportunity exists in the future to review revenue CSOs to determine whether all of the existing components should continue to be classified as CSOs.)

Funding CSOs: Water Corporation CSOs will be directly funded by Government through an annual Consolidated Fund allocation. Funding will commence as from 1 July 1996.

NORTHWATER DEVELOPMENT, BABBAGE ISLAND - AGREEMENT WITH ABORIGINES

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

- (1) Is the Minister for Aboriginal Affairs aware that an agreement had been reached between local Aboriginal groups and developers on the Northwater Development on Babbage Island?
- (2) If yes, can the Minister explain why this development has been blocked by the State Government?

Hon E.J. CHARLTON replied:

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

HOMESWEST - PURCHASE OF THE COLD STORES, FREMANTLE

986. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

- (1) Did Homeswest purchase The Cold Stores in Fremantle?
- (2) If so, on what date did this occur?
- (3) Does Homeswest still own The Cold Stores in Fremantle?
- (4) If yes, what does Homeswest plan to do with the building?
- (5) If no, what did Homeswest do with the Cold Stores in Fremantle?
- (6) If it was sold what did Homeswest do with the money obtained from the sale?

Hon MAX EVANS replied:

- (1) Yes.
- (2) 21 December 1990.
- (3) Yes.
- (4) Homeswest is currently examining the future utility of this site with the possibility of rental construction particularly for people with disabilities.
- (5)-(6) Not applicable.

HARVEY RIVER DAM

1239. Hon J.A. COWDELL to the Minister for Finance representing the Minister for Water Resources:

I refer to the Minister for Water Resources' recent comments about building a new dam on the Harvey River -

- (1) How does the Minister respond to the attack on his comments in the *Harvey Reporter* by the member for Murray-Wellington?
- (2) Why has the Minister pre-empted the findings of the Water and Rivers Commission review of drinking water supply options for the metropolitan area?
- (3) Has the Minister caused "unnecessary concern" before a final decision has been made?
- (4) Is the Minister satisfied that the economics of the proposed new dam stack up?
- (5) What is the likely cost of water from the proposed new dam for -
 - (a) metropolitan users; and
 - (b) local users?

Hon MAX EVANS replied:

- (1) The Minister has no response, other than that no final decision has been made.
- (2) The Minister has not pre-empted the study's findings, the option of a new Harvey Dam has been under consideration for several years.
- (3) No, a full and open consultation process is underway for the Harvey Dam option.

- (4) The economics of a new dam at Harvey will be finalised when the volume of water available has been determined by the Water and Rivers Commission through their current allocation study. The Water Corporation will incorporate the findings of this study into the financial evaluation of the source.
- (5) The cost of water from a new dam at Harvey is expected to be around 50-60c/kL. The cost of this source would have negligible impact on the price of water to consumers.

MANDURAH HOSPITAL - STAFF

1247. Hon J.A. COWDELL to the Minister for Finance representing the Minister for Health:

- (1) How many staff were employed at Mandurah Hospital as at August 31, 1996?
- (2) How many additional staff does the Peel Health Service estimate will be employed when the new Mandurah hospital becomes fully operational by August 1998?

QUESTIONS WITHOUT NOTICE

ATTORNEY GENERAL'S CHIEF OF STAFF

1221. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) Has the Premier's office ever received any complaints about the performance or conduct of the Attorney General's chief of staff?
- (2) If so, what was the nature of the complaint or complaints, when were they made and by whom?
- (3) Has the Premier's chief of staff ever counselled the Attorney General's chief of staff about her performance, the administration of the Attorney General's office or any other matter?
- (4) If so, when did the counselling take place and for what reason did it take place?

Hon N.F. MOORE replied:

- (1)-(4) This is similar to a question asked of Mr Fletcher, the Premier's chief of staff, when he gave evidence to the Standing Committee on Estimates and Financial Operations. Complaints are received from time to time concerning ministerial officers. The complaints are referred to the relevant Minister and his or her office for attention. There may be some follow up on occasions. This applies across all ministerial offices.

