Legislative Assembly

Thursday, 8 April 2004

THE SPEAKER (Mr F. Riebeling) took the Chair at 9.00 am, and read prayers.

OCEAN GARDENS (INC.) BILL 2003

Assent

Message from the Governor received and read notifying assent to the Bill.

ECONOMICS AND INDUSTRY STANDING COMMITTEE, NEW INQUIRY

Statement by Speaker

THE SPEAKER (Mr F. Riebeling): I advise members that I have received a letter dated 7 April 2004 from Mr A.D. McRae, MLA, Chairman of the Economics and Industry Standing Committee. In his letter the chairman advises that the committee has resolved to inquire into energy efficiency and renewable energy with the following terms of reference -

> The Economics and Industry Standing Committee review and make recommendations on measures available to Western Australia:
>
> (a) which encourage efficiencies in electricity production and consumption;
>
> (b) which encourage use of renewable energy; and
>
> (c) any other relevant matters.
>
> The committee will report to the Legislative Assembly on this matter by 30 September 2004.

I advise members that I have arranged for the committee's terms of reference to be placed on the notice board of the Legislative Assembly.

MANDURAH RAIL PROJECT, SUPPORT

Petition

Mr D.A. Templeman presented the following petition bearing the signatures of 425 persons -

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned residents of Western Australia express our concern at recent calls for the Mandurah railway project to be scrapped. We believe that the railway is essential for the social, economic and tourist development needs of Mandurah and the region, and to reduce Freeway traffic jams.
>
> Your petitioners therefore respectfully request the Legislative Assembly and Government to:
>
> 1. Continue to give priority to the construction of the Mandurah railway.
> 2. Ensure that train services commence by December 2006.
> 3. Make the extension of the Freeway and the Peel Deviation the next major capital works project after the railway.
>
> Your petitioners in duty bound will ever pray.

[See petition No 339.]

LOCAL HEALTH CARE, FUNDING CUTS

Petition

Mr P.D. Omodei presented the following petition bearing the signatures of 22 persons -

> To the Honourable the Speaker and Members of the Legislative Assembly in the Parliament of Western Australia in Parliament assembled.
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> We, the undersigned, say: -
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> > That we, the people of the Warren-Blackwood District are deeply concerned about moves by the Premier and Health Minister to cut funding and services in our local hospitals. Further, many of us have great difficulty in accessing health care and services in Bunbury and Perth.

Now we ask that the Legislative Assembly advise the State Labor Government that we believe that **Health Care** and **Health Services** should be restored to our towns so that the majority of people can be cared for in our hospitals close to home and family

[See petition No 340.]

BARDI JAWI NATIVE TITLE CLAIM, PROGRESS

Statement by Deputy Premier

MR E.S. RIPPER (Belmont - Deputy Premier [9.06 am]: I take this opportunity to update the House on the progress of negotiations between the Government and the Kimberley Land Council on the Bardi Jawi native title determination application.

The Bardi Jawi native title claim covers 5 347 square kilometres around Lombadina and One Arm Point in the Shires of Broome and Derby West Kimberley. The land component of the claim is 1 037 square kilometres. The remainder of the claim area is over the sea.

Although I cannot disclose all the details because the matter is still officially in mediation, I can advise that the State Government and the Kimberley Land Council have reached substantial agreement and that the Government is prepared to settle the matter by way of consent determination at the earliest opportunity. The only significant obstacle to a consent determination is the position of the Commonwealth Government, which has thus far declined to support the terms of the agreement.

The parties to the determination, in addition to the claimants and the State, are fishing and pearling licence holders over the sea areas of the claim, who are represented by the Western Australian Fishing Industry Council; and the Commonwealth Government, which has concurrent jurisdiction with the State in the claim area seaward of the three nautical mile limit to the 12 nautical mile limit. The Commonwealth has sole jurisdiction beyond the 12 nautical mile limit around Brue Reef. The Commonwealth has no land interests.

The State Government believes the traditional owners have a right to exclusive possession of the land, fishing rights up to the three nautical mile limit, the right to hunt turtle and dugong and the right to take resources from Brue Reef.

It was my privilege in May 2003 to meet with the claimants at the request of the member for Kimberley. As the claimants showed me around, it was plain that they continued to exercise their traditional laws and customs and had a profound attachment to their country. I was particularly pleased to meet one of the senior lawmen, Paul Sampi, at Ngamagun outstation on the peninsula. Paul is the grandfather of Ashley Sampi, one of the State's champion footballers.

Settlement of this matter by agreement would be a great achievement for the Bardi and Jawi people. It would allow the elders who have fought for so long to achieve this recognition to pass on the rights to the younger generation. It would be regrettable if the Commonwealth did not seize this opportunity to recognise the native title rights of the traditional owners. Failure to achieve a consent determination will mean that the matter will have to be litigated through to a final determination by the Federal Court. I have written to the Commonwealth Attorney-General urging him to intervene in this matter.

RECREATIONAL BOATERS, COMPULSORY COMPETENCY TRAINING

Statement by Minister for Planning and Infrastructure

MS A.J. MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [9.09 am]: Mr Speaker, the chairperson of the State Boating Council, your good self, Hon Fred Riebeling, has provided a report on the outcome of a workshop conducted by the council to investigate how best to introduce compulsory competency training for recreational boaters. Although there was vigorous debate among the State Boating Council members on whether there was the need to introduce a compulsory training scheme, participants at the workshop were able to provide a range of guiding principles that will assist the Government in the implementation of this important initiative.

It was the view of the participants that -

> the introduction of compulsory competency training would need to be phased in over a number of years;
>
> there was provision for recognition of prior learning for experienced boaters. Those people who have already undertaken a BoatSmart course or achieved Yachting Australia's TL3 or TL5 certificate or a commercial marine qualification would be recognised as having met the required standard; and
>
> any training undertaken should be on a one-off basis, unless a significant offence has occurred or medical reasons intervene.

Members of the council indicated that the introduction of this scheme should be cost neutral, and that any fees charged should be purely to cover administrative costs. The system should be centred on safety on the water. This should not be a revenue-raising exercise. There was support for using the current motor drivers licence system as a means of endorsement that a person had undertaken and passed appropriate training.

Alcohol consumption and breathalysing were also raised as an issue, with serious consideration being given to police and compliance officers having the capacity to breath-test and stop people operating if they were intoxicated. The focus would be on education rather than stringent regulation, although suspensions and cancellations would arise from serious misdemeanours, as is the case for commercial operators. However, the strongly held view was that a demerit points system was totally out of order for this qualification. The participants felt that the cost of undertaking a training course should be set by the market, and recommended an audit system of training providers to reinforce the quality of training.

Further to the State Boating Council's workshop, I have written to all recreational boat owners requesting their views on a number of important issues raised by the council. I have now requested that the Department for Planning and Infrastructure progress the implementation of compulsory competency training along these lines.

I thank the chairman for his excellent work in chairing this very difficult committee. I also thank those on the council who made a positive contribution to the development of this important regime to improve the safety of all those using our waterways.

SPORTS COOPERATION, GOVERNMENT OF THE REPUBLIC OF INDIA

Statement by Minister for Sport and Recreation

MR R.C. KUCERA (Yokine - Minister for Sport and Recreation) [9.13 am]: I rise to advise the House that I will be travelling overseas next week to sign a memorandum of understanding on sports cooperation with the Government of the Republic of India.

In November 2003, India was awarded the right to host the 2010 Commonwealth Games in Delhi. This will be the first occasion on which India has hosted the Commonwealth Games.

In January of this year, the Western Australian Department of Sport and Recreation was invited to assist in the preparation of a framework for the establishment of the Indian national sports plan. I commend the department on its efforts in this area, particularly Hallam Pereira and the current director general, Mr Ron Alexander.

Subsequent to this, the Indian Government extended an invitation to the Department of Sport and Recreation to send a delegation of staff to facilitate a series of workshops regarding governance in sport, club development, women in sport, sports facilities, sports coaching and sports science. This was agreed to, and I announced approval for the delegation to travel to India for this purpose with the assistance of the Indian and Australian Governments. I commend the federal Government on its assistance in this regard.

In partnership with the Australian High Commission, a memorandum of understanding has been negotiated that will specify agreement on areas of cooperation, including training of athletes, training of coaches and officials, sports science, and cooperation on infrastructure and the exchange of technology.

I anticipate that the visit will lead to further opportunities for Western Australians who work within sport administration, sports science and infrastructure development. The signing of the MOU will provide the basis on which significant commercial opportunities in these fields could develop, which would mean more jobs for young Western Australians.

In addition to assisting to explore these commercial opportunities, the MOU will also serve to highlight the importance of the close cultural and sporting ties that have grown between Australia and India. I look forward to travelling to India and learning first-hand about the ways in which our two countries can build on these ties, and I assure the House that I will champion Western Australia as the centre for sporting excellence for the Indian Ocean rim.

SOUTH WESTERN HIGHWAY

Grievance

MR M.P. MURRAY (Collie) [9.15 am]: I rise to grieve to the Minister for Planning and Infrastructure about a section of the South Western Highway that is causing concern in a part of my electorate. I have carried out an inspection of the section with the Premier and also the member for Murray-Wellington. On the day we were there, we met with a parent of two children who were killed on that intersection. We also spoke with his mother and heard about the trauma that had been caused within the household and within the family.

The issues with this section of road have been raised on many occasions over the years; that is, the service station entry; the line of sight, whereby people cannot see when they drive up over the rise; and the speed limit. The school is on one side of the highway and the majority of the town is on the other side. All these issues raise safety concerns. In recent times many requests have been made of Main Roads and the police to exert pressure so that changes will be made. That has not happened, and people are getting frustrated. The shire has been involved. It has requested that the speed limit through that area of town be 50 kilometres an hour. That has been declined by Main Roads, much to the disgust of the shire.

As I said, the high school is on one side of the highway. I take the opportunity to thank the teachers from that school. When school finishes, they go down to the highway and direct the children across the road. When I was at school, one

of the greatest times of the day was when I got out of school and ran home to do something else. I believe the situation is the same today. Therefore, the children do not take a great deal of interest in what is going on around them, but they must cross the highway. That is one part of a very big issue.

Another issue is the amount of traffic along that section of the highway. With the congestion in Mandurah currently, with the extra traffic lights, the bridge and the increased traffic, a lot of the heavy traffic has gone onto the South Western Highway. Cars queue up behind the trucks, and drivers try to gain an advantage when there is a bit of room to pass them. This results in vehicles travelling through the town at quite high speeds, even though the speed limit is 70 kilometres an hour. I know that the police spend a lot of time in that area. I have certainly paid my penance. I was caught by a Multanova that was at the bottom of the bridge one day, and I swore about that.

The locals have told me that there is a major problem in that area. As I said, the school is on one side and the town is on the other. Therefore, parents drive their cars across the road in that area. There is also foot traffic. This leads to problems. The major issue is that traffic-calming devices are needed to make people aware of the town traffic on the Uduc Road side of the town. Some sort of devices are needed in that area, particularly for people who travel through that area on a regular basis - I have been one of them for many years - but who do not understand the make-up of the town. I would like the minister to take action and make things happen in that area, and for that to be done on a sooner rather than later basis. We do not want any more accidents there, especially like the one in which two young children were killed. Recently, a semitrailer rolled over at the bottom of the rise on the highway in that 70 kilometre-an-hour zone - there is obviously something wrong with the road along that section. As motorists drive through the wide open spaces along the road entering the town area, they feel as though they are not moving into a town site, so they do not slow down accordingly.

Many plans have been put forward over the years, and many have been rejected. One argument is that trucks have to use extra fuel as they slow down and change gears to pass through that area. I do not think that is a strong case. The idea for a roundabout was put up, but considering the number of trucks that use a highway like this, a roundabout was not deemed adequate. I am sure that with a little work and foresight this matter can be dealt with reasonably quickly.

MS A.J. MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [9.21 am]: I thank the member for the grievance. We have had detailed discussions with the member about this issue. It is important to see this matter as a philosophical position between the priority given to traffic and the priority given to the community. This matter involves a highway; therefore, the view has been that the traffic must come first and the community second. Perhaps, there has been a lack of preparedness to say that it should really be the other way around. We all understand the importance of the highway for moving freight and for passenger transport. However, we must be prepared to look closely at these situations of conflict and ensure that rural communities built around highways are properly protected.

One of the technical concerns Main Roads Western Australia has had about the reduction of the 70 kilometre-an-hour zone is that the road environment, as it is currently configured, encourages people to travel at 70 kilometres an hour. When we talked to Main Roads about our desire to reduce the speed limit, it responded with a set of plans that would, at the same time, change the road environment. Changing just the speed limit in that area will achieve only more funds from Multanovas - the kerbside cash registers. However, if we are seriously talking about safety we need to do more than that. We need to strategically intervene and create an environment that encourages the slowing of traffic to 60 kilometres an hour and provides improved visibility for pedestrians. As the member pointed out, of particular concern was the number of kids crossing the road at that point to get to school, and that has also been of considerable concern to Main Roads.