ADMINISTRATION OF ATTORNEY GENERAL'S OFFICE

1222. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) When did the Premier direct the Director General of the Ministry of the Premier and Cabinet, Mr Mal Wauchope, to look into complaints made to the Commissioner of Public Sector Standards about administrative and policy deficiencies in the Attorney General's office?
- (2) What action has Mr Wauchope taken so far in this matter?
- (3) Has he interviewed anyone who has complained about the Attorney General's office?
- (4) When does the Premier expect Mr Wauchope to finish his inquiries?

Ruling by the President

The PRESIDENT: The other day I made it clear that matters currently before a standing committee and not reported to the House under Standing Order 328 are matters which cannot be pursued in this House. I am not to know the exact issues or matters before a standing committee. I raise this point so that the Leader of the Opposition is aware of what I said the other day. On the basis that this matter is not specifically before the House I will allow the question. If someone can tell me differently I will take that as a point of order.

Questions without notice Resumed

Hon N.F. MOORE replied:

I am not aware of any reason I cannot answer the question. Nonetheless, I take on board your comments, Mr President. I am responding on behalf of the Premier.

- (1) Mr Wauchope was not directed to look into complaints made to the Commissioner for Public Sector Standards about administrative and policy deficiencies in the Attorney General's office. Following the report of the Public Sector Standards Commissioner, Mr Wauchope indicated that he would discuss the issues raised with Mr Saunders.
- (2) Mr Wauchope has held discussions with Mr Saunders and another senior officer in the Public Sector Standards Commission about the comments made in Mr Saunders' report.
- (3) Not to my knowledge.
- (4) Mr Wauchope's responsibility is to oversee all Ministers' offices on an ongoing management basis.

DEATHS IN CUSTODY

1223. Hon N.D. GRIFFITHS to the Minister for Justice:

- (1) Has the Director of Prisons, Mr John Kirton, advised the Minister that the incidence of deaths in custody has reached crisis point?
- (2) When did he advise the Minister of this?
- (3) What has the Minister done about it?

Hon PETER FOSS replied:

- (1) No. I do not believe the Director of Prisons is a person qualified to make that statement. The question of deaths in custody is, strictly speaking, one relating to a medical problem. The reason that people self-harm is, generally speaking, related to their psychiatric and psychological state of mind. I have taken the views of medical people within the prisons area who say that the issue is not so much a matter of the prisons; prison is only one of the factors and they do not believe that is the major factor affecting deaths in custody. The Leader of the Opposition is placing undue reliance on a person who is probably not medically qualified to comment.

Hon Bob Thomas: What about Professor Harding?

Hon PETER FOSS: To continue -

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

ANIMAL CRUELTY

1224. Hon J.A. SCOTT to the Minister representing the Minister for Local Government:

- (1)
 - (a) How many prosecutions have been undertaken on animal cruelty cases;
 - (b) how many have involved intensive farming practices; and
 - (c) who carried out these prosecutions - the police or RSPCA special constables?
- (2) Can the police initiate animal welfare prosecutions and, if so, which units or divisions can?
- (3) Are repeat offenders of animal cruelty prevented from holding or owning animals?
- (4) How many inspections of battery hen operations have been carried out in the past three years?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. As I do not have a response I ask the member to put the question on notice.

BUSSELTON BYPASS AND MOWEN ROAD UPGRADING

1225. Hon BARRY HOUSE to the Minister for Transport:

The construction of the Busselton bypass and the upgrading of Mowen Road are two important transport links in the south west. What sort of priority do they have for funding?

Hon E.J. CHARLTON replied:

The Busselton bypass has been acknowledged by the Government as a priority road initiative. It was included in the

original 10 year plan for construction to be initiated midway through the plan in about 2000. The timing was delayed one year to 2001. As a consequence of the completion of transactions to purchase land on the Busselton bypass and the opportunity for preconstruction in those areas, construction will take place in the coming financial year.

Hon Mark Nevill: Are you worried about losing your seat?