We have committed to reducing the speed limit to 60 kilometres an hour. By the end of April we will have painted 60 kilometre-an-hour speed limit signs on the road so that they are very visible - we will not simply put up speed limit signs on the side of road. We will also implement other measures - a suite of improvements - to change that road environment, and Main Roads assures me that they will be in place by the end of May. The visibility for pedestrians and motorists will be improved, the power pole on the north-western corner of the intersection will be relocated, and a splinter traffic island will be installed on the north-eastern section of the intersection. Those works will amount to a total cost of $27 000.

Recently, in addition to discussions with the member, we have held some meetings. Last week, the Main Roads regional manager for the south west, Brett Bellstead, met with the shire to discuss further works and what could be done to better define the town site area. We are now looking at planting trees in that area along the South Western Highway to remove the perception of the open space and a higher speed limit. It is all about making it clear to motorists that they are driving in a town environment, and the landscaping will be part of that.

To summarise the list of works, a reduced speed zone sign will be painted onto the road, the power pole will be relocated, a splinter traffic island will be installed and a footpath will be built along the non-school side of the road, which I think is the eastern side of the road.

Mr M.P. Murray: The school is on the eastern side.

Ms A.J. MacTIERNAN: Okay. A footpath will be built near the service station, and, therefore, cars will not be able to park there so that visibility is increased for the students crossing the road. On the other side of the road there will be

tree plantings. The intersection will be reconfigured, an extension of the island will be put in place to bring it right up to the intersection so that motorists cannot cut the corner as they turn, and more separation space will be created in the turning lane. Following the speed changes and those works, Main Roads will undertake to follow up on speed compliance to determine the effectiveness of the works and the new speed limit. It will then look at whether it is necessary to have any additional treatments to enhance the safety of the location.

SOUTH WEST AREA HEALTH SERVICE

Grievance

MR P.D. OMODEI (Warren-Blackwood) [9.27 am]: My grievance is to the Minister for Health. As a member of Parliament representing a country seat and a country district, of fundamental importance to that community is the provision of good health services - good health care and allied health care including all the ancillary services that people expect in a modern society. I hope the minister has taken the time over the past couple of days to be fully briefed - a number of questions about this issue have been asked in this place and in the Legislative Council - on what is happening in the South West Area Health Service. It is clear to me that that health service is in crisis. The number of changes and proposed changes taking place without consultation with the community is alarming. In my 15 years in Parliament, I have always believed that the area of health is a major priority, but I have not seen the level of concern and community unrest that I have seen in the past few weeks.

I will refer the minister to a few things that have happened with regard to questions asked of him, firstly by the member for Mitchell about senior health nursing positions. In response to that question on 11 March in this place the minister said -

> I was made aware of a proposal to spill a number of positions throughout the south west area health service, particularly in Bunbury and Busselton. When I was made aware that that was what was being proposed for people who had been long-term, loyal and good employees to the hospitals, particularly in Bunbury and Busselton, and that they would have to reapply for their jobs, I put a stop to it.
>
> I called the south west area general manager up to Perth. We had an early morning meeting and I said, "I do not agree that this is an appropriate way to treat your staff; put a stop to it".

Perhaps the minister can explain whether that message has finally got through to the south west manager, because my information is that that matter is still up in the air.

Another matter of concern is the proposal to reduce the number of health service managers, or directors of nursing, as they are more commonly known, from 17 - that is, 16 plus the one in Bunbury - to eight. I referred to this matter in a question without notice on Thursday, 1 April. I was talking then about what was originally a leaked document, and even though the minister claimed that there was no such document, it obviously later became a matter of public knowledge. I understand that in earlier meetings it was made very clear to those health service managers and nursing staff that that position would be replaced by a clerical position. I understand that the minister has since clarified that matter, after the pressure was applied, and that position will now remain a clinical position. I understand also that as a compromise position since that time, a number of the current acting directors of nursing, or health service managers, will be put into substantive positions. That is a welcome change. The original proposal was expected to save $172 000 a year and full savings of $756 000.

In my view, it does cost more to deliver health services in regional Western Australia. However, I do not want a situation to develop in which health care is centralised to the regions. Although I strongly support what is said in the Reid report about improving tertiary facilities in the regions, because that will provide for the regions many of the services that metropolitan people expect to have available on a day-to-day basis, that should not occur to the detriment, or to the loss, of the smaller hospitals in regional Western Australia.

The minister would have received in his mail in the past few days a letter from a Dr John Williams of Augusta - I presume the minister will be going to Augusta - who has invited the minister to have a drink with him on his back verandah to discuss the health situation in Bunbury. John Williams is a long-serving doctor in that area. Bunbury has a medical practitioner service that is working very well. We cannot afford to have more services siphoned out of the regions.

I do not know whether the minister is aware, but these days hardly any babies are born in the Pemberton and Manjimup hospitals. Those two hospitals were upgraded when we were in government, so they are not very old. They have state-of-the-art birthing facilities. Nowadays young mothers are required to travel along South Western Highway to Perth for their delivery. I know some work is being done on this matter. However, it is a disaster waiting to happen if those young mums have to travel up and down that road eight, nine or 10 times during the time that they are pregnant, often with young kids in the car with them; and invariably part of that travel will be in the winter months, when it will be even more dangerous because of the large number of big trucks on that road.

I am also concerned about the situation with nurses. I have received a number of letters from nurses. A petition will be sent to the minister from nurses in the South West Area Health Service. Those nurses are very concerned about their future. The particular concerns that they mention in their petition are unilateral and unlawful rostering changes;

sustained and unreasonable workloads and the associated risks for patients and staff; the abolition of jobs; unfair human resource practices; and a lack of communication about or interest in their concerns from management. The petition calls on the minister to: ensure that the South West Area Health Service complies with all of its legal, industrial and moral obligations to its nurses; recognise the damage that has been caused by the changes so far; and come to see the situation for himself, address nurses, and reassure them that the Government is interested in attracting and retaining them. I have been told that the nurses have been told that if they sign this petition, they will be reprimanded. I also have a copy of a letter to Michael Moodie, the chief executive of the South West Area Health Service, from the union about senior nurse positions in the South West Area Health Service. That letter raises a range of issues that need to be addressed very quickly.

I would like the minister to tell me very clearly what will happen in the South West Area Health Service, because it is a matter of grave concern to the people of the area.

MR J.A. McGINTY (Fremantle - Minister for Health) [9.36 am]: I will deal with the issues that have been raised by the member for Warren-Blackwood, and I thank him for his grievance. The first point I need to make is that Bunbury Regional Hospital has four after-hours nurse coordinators. It is proposed that those administrative positions be abolished and those staff be employed in the emergency department to ensure there is a transfer from administrative positions to service delivery positions. We want to use those four after-hours nurse coordinators to upgrade the nursing firepower in the emergency department of the hospital rather than have them fill administrative positions. These nurses currently, with penalties, earn $90 000 a year. We believe it would be far better to use them to meet the clinical needs of patients who present at the hospital than occupy what are, in substance, administrative positions. I emphasise that no nurses will lose their jobs as result of that transfer from an administrative position to the emergency department to provide direct patient care.

The second point that has been raised is the proposal to reduce from 17 to seven the number of health service managers, or directors of nursing as they have been more traditionally known. Again, the same principle underpins that proposal; namely, we want to ensure that those senior people are available to provide direct patient care rather than fill administrative positions. What is being proposed in the south west - and what is currently being consulted about, and what people are reacting against - is a proposal to consolidate these positions in the south west area into seven regional directors of nursing rather than have one director of nursing for each health establishment. As the member for Warren-Blackwood would be aware, some of the health services in the south west are very small and provide services to a limited number of inpatients. For instance, I think it is true to say that the hospital in the member's own area of Pemberton is small. Whether we need one director of nursing for a small facility such as that or whether we can have one director of nursing to cover that region and each of the facilities in that region is, I believe, worthy of consideration in order to free up funds that can be used on direct patient care. If I can use the example of the member's own area of Pemberton, what is proposed is that instead of having three positions of health services manager or director of nursing - one for Manjimup, one for Pemberton-Northcliffe and one for Walpole - there will be one director of nursing covering the three facilities. That will still leave in each of those facilities a senior nurse; however, that nurse will not be a health service manager. What is proposed at Pemberton is that the person who is currently the health service manager will in future spend four days a week providing direct patient care in a clinical capacity, and one day a week on administration, reporting to an area director of nursing or health service manager. It is proposed in each of those areas that a number of hospitals or health services will have a common director of nursing covering each of them.

Mr P.D. Omodei: Will those nurses be expected to do in one day the administrative work that they are now doing five days a week?

Mr J.A. McGINTY: The question is whether there was ever, in reality, a full-time director of nursing in that position. I expect that those nurses are already doing a certain amount of clinical work. The position should reflect that reality. We want to achieve better utilisation of staff, greater service delivery and less administration. We want fewer administrative positions and more people delivering clinical services on the ground. That is the principle that underpins this proposal. I can understand that there would be some reaction to a significant change in the way in which services have been delivered. However, in my view it is a sensible proposal from the point of view of service delivery on the ground, because the one thing the health system is frequently - in fact, incessantly - criticised for is that it is top heavy with bureaucracy and does not have enough people on the ground to actually deliver services. I must say that it is more profoundly the case in Perth than it is in the country.

Mr B.K. Masters: I am glad the minister said that.

Mr J.A. McGINTY: It is profoundly the case. The number of bureaucrats and the growth in the number of bureaucrats and clerical positions in the head office and the hospitals is something we want to reverse so that we have a lean administration and, if anything, a fat service delivery in order to meet those needs. That is the principle that underpins this.

Mr R.F. Johnson: Too many chiefs and not enough indians.

Mr J.A. McGINTY: That is the problem we have at the moment and that is what this proposal is designed to achieve. We want to try to turn that around. In a nutshell, we currently have 17 health service managers and we propose to reduce that number to seven.

In the brief time available left to me I make the point that I am concerned about what is happening in the south west. It is the only area in the State in which the pressures on nurses are bubbling over. It has not happened in the metropolitan area. Metropolitan nurses and nurses in the north west, the great southern and other areas are all working under enormous pressure. It is bubbling over in the south west because there is a particular problem that we need to focus on. That is why my chief of staff spent some time earlier this week in the south west trying to get a good handle on exactly what is happening and where things are heading.

I make a couple of quick points. First, as part of the total health budget, the budget allocation to country health services has increased by 19.12 per cent for the three years from 2000-01 to 2003-04. That is a very significant increase. Secondly, we are appreciating nurses more. I am talking about changes in the administrative positions of some nurses in the south west. That is the reason that the Government took the unique step of writing to every nurse acknowledging the workload issues they face and giving them, without qualification, a 3.4 per cent pay rise with effect from 1 May. The reason we did that was to show that we valued the nurses. We wanted them to know that they were recognised. That formed the basis upon which the Government was going to enter into the EBA negotiations.

KALBARRI POWER SUPPLIES

Grievance

MR J.P.D. EDWARDS (Greenough) [9.42 am]: My grievance is to the Minister for Energy. I remind the minister that this is the fourth time in two years that I have raised this issue. The other occasions were 18 March 2003, 20 March 2003, 18 September 2003 and 23 October 2003. I am talking about the issue of power supplies to Kalbarri, which is in my electorate, and other issues pertaining to power supplies. The minister will obviously have read the front page of today's *The West Australian* and the article relating to this matter. I note that the Office of Energy Safety has criticised Western Power for not being able to supply power to residents of that northern area. I do not think anything has been addressed by either the minister or Western Power since I last raised this issue. I am interested to hear his comments about whether he believes anything has been addressed. I need to enlarge on some of the problems and the effects they are having on the residents of Kalbarri and the general community. It is obviously not good enough to have three weekends in a row without power. Power has been cutting out at different times without any warning or advice. That affects airconditioners, televisions, cooking appliances and other essentials that people in Perth take for granted. People are at their wits' end. A residents' crisis meeting has been held. One of the most vocal complainants is a former Victorian ALP member of Parliament, Mr Jack Simpson. I have no doubt that he has rung the minister.