Hon E.J. CHARLTON: That is right, Mr Nevill!

Hon Ken Travers: Do you have a white board?

Hon E.J. CHARLTON: No, but we have money for it. The member would not know about that, given his party's credit card mentality.

Mowen Road has also been designated as a key road in the south west. I look forward to the funding approval for the construction and sealing of that road in the next two or three years.

WOMEN'S POLICY DEVELOPMENT OFFICE

1226. Hon HELEN HODGSON to the Minister representing the Minister for Women's Interests:

- (1) Does the Women's Policy Development Office have any information or statistics from the Commissioner of Workplace Agreements on any difference in pay between men and women resulting from the use of workplace agreements?
- (2) Does the information show any narrowing of the pay gap between men and women and will the Minister table that information?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) The Commissioner of Workplace Agreements maintains a range of statistical information but does not have statistics on any difference in pay between men and women resulting from the use of workplace agreements.

ATTORNEY GENERAL'S VISIT TO THE UNITED STATES AND CANADA

1227. Hon KEN TRAVERS to the Attorney General:

I ask this question on behalf of Hon Cheryl Davenport, who has been called away from the Chamber on urgent business.

- (1) Who is responsible for the preparation of a report on the Attorney's visit to the United States and Canada last year?
- (2) Has the Attorney written his own report or requested his officers to write it?
- (3) When will the Attorney provide a copy of the report to the House?
- (4) In the absence of a full report, will the Attorney provide the House with details of -
 - (a) the names and titles of officials he met and with whom he held discussions;
 - (b) the dates on which he met those officials; and
 - (c) the places at which he met them?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Allan Thompson.
- (2) I have requested Allan Thompson, who accompanied me on the trip, to prepare a draft report to be finalised by me.
- (3) The draft is to hand and the report will be finalised shortly.
- (4) This is too long for question time and I recommend that the member await the report.

CHILD CARE CENTRES - FUNDING FOR INCLUSION SUPPORT

1228. Hon NORM KELLY to the Minister representing the Minister for Family and Children's Services:

With respect to the Government's Good Start program -

- (1) How much funding has Family and Children's Services provided to child care centres for inclusion support for children of culturally and linguistically diverse backgrounds for 1995-96, 1996-97 and 1997-98?
- (2) How many students have received inclusion support in programs for four year old children for 1995-96, 1996-97 and 1997-98?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The information is not readily available. I ask that the question be placed on notice.

UNDERGROUND POWER PROGRAM

1229. Hon MURIEL PATTERSON to the Leader of the House representing the Minister for Energy:

- (1) Will the Minister indicate which suburbs will be offered underground power?
- (2) How many households will this include over the next three years?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) While local authorities have been invited to apply for funding under the state underground power program by 30 April 1998, it is not possible at this stage to indicate which suburbs will be offered funding. Successful pilot projects have been completed in Applecross and in the Middleton Beach/Miramar area of Albany. Work is in progress on the Cottesloe/Claremont pilot project and will begin shortly on the Wembley pilot project. The state underground power program will commence on completion of the pilot projects, and will involve a contribution of almost \$28m over three years from the State, including Western Power, towards \$55m of work.

The program will cover major residential projects of typically around 1 000 lots, and a total budget each of between \$4m and \$5m, together with localised enhancement projects. The latter will beautify areas such as main streets, town gateways, traffic routes of scenic significance and centres with tourism and/or heritage value. They will typically cost up to \$0.5m total for each project. To assist councils with limited cash reserves, interest subsidies of up to 5 per cent may be paid by the State Government for up to five years on borrowings from approved financial institutions.

- (2) In the region of 16 000 households will be included over the first three years of the state underground power program, in addition to localised enhancement projects. This follows on from around 7 500 households which will have been connected to underground power through the pilot project when they are completed.

WESTRAIL TICKET VENDING MACHINES - SECUREFORCE INTERNATIONAL

1230. Hon E.R.J. DERMER to the Minister for Transport:

- (1) Will the Minister confirm that the company Secureforce International is contracted to the Department of Transport for the collection of money from Westrail ticket vending machines?
- (2) Within the terms of this contract, what period is allowed between the collection of money from the vending machines and the transfer of money to Westrail's account?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Secureforce International is contracted to Westrail for collection of money from ticket vending machines.
- (2) Moneys collected from ticket vending machines are counted during the day of collection and banked in Westrail's account the next day.

BRIDGETOWN BYPASS

1231. Hon MURRAY MONTGOMERY to the Minister for Transport:

Following the Minister's recent visit to Bridgetown, will he give some updated information on the bypass road being considered?

Hon E.J. CHARLTON replied:

About two weeks ago, following a request from Hon Christine Sharp, I arranged to visit Bridgetown. She was present that day and along with other people, I met a group of residents and business people. The people of Bridgetown are concerned about conflict within the community about the alternative locations for a bypass arrangement. It should be noted that, strictly speaking, people do not want a bypass road but they want a heavy haulage deviation road. There is a significant difference between the two. I undertook to provide a facilitator to talk with all the interested groups and individuals and I have identified a person to carry out that task. That will be started forthwith. The people of Bridgetown agreed that they wanted a decision, and I made a commitment to make that decision within the next three months. I look forward to their progressing the alignment finally agreed to.

OAKAJEE PORT - ENVIRONMENTAL IMPACT ON SEAGRASS BEDS

1232. Hon GIZ WATSON to the Minister representing the Minister for Energy:

- (1) Has the Minister received substantial scientifically prepared information, including transect maps, which clearly show the existence of large seagrass beds in the area of study carried out by Tingay and Associates as an environmental impact report on the proposed Oakajee port?
- (2) If so -
 - (i) did the information contradict the Tingay report which showed no significant seagrass beds located in the study area;
 - (ii) has the Minister taken steps to verify the accuracy of these conflicting reports and if not, why not;
 - (iii) what steps will the Minister take if proponents' or consultants' reports are shown to be inaccurate; and
 - (iv) why will the Minister not call for a new environmental study of the area, bearing in mind that the evidence before the Minister throws significant doubt on the scientific accuracy of the report by Tingay and Associations?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Minister is aware of a report titled "Report on marine survey of proposed deep-water harbour development site at Oakajee".
- (2)
 - (i) The findings of the report are not dissimilar to the PER which states that up to 80 hectares of seagrass could be lost depending on the location of the port within the study area.
 - (ii) Since the near shore area was not extensively surveyed during the environmental impact study, as part of the environmental conditions on the proposal the Minister will require the proponent to carry out detailed benthic surveys prior to final design. There is likely to be a further requirement for management plans which will serve to minimise the impact on the seagrass and other benthic habitat.
 - (iii) Not applicable.
 - (iv) See response to (ii).

NORTH WEST SHELF PROJECT - APPLICATION FOR AUTHORISATION

1233. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

- (1) Does the State Government support the application for authorisation No A90624 by the North West Shelf project partners to coordinate their gas marketing activities on the domestic gas market?
- (2) If yes, why?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I am advised -

- (1) The State Government has not provided advice to the Australian Competition and Consumer Commission in support of the application for authorisation. Individual agencies of the State Government have provided information to the ACCC at its request.
- (2) Not applicable.

MINISTRY OF JUSTICE - MR PAYNE'S REDUNDANCY PACKAGE

1234. Hon TOM STEPHENS to the Leader of the House representing the Premier:

Who instructed the Director General of the Ministry of the Premier and Cabinet, Mal Wauchope, to prepare a \$138 000 redundancy package for senior Ministry of Justice official Kevin Payne, including the requirement that he not criticise the ministry or his Minister?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. In accordance with standard practice, Mr Wauchope arranged for the Public Sector Management Office to prepare a draft management initiated retirement package in relation to Mr Kevin Payne, following representations from both Mr Byron and Mr Payne to this effect. The draft correspondence contained standard clauses relating to confidentiality and other matters which have applied since April 1996.