I am informed that blackouts have occurred over the past three weekends. On one occasion it was for three hours, for another it was five hours and, last weekend, it was for between 10 and 12 hours. As a result, food has gone rotten in domestic fridges and freezers. That does not take into account the commercial fishing industry, which has to run chillers and freezers for the fish catch. The other side of that is what happens when power is restored. If the owners of shops or retail outlets that use chillers or freezers are not on site when the compressors start up again, it is usual for them to start together, resulting in burnouts because of too heavy a power load going through the compressors. I am aware that one cafe owner had to pay $1 100 for replacement and repairs. I am also aware of a local tourist operator who had to spend $4 000 on repairing a computer damaged by a power surge. I am advised by local real estate agents that the problem is having a very negative effect on house and land sales in the Kalbarri region because people do not have confidence in the power supply to Kalbarri. Those are just some examples of problems that the Kalbarri community has to put up with. Quite honestly, in this day and age, it is not good enough, particularly for such a thriving and growing resort community as Kalbarri. It is a third-world service. People deserve better and they expect better. Kalbarri is a tourist destination with restaurants, caravan parks, holiday accommodation and resorts that bring in a fair amount of taxation revenue to the Government.

I will move quickly to another issue. Pole top burnouts occurred in the past week in the regions of Ajana, Binnu and Ogilvie, all of which are in the shire of Northampton. I understand they were caused by damp weather. I am led to believe that Western Power usually coats the insulators with silicon every seven years. That was not the case last time; they were not given a silicon coating. That makes them more vulnerable to damp weather. However, I acknowledge the hard work and effort put in by the repair and maintenance crews of Western Power. They obviously do the very best they can with the conditions and resources they have. It is a pity their dedication is not matched by the minister and the powers that be in Western Power. I offer a suggestion to the minister for the problem in Kalbarri. A wind and diesel generator has been put in place in Bremer Bay to provide power for that community. Perhaps over the next few months that is something that could be assessed or given thought for inclusion in the upcoming budget for Kalbarri. It might be possible to run a generator from natural gas. Kalbarri is only 60 kilometres away from a gas source. The community is looking for a lead from the Government to achieve a better power supply. The community is fed up to the back teeth with what it has. This has been an ongoing problem for a very long time and people expect something to be done about it. I am most interested to hear the minister's comments on this. I hope I do not have to speak again in the next six months and repeat what I have said today.

MR E.S. RIPPER (Belmont - Minister for Energy) [9.47 am]: I also appreciate the work done by Western Power crews. I have been advised by the member for Geraldton how well those crews work and their dedication in dealing

with faults as they arise. Nothing that is said here should be taken in any way as criticism of the work done by Western Power's linesmen and other workers involved in fixing these problems.

I will provide some background about Kalbarri. Power is delivered to Kalbarri by a single feeder line from Northampton. It is at the extreme northern point of the south west interconnected system. There is no means of connecting the town site to other areas of the network, which would assist in restoring power supplies when there are impacts on the supply line from Northampton. I am advised that the reliability of the power supply for the Kalbarri region was relatively stable until about three weeks ago when a recurrent problem developed in the Kalbarri substation. Power was interrupted on two consecutive Saturdays during the late afternoon, affecting between 600 and 700 homes in the town site for between two and a half and three and a half hours. Some customers experienced a total loss of power while others experienced partial power. The cause of the problems was not immediate, so monitoring equipment was installed to determine the cause. Following this, on Monday, 5 February, there was a recloser trip at approximately 6.00 am, followed by a loss of power to all customers north of Northampton at 7.15 am. Two pole-top fires on the feeder line between Northampton and Kalbarri caused these outages. I will not go on and detail what happened in the rest of the interconnected system. However, when power was restored at 12.05 pm, the inrush of current caused a recurrence of the problem at the substation and power failed again after six minutes. Supplies were completely restored at 3.30 pm. Clearly, the residents of Kalbarri have had a bad experience with the reliability of their power, particularly in the past three weeks. I sympathise with the residents of Kalbarri for what they have experienced as a result of the substation problem, the pole-top fires and the combination of the pole-top fires and substation issues that caused yet a further problem.

I have some good news for the residents of Kalbarri. Western Power has since identified the problem at the substation and has taken immediate action to ensure it does not recur. As a long-term solution, Western Power will install additional auto-reclosers with remote communication links. These pieces of equipment have been ordered and should be installed within two months. They will provide significant improvements to Western Power's ability to operate the network effectively and efficiently.

Overhead power lines in the Kalbarri town site were silicone coated last year to minimise the likelihood of pole-top fires, and this has been effective. The two pole-top fires on Monday, 5 April occurred outside the town on the feeder line north of Northampton. The silicone coating on sections of that line has reached the end of its useful life and the line will be recoated with silicone in the coming year. The problems in Kalbarri in the past few weeks are not related to the issues that affected the town last summer. The affected equipment that caused the problem last summer was silicone coated and has not been a problem since.

I make two points. First, Kalbarri residents have experienced a difficult period, and I sympathise with them. Secondly, Western Power has taken significant preventive action, which it advised me should result in an improvement to the reliability of Kalbarri power supplies. Thirdly, there is more risk to the reliability of the power supply in a town that is at the far extreme of the south west interconnected system and is served by a single feeder, because power cannot be switched into that town site from an alternative feeder. Kalbarri, therefore, has a problem. Ravensthorpe has a similar type of problem, as it is also at the end of a very long feeder.

Bremer Bay, which is also at the end of a long, single feeder, has experienced reliability problems. The solution at Bremer Bay has been to install diesel generators. In due course, there will be a wind turbine at Bremer Bay, which will be integrated with low-load diesel generators using unique Western Power technology. Western Power is also working on a technical solution for Bremer Bay, using a gate to allow Bremer Bay to maintain its connection with the grid. If the grid fails, the diesel and the wind power will come in. There have been problems in the past with diesel or wind-powered generation at the end of a long feeder line while maintaining connection with the grid. Western Power is working on a technical solution to that problem that will allow grid power to flow when convenient, and not otherwise. It is possible that such a solution, if it is successful at Bremer Bay, could be an option for other towns at the end of the grid. There would then be questions of investment priorities. Obviously we would not be able to immediately deal with all the towns that might put up their hands for the Bremer Bay solution, if that solution turns out to be technically effective. In making these remarks, I have no idea whether Bremer Bay and Kalbarri are strictly comparable. As a lay person, they appear to me to have some similarities. I can ask Western Power whether the Bremer Bay solution, if ultimately technically effective, could apply in principle to Kalbarri.

In the meantime I say this: there are too many pole-top fires, but the number is coming down. The power system is an ageing network and needs significant investment. However, Western Power has trebled the amount of money being spent on distribution maintenance. There is some good news for Kalbarri, but there is still a lot of work to be done.

TONKIN HIGHWAY, EXTENSION BEYOND THOMAS ROAD

Grievance

MR M.P. WHITELY (Roleystone) [9.55 am]: My grievance is directed to the Minister for Planning and Infrastructure. It relates to the need to extend Tonkin Highway beyond Thomas Road for vehicles to get around the back of Byford to relieve traffic pressures on Byford once Tonkin Highway reaches Thomas Road in 2006, which I

believe is the predicted date. Before I talk about that extension, I must say that the Tonkin Highway project is very welcome in the south east corridor. The extension of Tonkin Highway from Albany Highway in Gosnells to Armadale Road by 2004 and then on to Thomas Road by 2006 is an excellent outcome for the south east corridor. People in the minister's and my electorates in suburbs such as Kelmscott, Armadale and neighbouring suburbs such as Roleystone and Bedfordale will benefit enormously from heavy freight and vehicle traffic movements being moved off Albany Highway. The people of Roleystone will also benefit, as more heavy vehicle traffic will be diverted to Canning Road, Welshpool Road and Tonkin Highway, rather than through Roleystone on Brookton Highway. That is a very welcome innovation.

However, I am concerned about the effect on Byford. There will be some immediate benefits. The section of South Western Highway between Byford and Armadale will be less busy; residents in both our electorates and Byford will benefit from that. My concern is that southbound traffic on Tonkin Highway will have to turn left at Thomas Road, head towards South Western Highway, turn right into South Western Highway and go south through Byford. That is unsafe. It will split the town and destroy the amenity of Byford. The town centre of Byford is basically spread either side of South Western Highway. That is an undesirable outcome for the people of Byford.

Tonkin Highway must be extended beyond Thomas Road. The original plan of the Court Government was to extend Tonkin Highway south beyond and around the back of Mundijong and connect it with the South Western Highway at Jarrahdale Road. The intention of the Court Government was to eventually turn Jarrahdale Road into a southern link road. As the minister knows, and as I have said in this place before, this Government gave a commitment, which it has honoured in full, that no part of Jarrahdale Road west of Blue Rock would be incorporated into a southern road. That means that this plan is redundant, and a good thing it is too, because it was simply a more expensive and less attractive option.

The minister set up the great southern and central wheatbelt freight study and appointed a steering committee to oversight that study. The committee comprised metropolitan local government representatives from Armadale, Serpentine-Jarrahdale and Kalamunda; country local government representatives from Broomehill, Murray, Boddington, Beverley and Wickepin; representatives from the Western Australian Local Government Association; representatives from the Department for Planning and Infrastructure; and me. The committee worked through a very constructive and consensus process and came up with some very good conclusions that will benefit both freight transporters and the outer urban communities that I have talked about. It was a series of win-win solutions. The specific win-win solution to which I refer is the extension of Tonkin Highway beyond Byford so that it will veer to the South Western Highway somewhere near Orton Road and link with a future southern link road, if it is ever built, using the haul road options north of Jarrahdale and incorporating part of Nettleton Road. This is a win-win situation for the people of Byford as it would take the heavy traffic from the town centre, and benefit the people of Jarrahdale as it would remove the threat of a future southern link road that would destroy the amenity of that community. It would also be a win for the freight transporters because the Tonkin Highway route is shorter than alternatives to the majority of destinations towards Kwinana and the outer harbour and points north to Kewdale. That would be a win for the majority of freight transporters. This proposal would certainly be a win for the Government, which would have spent bucket loads of money building Tonkin Highway to Mundijong unnecessarily. Mundijong would benefit because it would not have a heavy freight route and the associated traffic noise around the back of Mundijong.

The steering group recognised that the planning for the southern link road needed to be integrated into this planning. The southern link road is a long-term strategy. This plan interconnects a sensible route for the southern link road and a sensible route for the Tonkin Highway. The extension of Tonkin Highway beyond Byford is a short-term priority identified by the steering committee.

It is recognised that money is tight. The extra expenditure with this proposal would be in the order of $20 million, but that is opposed to the $50 million to $60 million that would eventually be spent on the longer and less effective Mundijong and Jarrahdale Road option. The route would be a win for Byford in taking heavy traffic from the town. It would be a win for Jarrahdale as it would remove the threat of the southern link roads. It would be a win for freight transporters as it offers a shorter route, and it would be a win for the Government. I know the minister has a great capacity to see the long-term impacts of her decisions. She is a very visionary minister. This option will save the Government enormous amounts of money. I would like to hear the minister's thoughts on the subject.

MS A.J. MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [10.02 am]: I thank the member for the grievance and the very positive contribution he made to the great southern and central wheatbelt freight study. It is important to talk about this matter in its broad context. Before the last election, the Labor Party was opposed to the construction of the Jarrahdale Road option. The idea of a southern transport link dissecting that historic and beautiful town site was very ill-conceived. The Government was very pleased to be able to give effect to its election commitment and provide certainty to the people of Jarrahdale that that would not happen. The decision of the previous Government to locate the southern link road through Jarrahdale arose from a much bigger failure, which this Government has attempted to address. First, it is necessary to integrate land use and transport planning. It is not appropriate to have an agency focusing only on roads and moving freight from point A to point B in a defined manner while leaving all in its wake and creating all sorts of consequences for land use planning and the communities affected by its decisions. The

creation of the Department for Planning and Infrastructure, bringing the planning of roads into that agency and integrating it with all land use and other modes of transport, has been an important strategic position. The State is now in a better position to undertake the sort of detailed work taking place in the community. The great southern and central wheatbelt freight study has been overseen by the Department for Planning and Infrastructure, with the involvement of the local authorities and the good member.

Second, a very holistic view is needed of freight movements, and long-term and strategic planning is required. That has been done with the freight network review, and the report under discussion is a subset of that network review. What will the picture be over the next 10 to 20 years? Instead of saying that we will build a road designed 30 years ago, consideration will be given to changes in exports and imports and direction of traffic, and adjusting our plans accordingly. This involves an integrated approach.

This study produced a range of recommendations, although it has yet to be finalised. I understand the member has particular interest in talking about the proposal for the extension of Tonkin Highway. Everything I have read on this proposal to move the southern link road - even though it is recognised as a long-term need - further north and out of Jarrahdale Road and link it to a different configuration of Tonkin Highway has been positive. Rather than taking the highway to Mundijong, the next stage of Tonkin Highway will be to take it from Thomas Road down to Orton Road and then across to South Western Highway. A number of benefits are involved. It would create a good separation of the Byford town site, and provide an opportunity for condensing and provide a framework for the rural urban village of Byford. It would provide relief for Thomas Road. The cost of the extension of Tonkin Highway down to Mundijong may be more than the $50 million or $60 million the member suggested. The project was getting difficult to schedule in the short term. The option outlined by the member will involve a somewhat more modest cost. The figure of $20 million is probably current, but it does not include some considerable costs in land acquisition. Therefore, it might be more in the order of $25 million or $30 million.

Looking at time frames referred to in the study, 2008 is realistic. Therefore, some traffic will come down Thomas Road in the short term. It was always known that some delays would be involved between the first and second part of the project. Byford will undergo a fairly significant expansion over 2006-07. It is then appropriate to schedule this alternative road for 2007-08. I am very happy to give an in-principle commitment to this realignment. It makes sense. I give a pledge to do what I can in next year's budget deliberations to raise this project with a view to having it in the forward estimates and a commitment for construction somewhere around 2007-08. I know that some members would like to see that provided earlier, but one must be realistic about the many competing demands. When people understand that the current Tonkin Highway project involves a cost in excess of $140 million, there is vast appreciation in the area that the Government has given a major infrastructure boost to the south east corridor with that extension. I am sure a little patience will be shown if the next phase is a little further away.

I thank the member for Roleystone, the Department for Planning and Infrastructure and all the shires for their excellent work in getting the strategy together.

The DEPUTY SPEAKER: Grievances noted.

OCCUPATIONAL SAFETY AND HEALTH LEGISLATION AMENDMENT AND REPEAL BILL 2004

Introduction and First Reading

Bill introduced, on motion by Mr J.C. Kobelke (Minister for Consumer and Employment Protection), and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR J.C. KOBELKE (Nollamara - Minister for Consumer and Employment Protection) [10.10 am]: I move -

That the Bill be now read a second time.

This legislation results from a substantial statutory review of the Occupational Safety and Health Act 1984, conducted by Robert Laing, a former commissioner of the Australian Industrial Relations Commission. Mr Laing's report was tabled in this place on 27 November 2002. It is the third, and arguably the most comprehensive, review completed in the history of modern occupational safety and health legislation in this State. Many members will be aware that in 1983 the then Labor Government released a public discussion document outlining proposals for a new legislative approach to occupational safety and health. The approach was based on a system advocated by Lord Robens in a report to the United Kingdom House of Commons in the early 1970s and the principles enshrined in International Labour Organisation Convention No 155. The Occupational, Health, Safety and Welfare Act 1984 was the enabling Act, setting in place a structure that has stood the test of time well. It is indeed significant that this Bill, which seeks to bring the legislation into line with contemporary standards and reflect contemporary workplaces, is being introduced almost 19 years to the day since the tripartite Occupational Health, Safety and Welfare Commission was established on 4 April 1985.

In introducing the Occupational Health, Safety and Welfare Amendment Bill 1987 to this place, the then Minister for Labour, Productivity and Employment, Hon Peter Dowding, indicated that the new framework was expected to foster sharing of responsibility and codetermination of appropriate safety and health issues. He stated -

> In the long term, time lost from work due to injury and disease should diminish . . . In 1984-85, over 31 500 Western Australians were involved in some form of compensable lost time accident at work.

The most recent claim data shows that, in 2002-03, a total of 18 827 Western Australians were involved in some form of compensable lost-time accident at work. In the years since the legislation first came into effect in 1988-89, we have had reductions of over 60 per cent in both the incidence and frequency rates of lost-time injury and disease in Western Australian workplaces, along with a drop of over 55 per cent in the incidence of traumatic work-related fatalities. These reductions stand in stark contrast to the predictions of those who opposed elements of the original Bill. For instance, the then Liberal member for Kalamunda, Ian Thompson, said in the second reading debate on 26 May 1987 -

> I am not convinced that the passage of this legislation will significantly reduce this incidence. I am not too sure that all that many unsafe situations exist in industry at the present time.

The overwhelming statistical evidence demonstrates the huge improvements in occupational safety and health flowing from the 1987 Act and totally refutes the false claims of the then Liberal Opposition. However despite the success of the Act, there are some sobering realities. As more people move into non-traditional forms of employment, including casual work, labour hire or self-employment, increasing numbers of people fall outside the coverage of the workers compensation system. Problems of incomplete data and information about the true state of workplace injury and disease continue to result in a substantial gap in our knowledge and detract from the original aim of having one piece of legislation to cover all workers in all workplaces. Nonetheless, the knowledge we do have indicates that, on average, every 16 days one Western Australian is killed in the course of his or her employment as the result of a traumatic incident, and approximately every 25 minutes one Western Australian is injured at work to the extent that he or she requires one or more days off work. I referred earlier to the most recent figures, which indicate that almost 19 000 lost-time workers compensation claims were lodged in Western Australia in 2002-03. When one considers that the average cost of a lost-time claim is in the vicinity of $17 000 and the average duration of a claim is almost 60 days, it effectively means that more than one million days are lost each year in WA as a result of workplace injury and disease. The social and economic cost of such time lost is something no community can afford to ignore, regardless of one's philosophical perspective.

In his review, Mr Laing made 107 recommendations for improving the operation of the Act and the two key government bodies associated with it: the Commission for Occupational Safety and Health, formerly known as the WorkSafe Western Australia Commission, and the WorkSafe division of the Department of Consumer and Employment Protection. Among the key recommendations were suggestions regarding refinements to the general duties to effect better coverage of the work force, empowerment of safety and health representatives, and the need to increase penalties, along with the introduction of a range of non-monetary sanctions. In this context it is worth reflecting on the three main issues of contention that arose from the 175 formal written submissions to the 1983 discussion paper. These related to the rights, functions and responsibilities of safety and health representatives, procedures by which inspectors would be able to issue improvement and prohibition notices, and qualification of an employer's duty of care.

As we move into a new era of occupational safety and health in Western Australia, we are again focusing on the rights, functions and responsibilities of safety and health representatives along with how best to articulate the duty of care principle that underpins the legislation to ensure it can accommodate a myriad working arrangements that were not such a feature of our landscape in the 1970s and 1980s. The critical difference is that we are now acting with the benefit of some 15 years of experience that has clearly demonstrated that despite the predictions of some doomsday prophets, the sky has not fallen in and the benefits of allowing those in the workplace to take charge of their own safety and health issues within a consultative framework are clear for all to see. At the risk of sounding trite, it could be said that we are past those difficult adolescent years, the system has matured and the parties within the system have demonstrated they are clearly capable of accepting a shared responsibility and a codetermination of safety and health issues. As regulators, we are looking to take the next step and allow the parties in the workplace the independence and autonomy that goes with that maturation. Of course there will always be exceptions to the rule, hence the need for some checks and balances to temper any notion that rights are given without any corresponding sense of responsibility.

Review of the Occupational Safety and Health Act 1984: Section 61 of the Occupational Safety and Health Act 1984 requires the responsible minister to undertake a review of the operations of the Act every five years and to table a report on the review in the Parliament. In January 2001, the most recent review of the Act commenced under Senior Commissioner Gavan Fielding of the Western Australian Industrial Relations Commission. The process was completed by Robert Laing upon the retirement of Senior Commissioner Fielding. Consultation was extensive, with an initial public comment period followed by an opportunity to comment on a draft of Mr Laing's report. In addition to written submissions, Mr Laing met with a wide range of stakeholders including union officials, employer representatives, government agencies and industry bodies. Fifty-eight written submissions were initially received, with a further 29 written submissions received in response to the release of the consultation draft report. Importantly, Mr Laing noted

widespread support for the existing legislative system to be retained, with not one respondent suggesting that the current structure should be disbanded. There was, however, a cautionary note in the sense that the legislation, although sound, had not achieved intended outcomes, with relatively few workplaces having effective systems for safety and health. Mr Laing referred to the advice he provided in his 1992 review of the legislation, through which he urged employers and employees to accept that ultimately they are responsible for their actions in the workplace and that safety and health can be improved only by action in the workplace. Robert Laing's summation of the current state of play with regard to occupational safety and health in the most recent review is that -

> . . . while there has been an ongoing and significant reduction in workplace death and injury over a number of years, unless there is a new approach and new vigour, there is a prospect that workplace injury and death will plateau; and despite the present positive statistical trends there could be a turnaround and the incidence of workplace death, injury and disease could again begin to rise.

This represents a wake-up call to us all. The significant gains that have been made and the goodwill that has prevailed may themselves be at risk unless we reinvigorate the process and recommit to the fundamental principles that underpin our system of occupational safety and health in Western Australia. This is precisely what the amendment Bill being introduced today is about. Mr Laing simultaneously conducted a review of the Mines Safety and Inspection Act 1994, reporting in January 2003. Many of Mr Laing's recommendations were common to both reports. Amendments to the Mines Safety and Inspection Act 1994 will be introduced into this place at a later date; however, care has been taken in drafting to retain the parallel nature of the two Acts.

Key Elements of the Bill: For the most part, the changes to the Occupational Safety and Health Act represent a strengthening or improvement of existing provisions. Nevertheless, the proposed changes are significant, expanding the potential application of the Act and broadening some of the existing duties. The changes outlined in the Bill deal with a range of matters, including -

> expansion of the general duties of care, largely to close the gaps, particularly in the labour hire industry;
>
> substantial increases in penalties, particularly for corporations, including provision for imprisonment in cases involving serious harm or death when the breach constitutes gross negligence;
>
> new provisions enabling prosecution action to be taken when offences relate to government agencies;
>
> more flexible processes for the election of safety and health representatives and the establishment of safety and health committees;
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> introduction of the right of appropriately trained and accredited safety and health representatives to issue provisional improvement notices, which will be commonly known as PINs;
>
> establishment of the Occupational Safety and Health Tribunal, under the auspices of the Western Australian Industrial Relations Commission, to hear appeals and related matters, including questions of entitlement to pay and conditions; and
>
> establishment of the Mining Industry Advisory Committee to advise and make recommendations to the minister responsible for the Mines Safety and Inspection Act and the minister responsible for the Occupational Safety and Health Act as well as the commission. This body will replace the existing Mines Occupational Safety and Health Advisory Board, MOSHAB, established under the Mines Safety and Inspection Act, and has the specific capacity to inquire into and report to both ministers on any matter referred to it by the ministers.

In general terms, the changes are designed to clarify existing ambiguities and take occupational safety and health legislation to a new plane, albeit one that is very much in keeping with the philosophical position that those at the workplace are best placed to deal with safety and health matters affecting that workplace.

Although many recommendations arising from the review, and subsequently reflected in the Bill, received tripartite support from the Commission for Occupational Safety and Health, some issues, particularly those around the issues of penalties, powers of safety and health representatives and the establishment of a safety and health tribunal, were not supported by employer parties. Nonetheless, the Government, on balance, has determined that the interests of occupational safety and health in this State will be best served by proceeding along the lines advocated by the Laing report.

General duties and coverage of the Occupational Safety and Health Act 1984: Although Mr Laing recommended no fundamental changes to the general duty of care provisions, he identified a number of areas in which the existing duties are limited, consequently allowing persons who should have some responsibility for occupational safety and health matters to avoid that responsibility either entirely or under some circumstances. These matters are addressed in part 2 of the Bill. The primary example is the rise in recent years of alternative working relationships that do not necessarily involve a traditional employer-employee relationship. The most prevalent of these is labour hire, whereby the worker is employed by the labour hire organisation, yet works for a host or client without having a direct contract with that person. Duties by the client are limited to the duty not to harm a non-employee, and if the client is a corporation without any employees, the corporation presently escapes any responsibility at all.

Section 21 of the Occupational Safety and Health Act imposes a duty of care on employers and self-employed persons towards persons who are not their employees but who may be adversely affected by the work. The Bill deals with some existing ambiguities about the application of section 21 and ensures its application in situations in which work has ceased - for instance, when a structure collapses after it is completed - or harm arises from an inadequacy in the system of work.

A new provision introduces a limited duty of care on employers to ensure that certain types of residential premises provided in connection with work are safe. This change addresses a real concern: currently under the Act, employees have no protection if they are provided with unsafe accommodation, particularly in remote locations. The provision applies only when no alternative accommodation is available, the accommodation is outside a city or town and no lease is involved. A consequence of this change is the repeal of an outdated and prescriptive piece of legislation, the Shearers' Accommodation Act 1912, which is inconsistent with modern day general duty of care style occupational safety and health legislation. The Shearers' Accommodation Act has proved to be a particularly ineffective enforcement tool in addressing unsafe accommodation.