ROCKINGHAM-FREMANTLE TRANSIT WAY

1235. Hon SIMON O'BRIEN to the Minister for Transport:

- (1) What progress has been made to the Rockingham-Fremantle transit way?
- (2) What is the time line for completion of this project?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) An eight month final alignment and land requirement plan study for the ultimate 35 kilometre transit way is coming to an end in the next month. A recommended alignment has been presented to the four affected local councils and appropriate state agencies. Final details of the land requirement plan, which will be the basis of an MRS amendment, are being worked out at this time. The details relate to confirming the exact location and number of stops/stations proposed along the facility.

The implementation strategy for the transit way is for completion in stages as funding allows and traffic congestion suggests. These interim stages will provide a dedicated lane and signal prioritisation for Transperth buses operating in the corridor, which will reduce the travel time and improve the reliability of the bus relative to the car. The goal of this project is to increase public transit usage.

- (2) The next step in this project is the master planning phase which is funded this financial year and should be completed by the end of 1998. Construction funding has been requested beginning in the 1998-99 fiscal year.

AUSTRALIND BYPASS CHANGE

1236. Hon BOB THOMAS to the Minister for Transport:

I refer to proposed changes to the Australind bypass to allow access through the median strip to a Shell service station and ask -

- (1) Can the Minister confirm that Main Roads' Executive Director Barry Clarke "directed" the regional manager of Main Roads to permit an opening through the median strip?

If yes -

- (2) Can the Minister explain the precise reasons the executive director "directed" the regional manager to carry out the work?

- (3) Was this direction given in writing; and, if so, will the Minister table this direction?
- (4) Did Mr Clarke meet or discuss this issue with -
 - (a) other Main Roads officials, including the CEO; or
 - (b) the proponents for the change, or their representatives?
- (5) If yes to any of the above, what were the names of the people involved in the meetings or discussions?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1)-(2) The decision to approve a median opening was based on the design being appropriate for the particular location in question, meeting the accepted design standards and catering for traffic movements in a safe manner.
- (3) Mr Clarke advised the regional manager in writing that he had approved the works proceeding. As I have indicated previously in this place, I am happy to provide the member with a copy of the final design and any other documentation about the proposed median opening.
- (4) (a) Yes; and
(b) no.
- (5) The Commissioner of Main Roads and the regional manager south west.

MR NEIL STOCKTON

1237. Hon TOM STEPHENS to the Minister representing the Minister for Fair Trading:

I refer to the appointment of Mr Neil Stockton as an investigator with the Ministry of Fair Trading and ask -

- (1) Was Mr Stockton provided with an airfare to attend the initial interview with ministry officers?
- (2) Was Mr Stockton paid any relocation cost in respect of his position as investigator?
- (3) If yes, what was the total sum that he was paid, and when was this amount paid?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Minister is advised by the ministry that Mr Stockton was already resident in Perth. He was not provided with any airfares or expenses in connection with his interview.
- (2) The Minister is advised by the ministry that Mr Stockton was not paid any relocation costs.
- (3) Not applicable.

JANGARDUP SOUTH MINERAL SANDS MINING OPERATION

1238. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:

I refer to the Cable Sands Ltd Jangardup South mineral sands mining operation and ask -

- (1) At what stage is the Department of Environmental Protection's assessment of the Jangardup South project?
- (2) At what date will the environmental review and management program be put out for public comment?
- (3) Has the DEP requested in its guideline that the ERMP report on any conditions for acid sulfate soils?
- (4) Is the DEP aware of any testing for acid sulfate soils?
- (5) If so, what are the results?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The answer to this question requires considerable research and I request that it be placed on notice to allow preparation of a response.