Penalties and sanctions: Part 3 of the Bill deals substantively with penalties and sanctions under the Act. It establishes a new penalty regime that is structured, providing a clear indication to the courts that the penalties should escalate in accordance with the seriousness of the offence. The new regime is characterised by significant increases, particularly in relation to bodies corporate; higher penalties for repeat offences; and new offences of causing death or serious harm through gross negligence, attracting high penalties, including the option of imprisonment. In addition, a new sentencing option will be made available to the courts for certain lesser offences by the introduction of enforceable undertakings.

Current penalties under the Act are set at a maximum of $200 000 for a general duty of care breach by a non-employee, whether a corporation or an individual, that caused death or serious injury. The highest penalty ever awarded under these provisions was $75 000 in 2003. Most penalties awarded under these provisions have been substantially lower, prompting Mr Laing to describe the level of penalties as manifestly inadequate.

Unlike in many other jurisdictions, the Act currently does not provide a separate level of penalties for corporations. Further, section 54AA of the Occupational Safety and Health Act exempts that Act from section 40(5) of the Sentencing Act 1995, which provides that when a statute does not specifically provide for a body corporate, the maximum penalty to which a convicted body corporate is liable is five times that which could be imposed on a natural person for that offence. The Bill provides that a corporation convicted of the most serious offence will attract a maximum penalty of $500 000 for a first offence, two-and-a-half times the current maximum for any offence under the Occupational Safety and Health Act. A subsequent offence will face a maximum penalty of $625 000.

It was the current Opposition that, in 1995, initially recognised the inadequacy of penalties, effectively overseeing a fourfold increase in the maximum penalty under section 19. Unfortunately, these new maximum penalties did not translate into higher penalties being handed down by the courts. Notwithstanding that the 1995 amendments introduced new offences in cases in which particular contraventions resulted in death or serious harm, it is difficult to detect much difference in sentencing between these more serious offences and less serious breaches of the general duties of care when no serious harm results, or even some of the earlier penalties awarded for serious cases when the maximum penalty was only $50 000. The notable exception was the $75 000 penalty awarded in 2003. Although the Government recognises the independence of the courts, and accepts that each penalty handed down reflects a range of factors pertinent to the particular case, it is the role of the Government to ensure that legislation delivers what was intended and, importantly, keeps pace with community attitudes. There is no doubt that breaches of occupational safety and health laws resulting in death or serious harm are regarded seriously by the community. The Government shares this view. To act as an effective deterrent to others, the penalties imposed must be more than a slap on the wrist. Mr Laing also recognised these issues and recommended that increased penalties under the Act should include imprisonment for serious offences involving gross negligence resulting in serious injury or harm.

By increasing the maximum penalties under the Act, the Government is signalling its view that the penalties awarded must be sufficiently high to deliver both punishment and general deterrence. The new regime has a clear structure of escalating penalties, with the top two tiers occupied by breaches that result in death or serious harm. These are regarded as the most serious offences and offenders should be sentenced accordingly. The highest penalties applicable under the new penalty structure relate to general duty of care breaches involving gross negligence. "Gross negligence" is defined in terms of knowledge that the breach was likely to cause death or serious harm, disregard of that likelihood, and the fact that the contravention did cause such death or serious harm. In addition to higher monetary penalties for offences involving gross negligence, the option of imprisonment is included when the offender is an individual, and not an employee. In the case of offences by corporations, individuals also may be pursued when the offence occurred with the consent, connivance or neglect of a director or officer of the body corporate, and the imprisonment option may apply to that individual. As the Western Australian legislation already makes a distinction between general duty of care breaches and those that result in death or serious harm, Mr Laing's recommendation has been readily incorporated into the proposed new structure through the addition of a new tier. The increased penalty for subsequent offences, set at 1.25 times the maximum for the first offence, has been dealt with in the same way.

The other significant change is the introduction of non-monetary penalties in the form of enforceable undertakings. Under these proposals, the court has the discretion to make an order allowing the offender to elect to either pay the monetary penalty or, as an alternative, enter into an undertaking with the commissioner to undertake specified action. This might include taking steps to improve occupational safety and health in a particular context and/or remedying or publicising details of the offence or punishment imposed. Such provisions offer an important degree of flexibility to the court and can work effectively to redress offending behaviour. The monetary value of the undertaking would be roughly equivalent to the level of penalty. Failure to comply with an undertaking by the due date will be an offence, and, if convicted, the offender will be required to pay the original penalty as well as a further penalty for a new offence.

Above all, the Government is keen to send a very clear message about the seriousness with which it views offences against the Act. The changes provide for a greater capacity to act when culpable behaviour leads to serious injuries or fatalities, provide increased flexibility, bring penalties into line with other jurisdictions, and more closely reflect community expectations that people have a fundamental right to a safe work environment in which hazards and risks are eliminated or at least managed. The Government is also sending a clear signal to the courts regarding the importance of occupational safety and health. The Laing report itself acknowledged that increasing maximum penalties in isolation would not, of itself, achieve significant changes in behaviour. However, when coupled with other initiatives to change behaviour, increased maximum penalties can be effective.

The point is made that those who take their occupational safety and health responsibilities seriously have nothing to fear from the proposed reforms. It is likely that the changes in penalties will encourage employers who presently fail to give due attention to health and safety to evaluate the cost of not implementing safe systems of work. The prospect of imprisonment when gross negligence is proved in circumstances of fatality or serious injury is a cost that may cause them to adjust their behaviour accordingly.

Criminal proceedings against the Crown: Notwithstanding that section 4 of the Occupational Safety and Health Act binds the Crown, there has been an argument that prosecution of government agencies is precluded unless the Act specifically provides for it. Although the Government recognises that action against the Crown may be viewed as largely symbolic, it is of the view that government departments and agencies should be under the same safety and health obligations to their employees as other employers, and liable to sanctions for any breach of those obligations. Consequently, the Bill contains provisions modelled on the existing New South Wales legislation. The provisions clarify that the Crown may be prosecuted and that agencies of the Crown may be cited on the complaint, and may defend the complaint.

Safety and health representatives and committees: Under the Act, safety and health representatives have a pivotal role in the identification of hazards in the workplace and in bringing safety and health concerns to the attention of the employer. The Laing report argued that if employee representatives are to be effective and encouraged to take up the onerous obligations associated with the role, it is necessary to give them some authority and empowerment. The changes proposed in this regard unequivocally reflect the fundamental importance of the consultative mechanisms of the Act. Part 4 of the Bill provides that elected and qualified safety and health representatives who have received the required commission-approved training will be able to issue provisional improvement notices when they are of the opinion that a person is contravening the Occupational Safety and Health Act or regulations, or that a contravention is occurring that makes it likely that the contravention will continue or be repeated. A PIN is similar to an improvement notice issued by a WorkSafe inspector, except for its provisional nature. It will require the contravention or likely contravention, or the matters or activities occasioning the contravention or likely contravention, to be remedied. PINs will include the capacity to state the measures to be taken to remedy any contravention, likely contravention, matters or activities to which the notices relate by referring to any code of practice or offering a choice of ways to remedy the contravention, likely contravention, matters or activities. Prior to issuing a PIN, a safety and health representative will have to consult with the person to whom the notice is to be issued on matters relevant to the breach and, where practicable, consult other safety and health representatives at the workplace. An employer to whom a PIN has been issued may request a WorkSafe inspector to attend the workplace. Inspectors are to attend the workplace as soon as practicable and will be able to affirm, affirm with modifications, or cancel the PIN. Misuse of the power to issue a PIN will be dealt with by the existing sanctions in the Occupational Safety and Health Act for the misuse of a safety and health representative's powers, which includes the potential for disqualification from being a safety and health representative. In addition, should it be evident that the powers are not being used as intended, the Government will have the power to introduce a regulation to require a safety and health representative to consult, under specified circumstances, with a WorkSafe inspector before issuing a PIN.

Existing provisions for review of notices by the commissioner, with right of appeal to the Occupational Safety and Health Tribunal, which was formerly a safety and health magistrate, will remain. It is pertinent to note that a 2002 report by a United Kingdom health and safety inspector into the operation of the provisional improvement notice system in Victoria found that the fears of abuse of the power had proven to be unfounded, with PINs becoming an accepted part of the occupational safety and health system. Importantly, it was suggested that the capacity for representatives to issue PINs provided a genuine opportunity for workplaces to manage safety and health issues internally, without the need for recourse to the regulatory authority. This in turn enabled the regulatory authority to focus on proactive initiatives and/or those employers who did not take their responsibilities under the Act seriously. Although no formal evaluation

of PINs has been undertaken, the anecdotal experience of those jurisdictions that have introduced the system - Victoria, the Commonwealth, South Australia and the Australian Capital Territory - suggests that the notices are used sparingly. They have not been used, as opponents of the system would suggest, as tools of blackmail or industrial weapons. Instead, PINs have assisted in creating a culture in which the safety representative's view is seen as important. As members would be aware, the Occupational Safety and Health Act contains a provision for review of the Act every five years. The provisions regarding PINs will be considered as part of the next such statutory review, providing yet another assurance that there will be appropriate checks and balances in the process.

The Bill also streamlines processes for the election of safety and health representatives and safety and health committees, introduces a much greater level of flexibility in those processes, and provides the administrative foundation necessary to support the introduction of PINs. The Bill clarifies that upon invitation by the employer and employee "consulting parties" in a workplace, an organisation registered under the Industrial Relations Act 1979, including a union, may conduct the election for a safety representative. Matters to be dealt with by regulation include those relating to the training of safety and health representatives. Criteria and guidelines for the accreditation of training providers and the introductory safety and health representative training course are currently being reviewed to accommodate the proposed changes. The Government is of the view that for the system to work to its optimum capacity, training of representatives should take place within three months of election as a representative. Additionally, there will be an explicit recognition that the employee should be free to choose, within reasonable limits, the training course that best suits that individual's needs. In addition to meeting the cost of introductory training, reasonable costs incurred in attending training will be taken to include reasonable travel and accommodation costs. Practicality will prevail. It would not, for example, be envisaged that a representative in a remote or regional location would be entitled to travel to the metropolitan area to attend a course in instances in which such training was reasonably available in or near the remote or regional location.

Support for safety and health representatives will not stop at training. The Government recognises the need for safety and health representatives to be supported in their day-to-day functions through access to timely and relevant information about work-related safety and health matters likely to be encountered by safety and health representatives. Work has commenced on the development of an online database for use by safety and health representatives. Although the initial emphasis will be on access to reliable information, later enhancements will encourage information sharing and increased communication between safety and health representatives.

Safety and health tribunal: The Act currently provides for a number of matters to be referred to a safety and health magistrate for resolution. The Bill reflects the general principle that prosecutions should continue to be dealt with by the courts, while providing that more administrative matters, such as the entitlement of an employee to wages and conditions under the stop-work provisions, and appeals of the commissioner's decisions in relation to reviews of notices, for example, should be dealt with by a specialist safety and health tribunal. Experience has shown that there is unlikely to be sufficient work to warrant the establishment of a separate body. Consequently, part 6 of the Bill provides for the establishment of a tribunal under the auspices of the Western Australian Industrial Relations Commission. It is recognised that employer representatives on the Commission for Occupational Safety and Health are opposed to such a provision on the basis of a concern that occupational safety and health will be undermined in favour of industrial relations matters. Experience has shown that this is simply not the case. From 1988 through to 1995, the Industrial Relations Commission dealt with reviews of prohibition notices and other matters such as entitlements to pay and conditions. Only 62 matters were resolved by reference to the Industrial Relations Commission. In 1995 the regime was changed by the then Government to provide for all reviews of notices to be dealt with by the WorkSafe Western Australia Commissioner, and all subsequent reviews of the commissioner's decisions were to be referred to a safety and health magistrate. Since this change was made, some 16 matters have been dealt with by a safety and health magistrate. The volume of matters pursued beyond review by the WorkSafe Western Australia Commissioner is simply not sufficient to support the concerns expressed. The expected low volume of work does, however, present the Government with the challenge of ensuring that appropriate occupational safety and health expertise is maintained on the tribunal. The 1995 model demonstrates the difficulty of ensuring such expertise across a broad field of candidates. Every magistrate is a safety and health magistrate, and work is not directed to a magistrate on the basis of any particular occupational safety and health expertise. In light of this experience, the Bill provides for the appointment to the Occupational Safety and Health Tribunal of a commissioner from the Industrial Relations Commission who has knowledge of the Occupational Safety and Health Act, and knowledge, or experience in the field, of occupational safety and health. This tribunal member will also perform the normal functions as a member of the commission under the Industrial Relations Act 1979, as well as the specific functions under the Occupational Safety and Health Act. In recognition of the fact that a single commissioner cannot always be available to hear a matter, the Bill also provides for another commissioner to hear matters when the normal tribunal member is away or otherwise unavailable.

Discrimination against safety and health representatives: The issue of how best to protect persons from discrimination, for reasons relating to something they have done in the interests of safety and health, was the subject of consideration during the review of the Act. The Bill contains provisions that give safety and health representatives who have been disadvantaged the right to seek redress through the new safety and health tribunal. Such a right will exist whether or not a prosecution is taken.

Amendments relating to inspectors: The Bill introduces new provisions enabling the appointment of any person employed in the Public Service under Part 3 of the Public Sector Management Act 1994 as a restricted inspector for a specified period. The power to appoint restricted inspectors will provide flexibility to enable public servants with particular skills or knowledge to be utilised for a particular purpose, such as an investigation involving expertise not held by a WorkSafe inspector or the appointment of inspectors from another agency, such as those appointed under the Mines Safety and Inspection Act when that agency has a presence in an area that WorkSafe does not.

Occupational Safety and Health in the Mining Industry: The Bill reinforces the role of the Commission for Occupational Safety and Health as the pre-eminent policy advisory body on occupational safety and health in Western Australia, and, consequently, enhances the commission's role in the mining industry. Representation on the commission is to be amended to provide expressly for representation of the mining industry. In addition the existing Mines Occupational Safety and Health Advisory Board - MOSHAB - established under the Mines Safety and Inspection Act, is to be abolished and reconstituted as a tripartite advisory committee of the Commission for Occupational Safety and Health. Notwithstanding this change, the Mining Industry Advisory Committee will maintain a direct reporting relationship to the minister with responsibility for the Mines Safety and Inspection Act. The mines inspectorate will remain in the relevant department, reporting to the same minister.

Conclusion: In summary, this Bill deals with a number of administrative matters that require clarification, extends coverage to accommodate a range of non-traditional working arrangements that are now very much part of the work context and, most importantly, focuses on encouraging occupational safety and health matters to be dealt with where they best belong - with the individual employers and employees who have to manage and work with workplace hazards. This Bill seeks to establish a fair and workable balance between the interests of employers and employees. Indeed, it has at its heart the philosophy of shared responsibility and codetermination for safety and health matters and of encouraging consultation and cooperation. It has also at its heart an unequivocal commitment to reaffirming and reinvigorating the focus on safety and health at work.

Experience has shown that those who predicted that doom and gloom would result from Robens-style legislation have been well off the mark. Incidence and frequency rates of injury and disease have fallen by over 60 per cent. The "destruction of small business and independent operators" as predicted by the then member for Clontarf, Tony Williams, in May 1987, has simply not happened. According to Small Business Development Corporation figures, the rate of small business growth in Western Australia has outstripped the rest of the nation, averaging more than four per cent per year over the past two decades - hardly a vindication that the original Bill was designed as an "SS master plan for sophisticated socialism", as Mr Williams would have had us believe. The reality is that small business is the lifeblood of Western Australia. No Government would seek to introduce measures that would unnecessarily provide an impost on small business operators. Yet, having seen first-hand the impact of a serious workplace injury or fatality on small business operator, I do not resile from the need to increase awareness of the consequences of not affording a priority to the safety and health of the people in those workplaces.

We will, no doubt, hear once again that woe will be upon us. It is my contention, and certainly the contention of most of those who contributed to the review and subsequent discussions, that our system has reached a stage of maturity at which it can rise to the next level. Although it provides greater autonomy and decision-making capacity at the workplace level, the Bill also takes a balanced approach. For instance, although corporations will face the largest increase in penalties, it will continue to be an offence for employees to expose themselves or others to risks at the workplace. New flexibilities in election processes for safety and health representatives are designed to overcome some of the arrangements that, despite the intent of the Act, are simply unworkable because of the nature of the workplace.

Mr Laing's review, and the subsequent way in which his findings have been generally accepted, provides a strong affirmation for the role of a tripartite policy advisory body such as the commission involving employer, union and government representatives. While such arrangements have been tried and failed in other contexts and in other jurisdictions, the commitment to the process in Western Australia has been nothing short of outstanding. Although not without its challenges, the commission stands united on the benefits of employers, employees and government working together for a common purpose. It is this commitment to a common vision - a State free of workplace injuries and disease - that is beyond dispute. The participatory, workplace-focused approach advocated by Robens to achieve this vision has stood the test of time. The Bill is designed to build on this joint management and employee consultation and cooperation. Both employers and employees have a lot to gain from improved occupational safety and health, and even more to lose if they do not accept the challenge of reducing occupational accidents and disease. This Bill will assist them in that task. I commend the Bill to the House.

Debate adjourned, on motion by Mr A.D. Marshall.

CRIMINAL LAW AMENDMENT (CRIMINAL PROPERTY) BILL 2004

Introduction and First Reading

Bill introduced, on motion by Mr J.A. McGinty (Attorney General), and read a first time.

Explanatory memorandum presented by the Attorney General.

Second Reading

MR J.A. McGINTY (Fremantle - Attorney General) [10.46 am]: I move -

That the Bill be now read a second time.

This Bill contains two important reforms in relation to criminal property. Firstly, it extends the law in the Criminal Code to better deal with money and property laundering crimes. Secondly, it amends the Sentencing Act so that offenders whose assets have been confiscated do not receive lighter penalties due to the fact that their legitimately acquired assets have been confiscated.

With regard to the first important reform, current legislation provides that for a person to commit the offence of property or money laundering, there must be evidence to suggest that the money or property is the proceeds of crime. This means there is no ability to prosecute a person who has money or property which was used or is intended to be used to commit a crime, but which cannot be proved to be derived from crime. This Bill fills the gap in the legislation by extending the law concerning money laundering to include, as an additional offence, being in possession of money or assets that were used or intended to be used in the commission of an offence, regardless of whether any money or assets are shown to be the proceeds of crime.

The proposed changes will mean that under the new offence, the prosecution will not have to prove that any money or property being dealt with was the result of a crime, but the prosecution will have to prove that any money or property was used or intended to be used in connection with an offence. The proposed changes are not aimed at people going about their lawful business, including those who innocently owned or handled property later used in crime. To prevent any abuse of this new provision, the Bill includes a requirement that charges cannot be laid without the written consent of the Director of Public Prosecutions.

All other state and territory Attorneys General support the strengthening of state money and property laundering laws. The Director of Public Prosecutions has also been consulted and supports this Bill. The Government acknowledges the significance of money laundering to terrorist activities and this Bill reflects the Government's commitment to ensuring the existence of an effective national regime to prevent money laundering.

With regard to the second important reform, Parliament was recently informed of concerns about the judicial interpretation of sentencing laws that could enable some offenders whose assets had been confiscated to receive lighter penalties. That is because legitimately acquired confiscated assets were taken into account by the courts as a mitigating factor when exercising their sentencing discretion. The concern is that those offenders who have had assets confiscated could avoid longer jail terms or have their sentences reduced, potentially giving the impression of "being able to buy your way out of jail". It was not intended that the extent of assets confiscated should have a mitigatory effect on the length of sentence or that the court, when sentencing, should take into account how much property can be seized in any circumstance. The purpose of confiscation of proceeds of crime is to ensure that criminals are not unjustly enriched by their criminal conduct, and the confiscation of assets is in addition to any punishment. On the other hand, the purpose of sentencing is to punish the offender, as well as attain retribution and deter others. Hence, the confiscation of assets should not, in principle, be a mitigating factor taken into consideration by the courts in determining length of sentence.

The amendments in this Bill embody the following points: a confiscation order is in addition to and not part of sentence; a sentence must not be reduced because a confiscation order is made; and a discretion is allowed to mitigate sentence if an offender facilitates confiscation of their property. Providing for such discretion will ensure the State retains its capacity to negotiate with an offender or potential offender about pleas of guilty or sentence when there are confiscated assets or confiscable assets involved. Ultimately, allowing discretion in the sentencing process not only reduces the likelihood of differentially unfair treatment of offenders but also enables negotiation of a more effective outcome for the State.

The main benefit of this Bill in relation to sentencing is that it will ensure that the gap that currently exists in the legislation will be closed, and only those who assist in the facilitation of confiscating their assets will feel the benefits of mitigation against sentence. I commend the Bill to the House.

Debate adjourned, on motion by Mr A.D. Marshall.

HEALTH LEGISLATION AMENDMENT BILL 2004

Introduction and First Reading

Bill introduced, on motion by Mr J.A. McGinty (Minister for Health), and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR J.A. McGINTY (Fremantle - Minister for Health) [10.51 am]: I move -

That the Bill be now read a second time.

The Health Legislation Amendment Bill 2004 contains amendments to four health-related Acts. Firstly, this Bill amends the Health Act 1911 to implement a further component of the controls over tobacco smoking in enclosed public places and to address other air quality concerns.

The parliamentary Select Committee on Perth's Air Quality recommended, among other things, that local government authorities should be able to deal with complaints about the nuisance caused by domestic wood fires. Smoke from a variety of sources contributes to the overall reduction in air quality, which can have significant health effects. Domestic chimneys are a cause of part of that problem.

The Health Act 1911 provides powers to deal with nuisances including those caused by smoke from a variety of sources through the issue of abatement notices but not smoke from the chimneys of private dwelling houses. The select committee found that domestic chimneys were a contributor to the deterioration of air quality during the winter months and considered that they should also be subject to scrutiny by local government environmental health officers as a source of nuisance. This Bill will remove the restriction on local governments' ability to respond to complaints and will enable them to issue abatement notices in respect of domestic chimneys from which excessive levels of smoke are being sent out and which are offensive, injurious or dangerous to health. This will enable local government to deal with complaints that are likely to arise as winter sets in.

This Bill will also give effect to a component of the Government's implementation of the review of controls over smoking in public places. While the bulk of the recommendations of the review have been implemented through the Health (Smoking in Enclosed Public Places) Regulations 2003, there were two matters that had to be addressed in the Act itself. The Burswood Casino had a more general exemption for its premises from the bans on smoking that applied to other venues, which had numerous enclosed public areas. While other venues could be limited through the regulations to a maximum of two areas where smoking might still be allowed, that limit did not apply to Burswood Casino. This amendment will remove that limitation on the regulation making power, but the exemption from the prohibition on smoking in enclosed public places will continue in relation to the casino's international gaming room. The Bill also requires a review of the developing smoking controls. The 2003 regulations have provisions to further reduce the number of enclosed areas in which smoking will be permitted at the end of 2006 by limiting venues to a single smoking area from 1 January 2007. This amendment to the Act will put in place an obligation to review the legislation in mid 2007, at which time the question of whether, or for how long, the exemption from the smoking prohibition of areas such as bars, lounge areas, nightclubs should be allowed to continue will be addressed.

Secondly, the Bill amends the Health Services (Quality Improvement) Act 1994 to afford better protection to members of, and other persons associated with, approved quality improvement committees. The purpose of the Health Services (Quality Improvement) Act 1994 is to encourage health services personnel to participate in quality improvement activities that will promote high standards of health care. The Act is intended to provide statutory protection of participants in approved committees in relation to information gathered for the purpose of quality improvement committees and in relation to information and discussions covered in meetings. Approval by the minister of committees that meet the criteria of the Act confers immunity from suit and from being required to divulge information gained in being a member of such a committee. There is a deficiency in the Act in relation to the extent to which the protection is afforded to administrative staff and clinical and other experts who are involved in the preparation and presentation of material for the committees, such as reports and minutes, as opposed to actual members of the committees. This amendment will ensure that the protections and immunities that apply to members of the committees and the information of which they become aware in the course of the committee's examination of issues are also extended to the other administrative and clinical staff who prepare the various documents involved.

Thirdly, the Bill amends the Hospitals and Health Services Act 1927 to ensure the continuation of the collection of public and private hospital data in the light of commonwealth privacy legislation. The Department of Health has been collecting for some decades hospital-related information that is used to plan hospital and health services for the State. It is used for strategic planning, epidemiological research and other administrative purposes. The value of the information collected is recognised by researchers and by other jurisdictions and enables research of health issues and trends over a long term. The information is currently collected from all public and private hospitals. Some doubts have arisen regarding the capacity of private hospitals to continue to provide detailed personal information to the department in the light of the Commonwealth's amendments in 2001 to its Privacy Act 1988. This Act applied controls over the use and disclosure of personal information by private sector organisations, including private hospitals. The commonwealth Privacy Act allows the disclosure of information to third parties, such as the department, in a number of circumstances, the principal of which are with the consent of the client or patient or where allowed or required by law. To ensure that there is no doubt about the obligations and authority of hospitals to pass on information to the department, this amendment will enable the director general to direct hospitals to provide the information to him.