JOONDALUP COMMUNITY HEALTH CENTRE

1239. Hon RAY HALLIGAN to the Minister representing the Minister for Health:

- (1) When does the Minister expect the new Joondalup community health centre to be opened and fully operational?
- (2) What total number of additional hospital beds will be added to those already existing in the northern suburbs?
- (3) Will a full range of specialist services be offered at the centre?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The new Joondalup community health centre is due to be fully operational by 30 April 1998.
- (2) The total number of additional beds in the northern suburbs is 140. Wanneroo Hospital had 90 public beds and Joondalup Health Campus now has 250 public beds.
- (3) The services that will be available will be as follows -

Community health, primarily paediatric services: Speech pathology, social work, occupational therapy, medical, paediatric, and community nursing.

Women's physiotherapy.

Adult community psychiatric services: Psychiatrists, psychologist, social work and nursing.

Community psychogeriatric services.

MAIN ROADS' ROAD CONSTRUCTION AND MAINTENANCE FUNCTIONS

1240. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Has a decision been made on the extent of the contracting out of road construction and maintenance functions of Main Roads?
- (2) Are the 250 redundancies to be announced today the extent of the proposed redundancies or the first stage in the elimination of 1 000 jobs?
- (3) With reference to the Minister's promise last year to provide a definitive statement on the future of Main Roads, when will he do so?

Hon E.J. CHARLTON replied:

I have a number of questions from the member. I cannot find this question.

The PRESIDENT: Order! The question is without notice; possibly the Minister does not have an answer.

Hon E.J. CHARLTON: The situation at Main Roads is that in 1995, a document called "Best Roads Blueprint" was prepared when a group of people, including Main Roads personnel and community representatives, reviewed the operations of Main Roads and recommended that the number of people currently employed at Main Roads - I have just found the answer, which is as follows -

I thank the member for some notice of this question.

- (1) No.
- (2) The 250 voluntary severances being offered are part of the "Best Roads Blueprint" endorsed by Cabinet in 1995 to reduce Main Roads' work force to 1 000 by the year 2000.
- (3) The "Best Roads Blueprint" is being redefined by the new Commissioner of Main Roads. A statement will be made when this process has been completed.

TRANSPERTH'S BUS FLEET

1241. Hon J.A. SCOTT to the Minister for Transport:

- (1) How much money was spent on maintenance for Transperth's bus fleet for each of the years 1993 to 1997?

- (2) What was the number of buses operated by Transperth during each of the years 1993 to 1997?
- (3) What was the number of recorded breakdowns for Transperth's bus fleet for each of the years 1993 to 1997?

Hon E.J. CHARLTON replied:

- (1)-(3) I thank the member for some notice of this question and seek leave to table the information. [See paper No 1430.]

WORKERS' COMPENSATION AND REHABILITATION REVIEW OFFICERS

1242. Hon HELEN HODGSON to the Attorney General representing the Minister for Labour Relations:

- (1) How many currently operational review officers have been appointed under the Workers' Compensation and Rehabilitation Act 1981?
- (2) Will the Minister table the selection criteria for the position of review officer under the Act?
- (3) Which of those criteria are considered to be essential and which are considered to be desirable?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Four substantively and one in an acting capacity.
- (2) Yes, and I hereby seek leave to table the selection criteria. [See paper No 1431.]
- (3) The essential and desirable criteria are detailed in the document just tabled.

FORMER AGRICULTURE WA EXECUTIVE DIRECTOR OF POLICY AND PLANNING

1243. Hon KIM CHANCE to the Minister representing the Minister for Primary Industry; Fisheries:

- (1) Has the former Agriculture WA executive director of policy and planning received a voluntary redundancy package?
- (2) If so, has the former position been filled since the redundancy was approved?
- (3) If the position has been filled subsequent to the redundancy arrangements, why was this done?
- (4) Is the position subject to a review?
- (5) If a review is to be carried out, why was the redundancy approved prior to the completion of that review?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) No.
- (3) Not applicable.
- (4) No.
- (5) Not applicable.

NORTHBRIDGE TUNNEL SOIL

1244. Hon KEN TRAVERS to the Minister for Transport:

- (1) Has any soil from the Northbridge tunnel been removed to the Flynn Drive landfill site in Neerabup?
- (2) If yes, was any of this soil contaminated?
- (3) Is any contaminated soil still being stored on site at the Northbridge tunnel site?
- (4) At what location on the site is the material being stored and is this in accordance with the environmental management plan?