Fourthly, this Bill amends the Queen Elizabeth II Medical Centre Act to address anomalies in relation to the management of Sir Charles Gairdner Hospital that are to be found in the Queen Elizabeth II Health Centre Act and that have come to light since the abolition of the Metropolitan Health Service Board. The Hospitals and Health Services Act provides for the establishment and abolition of hospital boards. The Metropolitan Health Service Board, which from 1997 was the hospital board responsible for all the metropolitan hospitals including the Sir Charles Gairdner Hospital,

was abolished in 2001. Since that time the Minister for Health has been deemed to be the board of all of the hospitals previously administered by that board by virtue of section 7 of the Hospitals and Health Services Act.

The Perth Medical Centre Act 1966, which was later renamed the Queen Elizabeth II Medical Centre Act 1966, established a trust to manage the lands and enabled the establishment of the Sir Charles Gairdner Hospital on the QE II lands. The Act contains provisions that have not been and could not be complied with since 1997. For example, the Queen Elizabeth II Act provides for the appointment of one-fifth of the members of the Sir Charles Gairdner Hospital Board by the Senate of the University of Western Australia. However, from 1997 the Metropolitan Health Service Board was responsible for some 16 hospitals and it was not structured in a manner that could accommodate the university nominees. When the Minister for Health became the managing authority for this and the other hospitals that fell under the metropolitan board in 2001, such nominations could not occur.

The effect of the restructuring of services is that the provisions cannot be complied with. The amendment to the Queen Elizabeth II Medical Centre Act recognises the current situation and renders the provisions for the university involvement in nominating members of the board and other committees ineffective while the hospital is under the administration of the minister or under the administration of a board that is also responsible for one or more other hospitals.

I tabled at the end of last month the report titled "A Healthy Future for Western Australians". The implementation of the Reid report on the State's health system will entail further changes to the management structure of the metropolitan hospital system. The Government has endorsed the establishment of three area health services - North Metropolitan, South Metropolitan and Women's and Children's - as proposed by the Reid report. In accordance with the Reid report, a health reform action plan is currently being prepared. This restructure will mean that Sir Charles Gairdner Hospital will be part of the Northern Area Health Service and, as such, the lack of relevance of provisions of the QEII Act regarding appointments of members of the board by the university will be unchanged.

Each of the amendments in this Bill has an important role to play in the improvement of health and health services in this State. The capacity to deal with excessive smoke from chimneys will reduce the effects on those in our community who suffer from breathing difficulties and allergies. The changes to the tobacco smoking laws will complement the steps already taken to reduce environmental tobacco smoke and its effect on the people who work in, or frequent, the places where smoking is controlled. The clarification of the protections afforded to the members and staff involved in quality improvement committee activities will remove any reluctance to be involved occasioned by the risk that, because of the anomalies in the Act, the information that was thought to be confidential to the committee could be sought and used outside the committee. Finally, the reinforcement of the requirements for hospitals to provide information on patients receiving services in public and private hospitals will continue to contribute to the maintenance of standards, planning of services and research into particular health issues. I commend the Bill to the House.

Debate adjourned, on motion by Mr A.D. Marshall.

ROAD TRAFFIC AMENDMENT (IMPOUNDING AND CONFISCATION OF VEHICLES) BILL 2004

Second Reading

Resumed from 4 March.

MS K. HODSON-THOMAS (Carine) [11.00 am]: As the lead speaker for the Opposition, I indicate that the Opposition will support the Bill. The Minister for Police and Emergency Services introduced this legislation and said that it is designed to target those in the community who continually and blatantly disregard road rules and compromise road safety with reckless and selfish behaviour. Clearly the community that we all represent is fed up with this behaviour and with the total contempt these individuals have for authority and the community in general. The minister, as stated in her second reading speech, wants to send a clear message, as do we the Opposition, that this hoonish behaviour will not be tolerated. I support those endeavours, as I think do all members of the Opposition. The minister stated that the legislation is not designed to target law-abiding citizens and car enthusiasts. In that regard the Opposition calls on the Government and the minister to assure the community that checks and balances are in place so that law-abiding citizens and/or car enthusiasts will not have their vehicles impounded or, worse still, confiscated. In enacting legislation to impound vehicles for 48 hours, it is essential that the Government put those checks and balances in place. It is essential to know that the Government will not lock up young people, particularly young males, unless they are known to the police and they continue to offend, despite other enforcement avenues that have not altered their behaviour. In other words, this legislation clearly deals with persistent and recidivist offenders, not first-time offenders.

I understand the Bill will broaden the powers of the police. Police will be able to apply to a court for long-term impounding of a vehicle for three months, with the eventual step of confiscation. There are, therefore, three steps to impounding a vehicle. It could be impounded for 48 hours, then for three months and finally confiscated permanently. The Bill actually tightens existing penalties for dangerous driving in the clause on impounding a vehicle for 48 hours. I will refer to that clause in due course. I want to raise the introduction to the Road Traffic Act of "circumstances of aggravation" that are referred to in clause 12, which reads -

> **"circumstances of aggravation"** means circumstances in which -

(a) the vehicle is being used to race another vehicle;

It is critical for that provision to be included in the legislation -

(b) the vehicle is being used in an attempt to establish or break a speed record;

(c) the speed, or the acceleration, braking or steering capability, of the vehicle is being tested or contested in any way;

(d) the skill of the vehicle's driver is being tested or contested in any way;

(e) the vehicle is driven in a manner that causes smoke to come from one or more of the vehicle's tyres or a substance on the driving surface; or

(f) the vehicle is driven in a manner that causes one or more of the vehicle's driving wheels to lose traction with the driving surface;

These are the circumstances of aggravation to be applied to a charge of dangerous driving. Section 61(1) of the Road Traffic Act on dangerous driving states -

> Every person who drives a motor vehicle in a manner (which expression includes speed) that is, having regard to all the circumstances of the case, dangerous to the public or to any person commits an offence.

The Act goes on to state in subsection (2) -

> A person charged with an offence against this section may, instead of being convicted of that offence, be convicted of an offence against section 62.

Section 62 refers to careless driving. A person charged with either reckless or dangerous driving would have to have displayed circumstances of aggravation to have their vehicle impounded under the Bill. It is fairly important to understand that the reference in the Bill to impounding a vehicle for 48 hours does not refer to a person charged with reckless or dangerous driving without those circumstances of aggravation. Clause 4 of the Bill refers to a person suspecting that something is the case at a relevant time. The clause will amend section 5(5) of the Road Traffic Act, and states -

(6) For the purposes of this Act, a person reasonably suspects that something is the case at a relevant time if -

(a) the person, -

I presume "person" refers to the police -

acting in good faith, personally has grounds at the time for holding the suspicion; and

(b) it is reasonable, when judged objectively, for the person to hold the suspicion on those grounds at the time, even if the grounds are subsequently found to be false or non-existent at the time.

Again, that relates to the circumstances of aggravation in those offences.

The Bill empowers a court upon application by the Commissioner of Police, when an offender has been convicted, to impound or confiscate a vehicle of a repeat offender when these aggravated circumstances I alluded to come into play. There are two impounding offences: one relating to a drivers licence and one relating to driving. An "impounding offence (driver's licence)" means an offence against section 49(1)(a) of the Road Traffic Act. That section refers to an offence of driving a motor vehicle without an appropriate drivers licence. Section 48(1) reads, in part -

(b) where a person is addicted to alcohol or drugs to such an extent as to render him a danger to the public when in control of a motor vehicle on a road; or

(c) suffers from a mental disorder or physical disability that is likely to impair his ability to control a motor vehicle; or

. . .

(f) is no longer capable of controlling the class of motor vehicle for which he holds the appropriate driver's licence.

That is the impounding offence relating to a drivers licence. The impounding offence for driving relates to sections 59, 59A, 60 and 61 of the principal Act. For the benefit of members, I advise that section 59, headed "Dangerous driving causing death or injury", reads -

> A person who causes the death of or grievous bodily harm to another person by driving a motor vehicle in a manner (which expression includes speed) that is, having regard to all the circumstances of the case, dangerous to the public or to any person commits an indictable offence which may, subject to subsection (1a), at the election of the person charged, be dealt with summarily.

Section 59 A reads -

Dangerous driving causing body harm

(1) A person who causes bodily harm to another person by driving a motor vehicle in a manner (which expression includes speed) that is, having regard to all the circumstances of the case, dangerous to the public or to any person commits an offence.

Section 60 reads -

Reckless driving

(1) Every person who wilfully drives a motor vehicle in a manner (which expression includes speed) that is inherently dangerous or that is, having regard to all the circumstances of the case, dangerous to the public or to any person commits an offence.

A person convicted of a first offence of driving recklessly - I hope no-one in this place has been charged with reckless driving - faces a fine of 20 penalty units. For the benefit of members, this is a reference to the penalty unit number being multiplied by 50 to reach a dollar amount. Therefore, 20 penalty units multiplied by 50 is obviously a $600 fine, or six months imprisonment.

Mr M.P. Whitely: It's $1 000.

Several members interjected.

Ms K. HODSON-THOMAS: Yes, it is. I am sorry.

Mr J.N. Hyde: Write it out 10 times and make sure you don't do it again!

Ms K. HODSON-THOMAS: Obviously, I failed my maths!

Mr T.K. Waldron: It's good to make sure they're concentrating. Pick the obvious trick questions. Well done, boys!

Mrs M.H. Roberts: We're paying attention.

Ms K. HODSON-THOMAS: It is good that everyone was paying attention. I think $1 000 for reckless driving in the first instance is a good figure. The penalty for the second offence is a fine of 24 penalty units. Maybe the member for Perth may tell me how much -

Mrs M.H. Roberts: It's $1 200.

Ms K. HODSON-THOMAS: I thank the member. The penalty for the third and subsequent offence is a fine of 48 penalty units.

Mrs M.H. Roberts: That is $2 400.

Mr M.P. Whitely: Let's see whether the Liberals will be able to figure it out. I don't think they'll be able to.

Ms K. HODSON-THOMAS: They will. The fine applies, or imprisonment for 12 months. We all know about the member for Roleystone's schools.

The ACTING SPEAKER: Order!

Several members interjected.

The ACTING SPEAKER (Mr A.J. Dean): Order! Members' concentration is waning.

Ms K. HODSON-THOMAS: This is a serious matter. The Bill refers to reckless driving, and first, second and third offences. Also, it provides an expansion to the charge of reckless driving. I will move on from reckless driving to dangerous driving. Dangerous driving is defined in the principal Act in section 61 as follows -

> Every person who drives a motor vehicle in a manner (which expression includes speed) that is, having regard to all the circumstances of the case, dangerous to the public or to any person commits an offence.

A person convicted of a first offence faces a fine of 16 penalty units, and, with any subsequent offences, to 40 penalty units or imprisonment for six months. The person shall be disqualified from holding or obtaining a drivers licence for a period of not less than 12 months.

I now turn to impounding offences in relation to drivers licences and drivers relating to the aggravated circumstances. The legislation also provides that the cost of the storage of the impounded vehicle rests solely with the offender. I note from the second reading speech that administrative arrangements will be put in place to allow the offender to meet the financial obligations by payment in instalments. Proposed section 79B of the Road Traffic Act is not clear to me. I will seek some clarification during consideration in detail. Proposed section 79B relates to the notice of impoundment. I assume that impounding is not for the 48 hours, but for three months. It states -

> The Commissioner is to ensure that, as soon as practicable after a vehicle is impounded under section 79 or 79A, -

Mrs M.H. Roberts: It can be for 48 hours.

Ms K. HODSON-THOMAS: Under proposed section 79A, a vehicle may be impounded for 48 hours.

Mrs M.H. Roberts: Yes.

Ms K. HODSON-THOMAS: Under proposed section 79B, the vehicle will be impounded for three months, minister.

Mrs M.H. Roberts: Yes.

Ms K. HODSON-THOMAS: The Bill outlines the process to allow the convicted offender to make financial arrangements to pay off the fine; is that correct?

Mrs M.H. Roberts: It is an administrative arrangement to be put in place by the Commissioner of Police, who undertakes to do that.

Ms K. HODSON-THOMAS: I thank the minister for that explanation.