Hon E.J. CHARLTON replied:

- (1) Yes.

- (2) Yes. Flynn Drive is a special landfill site and the material met the requirements for disposal at this site.
- (3) Yes.
- (4) Contaminated material is being stored in a dedicated area with the Hamilton interchange. This is in accordance with the environmental management plan and satisfied all Department of Environmental Protection requirements.

EXMOUTH DISTRICT HOSPITAL

1245. Hon TOM STEPHENS to the Minister representing the Minister for Health:

- (1) When will tenders be called for the upgrading of obstetric services at Exmouth District Hospital?
- (2) Has there been a delay in calling for these tenders?
- (3) If so, what is the reason for this delay?
- (4) When is this upgrade scheduled to take place?

Hon MAX EVANS replied:

I thank the member for some notice of this question. I ask that this question be put on notice.

NORTHBRIDGE TUNNEL SOIL

1246. Hon KEN TRAVERS to the Minister for Transport:

Will the Minister say why he wrote to me last month advising me that the only contaminated soil had been dumped in the Red Hill Quarry in Toodyay Road.

Hon E.J. CHARLTON replied:

Of course I will respond to the member's question. I will speculate - I should not do this but I will - that at that stage it was still being held at the interchange.

ALTERNATIVE ENERGY DEVELOPMENT BOARD

1247. Hon MARK NEVILL to the Leader of the House:

- (1) Are legislative changes in place for the Alternative Energy Development Board, which became operational on 1 July 1995?
- (2) If no, what has caused the delay and what interim arrangements are in place?

Hon N.F. MOORE replied:

I do not have an answer to that question, which I ask to be placed on notice.

GOVERNMENT CONTRACTS IN EXCESS OF \$30M

Hon MAX EVANS: On 15 October 1997 I was asked question on notice 1001 from Hon Ljiljanna Ravlich regarding government contracts entered into with the private sector valued in excess \$30m and for a length of more than five years. As the information requested covered contracts across all of government it was referred to all Ministers for a response. These responses were to be collated into a consolidated answer. The original question was directed to me as Minister representing the Minister for Public Sector Management. However, an oversight has allowed only the response of the Minister of Health to be submitted, which was recorded in *Hansard* on 18 November 1997. I seek leave to table the following correct reply to question on notice 1001 and for it to be incorporated in *Hansard*.

Leave is granted. [See paper No 1433.]

The following material was incorporated -

1001. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Public Sector Management:

What contracts has the Government entered into with the private sector which are valued in excess of \$30m and for a length of more than five years?

Hon MAX EVANS replied:

The Minister for Public Sector Management has provided the following reply -

As previously indicated in Parliament, work is progressing on the establishment of an electronic bulletin board which will fulfil the Government's commitment to responding to the Commission on Government's recommendations on public access to contracting information. That system will also allow for ready access to information of the type sought by the member for East Metropolitan.

However, a search of those goods and services contracts let under the auspices of the State Supply Commission and managed through the Department of Contract and Management Services initially indicates that (as at November 1997) the only contract which meets the criteria specified in the question is the contract for financing vehicle fleet leasing.

In addition, for those selected agencies which have an unlimited delegation from the Supply Commission (allowing them to enter into contracts of the magnitude specified in the question), initial investigations indicate that contracts for the following meet the relevant criteria:

- Health Department: computer facilities management services; management of the Joondalup Health Campus; and management of the Peel Health Campus.
- Royal Perth Hospital: food services.
- Westrail: infrastructure (track services) maintenance.

Further, under the provisions of the Transport Coordination Act 1966, the Minister for Transport has entered into three contracts which meet the criteria specified in the question, for Transperth bus services in the following regions:

- Wanneroo and Marmion;
 - Midland, Southern River and Canning; and
 - Rockingham and Mandurah.
-