The definition of "reckless driving" will be amended to include any offence of speeding where the speed exceeds the posted speed limit by 45 kilometres an hour. Therefore, in urban areas with a speed limit posted at 50 kilometres an hour, a person driving at 95 kilometres an hour will be deemed to be driving recklessly. Similarly, on a country road with a posted speed limit of 110, a person driving at 155 kilometres an hour will be deemed to be driving recklessly. Clause 8 of the Bill reads -

> (1a) A person who drives a motor vehicle at a speed of 155 km/h or more commits an offence.
>
> (1b) A person who drives a motor vehicle at a speed exceeding the speed limit set under this Act for that vehicle or the place where the driving occurs by 45 km/h or more commits an offence.
>
> (1c) . . . the driver of a motor vehicle is not guilty of an offence under those subsections if -
>
> (a) either -
>
> (i) the motor vehicle is being used to convey a member of the Police Force on official duty;
>
> (ii) the driver is on official duty responding to a fire or fire alarm;
>
> (iii) the driver is on official duty responding to an emergency or rescue operation . . .
>
> (iv) the motor vehicle is an ambulance . . .
>
> (b) the driver is taking reasonable care; and
>
> (c) the vehicle is displaying a blue or red flashing light or sounding an alarm . . .

Why was it deemed necessary to have a specific speed of 45 kilometres an hour over the posted speed limit as the definition in the legislation? The Road Traffic Act refers to a person who drives a motor vehicle in a manner that includes speed. That could be 10 kilometres an hour above the speed limit. A police officer could deem the person driving at that speed to be driving recklessly. Why was the decision made that the definition be 45 kilometres an hour over the posted speed limit? Other members may believe the figure should be less than the one provided. I seek some clarification from the minister on that point. I note from the second reading speech that during 2002-03, during the double demerit point long weekends, the police detected more than 100 people speeding by more than 45 kilometres an hour over the posted speed limit. I pose the question to the minister -

Mrs M.H. Roberts: You could've chosen another figure. The reason it has been done is to make the onus of proof easier for police. It reduces the onus on the police to also prove that, apart from driving more than 45 kilometres an hour over the speed limit, the conduct was reckless. It removes the responsibility from the police to prove a charge of reckless driving if someone is driving more than 45 kilometres an hour over the limit. Taking that onus of proof away from the police is a serious thing, because people could potentially argue in court that they were driving 20 kilometres an hour over the limit, it was a fine day, the road was good, their vehicle was good, and, therefore, although what they were doing was wrong and against the speed laws or whatever, it did not constitute reckless driving. They may be able to argue that successfully in court currently, but at 45 kilometres an hour over the speed limit, we thought it should be a given, and the onus should not be on the police to prove that it was also reckless.

Ms K. HODSON-THOMAS: I will use myself as an example again. God help me if I ever drive at 45 kilometres an hour over the posted speed limit, but say I received an infringement notice in the mail and I was doing 105 kilometres an hour in a 60 kilometres an hour zone. If I had been issued with an infringement notice after being caught on a Multanova, would that be deemed reckless driving?

Mrs M.H. Roberts: I will double-check that for the member during consideration in detail.

Ms K. HODSON-THOMAS: I thank the minister for that, and I do not intend to drive at 45 kilometres an hour over the speed limit in a posted 60 kilometres an hour speed zone.

Mr R.F. Johnson: The member for Carine is very responsible.

Ms K. HODSON-THOMAS: I hope I am seen to be very responsible. I am sure many of us in this place have received a few of those Multanova fines.

Ms M.M. Quirk: Never!

Ms K. HODSON-THOMAS: No, never!

Clause 9 of the Bill creates a new offence of "burnout". If found guilty of this offence, an offender faces a maximum penalty of 12 penalty units and a loss of three demerit points. As I understand it, regulation 255 of the Road Traffic Code 2000, about creating excessive noise, already provides for an infringement for a person who creates excessive noise on our roads. It reads -

> A person shall not drive a vehicle, in such a manner as to create or cause any undue or excessive noise, or smoke.

The offence carries a loss of three demerit points, with a modified penalty of two penalty units. Clause 9 of the Bill retains the same demerit loss as this regulation, but imposes a much heftier fine of 12 penalty units.

I will talk about the owners of a vehicle used in an impounding offence without their knowledge or consent. I use myself as an example again. Suppose my vehicle was being used by one of my children without my consent or knowledge, and they were found to be driving recklessly, dangerously or carelessly, or they did a burnout, with those aggravated circumstances I talked about before, and the vehicle was confiscated for 48 hours. I would be able to approach the police, say that the vehicle was used unbeknown to me - my children did not have permission - and ask for the vehicle to be released. I understand that from the briefing with which I was provided. I am trying to find the terminology.

Mrs M.H. Roberts: Are you referring to proposed section 79D, about the release of an impounded vehicle to the licence holder?

Ms K. HODSON-THOMAS: I thank the minister; that is the provision. After the vehicle has been impounded, the licence holder, who is not the driver, is advised, and it can be released to that person, who must show that he was unaware. That is not exactly what I was referring to, but perhaps that can be dealt with in more detail in consideration in detail, when I can find the notes I wrote about that.

The police will impound vehicles that have been involved in racing or been driven by someone without a drivers licence. The notice for impounding a vehicle, when the person is unaware of the offence, will be subsequently given to the owner with details of how the vehicle can be released. A senior officer is to be informed when a vehicle is impounded. If a police officer impounds a vehicle for 48 hours, that officer must report to a senior officer and advise that the vehicle is being impounded. The legislation also provides that, when a stolen vehicle or a hire car is being used at the time of the offence, the owner of the stolen vehicle or the hire car is also advised. The clause mentions the expenses of impounding, and that the convicted driver is liable for reasonable costs incurred. It also covers impounding offences, which I discussed before.

In relation to the sale of confiscated vehicles, I have placed on the Notice Paper an amendment to clause 12. When a vehicle is confiscated and there is an outstanding debt to a finance company on that vehicle, this legislation now does not provide for the finance company to be paid out. Proposed section 80J(7) reads -

> Proceeds of the sale or disposal under subsection (2) of a vehicle or item are to be paid in the following order of priority -
>
> (a) for expenses incurred in selling the vehicle or item;
>
> (b) in the case of a confiscated vehicle, for expenses incurred in impounding the vehicle;
>
> (c) in satisfaction of an unpaid amount for which a person is liable under section 79E but only if the person who is liable to pay that amount is also the vehicle's licence holder;
>
> (d) in satisfaction of an unpaid amount of a judgment debt arising out of a liability under section 79E, but only if the person who is liable to pay that amount is also the vehicle's licence holder;
>
> (e) in satisfaction of an unpaid amount for which a person is liable under section 80H but only if the person who is liable to pay that amount is also the vehicle's licence holder;
>
> (f) in satisfaction of an unpaid amount of a judgment debt arising out of a liability under section 80H, but only if the person who is liable to pay that amount is also the vehicle's licence holder;
>
> (g) for the expenses incurred in storing the vehicle after the impounding period ends;
>
> (h) in the case of an uncollected vehicle, in satisfaction of any unpaid amount known to the Commissioner for which the vehicle is nominated in writing as security for the payment of that amount;

(i) the balance, in the case of a confiscated vehicle, to the Treasurer of the State for the public uses of the State;

The minister has provided me with a copy of an amendment to clause 12 that she is happy to accept, and will be moving during consideration in detail. For the benefit of other members, I indicate now that I will withdraw my amendment, because the minister's amendment goes much further than the Opposition had intended. I appreciate that the minister has provided that opportunity.

I understand that this legislation is very similar to that which was adopted in Queensland. At the briefing, the minister's advisers told me that, in the nine months to November 2002, when Queensland conducted its research on the legislation, in the first instance, there were 663 cases of vehicles being impounded for 48 hours and, in the second instance, there were four cases. It must be understood that when a person's vehicle is impounded for three months, that person must go before the court and be convicted of the offence. It is quite clear that the 48-hour impounding of vehicles is to drive home to repeat offenders that it is simply not good enough to behave in that way on roads and possibly compromise community safety. It is unacceptable behaviour. People do not want it tolerated any longer. It is quite clear from those statistics that 663 offenders had their vehicles confiscated for 48 hours. It sends a clear, sharp message to those offenders that that type of behaviour will not be tolerated. As I have said, it relates to aggravated circumstances in their behaviour on the roads when they race other drivers.

We are losing the road safety battle with young drivers and, in particular, young males between the ages of 17 and 24. We need to send these young people a clear message that this type of behaviour will not be tolerated. It is also important to be mindful that we are not looking at just first-time offenders. Obviously there are ways to deal with some of these young people under the existing legislation. However, new measures are required for repeat offenders, because no other enforcement measure has changed their behaviour. The statistics that I have been given indicate that quite clearly; that is, 663 offenders had their vehicles impounded, four offenders were convicted and had their vehicles impounded for three months, and, finally, in the third instance, only one offender had his or her vehicle permanently confiscated and sold, with the proceeds going to all those things to which I have alluded.

I would like to raise one other issue about young people, even though I have alluded to the fact that young people, particularly young males between the ages of 17 and 24, appear in the major road safety statistics. I am sure that all of us want the police to be able to build a good relationship with young people, so that in their vigilance to ensure that the road rules are obeyed by drivers, they are not targeting just young people, possibly resulting in young people having no respect for law enforcers and law enforcement. I hope that the police will use this legislation in the way that it has been drafted to ensure that it is those repeat offenders who are targeted, and that we, as legislators, and the police, who enforce the law on our roads and who do a fantastic job, try to build a good relationship with young people.

As I have said, this legislation is about repeat offenders - people who blatantly disregard the law and cause havoc, even in beautiful Sorrento Quay in the member for Hillarys' electorate, and particularly in Scarborough and other areas. The community quite rightly expects this type of behaviour to be treated in a very harsh way. However, repeat offenders who blatantly disregard the law should be targeted.

Mr P.B. Watson: And in country areas, too.

Ms K. HODSON-THOMAS: Absolutely, in country areas as well. I commend the minister for taking up this initiative.

Mrs M.H. Roberts: It is good to see someone on that side being positive.

Mr R.F. Johnson: We are all positive on this side of the House.

Ms K. HODSON-THOMAS: I commend the minister. We are talking about hoons and hooligans on our roads. We are not talking about young people in general. We should not target just young people; we should target those who behave in a way that is simply not acceptable for good road safety outcomes and good community safety.

MS M.M. QUIRK (Girrawheen - Parliamentary Secretary) [11.36 am]: I welcome this legislation. Like many members in this Chamber, I have grave concerns about community safety and the quiet amenity of our suburbs. As we head towards the Easter long weekend, I am certainly very mindful, as we all should be, of the immutable road safety statistics. It will not hurt for me to quickly remind members of those immutable facts; that is, 95 per cent of road crashes involve driver or rider behaviour as a major contributing factor; young men between the ages of 17 and 39 account for 61 per cent of all road crash fatalities; and speed is a factor in 35 per cent of all fatal crashes and 57 per cent of motorcycle fatalities. Traditionally, we are always very concerned about road fatalities over the Easter long weekend, and those statistics speak for themselves.

The quiet enjoyment of our suburbs is a very important part of the Western Australian way of life, and this legislation will give police greater powers to improve road safety and the amenity of our suburbs. I have been approached by a number of constituents about this issue. I compliment the minister that the Government is listening and responding to those concerns. I will give one example, although, unfortunately, it is by no means an isolated one. It is important to contextualise the legislation by giving examples. Complaints have been brought to me by some residents of Marangaroo. The residents said to me that they had been concerned about the increase in reckless and dangerous

driving in their locality in the past few months and that it was a matter of grave concern to them. They said that regularly, and principally at weekends, irresponsible drivers perform burnouts around the corner of streets and either deliberately or inadvertently due to the loss of control of vehicles rip up lawns, damage property and, in some cases, endanger lives. The example they gave was that if a house that had been subjected to a particularly bad series of burnouts had not been landscaped with boulders to block the path of a car, nothing would have prevented the car from crashing through the front of the house or into a side fence. Tyre marks are routinely found throughout my electorate. In fact, there is a big burnout mark just around the corner from where I live. It is certainly very prevalent and people express their concerns to me on a regular basis.

The problem of speeding is certainly becoming more prevalent. One suspects that we will have a better handle on this when the laws are enforced. It is the people within this high statistical group who are causing road trauma. People have reported that such incidents have increased markedly. Those incidents endanger lives. Letterboxes and walls are being hit, and cars are proceeding over kerbs and onto lawns that have been carefully manicured.

This is a matter of great concern to many residents in my electorate. They have implored me to make representations to the Government to see whether we can in some way control this larrikin, hooligan and antisocial behaviour. The word "antisocial" is probably a bit mild. When something endangers lives, the term "antisocial" does not accurately reflect the significance of the conduct.

I will close, so that we can hear the wisdom of the member for Hillarys' views. I welcome these laws. I believe that all Western Australians deserve quiet enjoyment of their properties. People who engage in dangerous and irresponsible conduct in motor vehicles deserve to face the full force of the law. I look forward to these laws radically improving the situation in our suburbs.

MR R.F. JOHNSON (Hillarys) [11.40 am]: I thank the member for Girrawheen for agreeing to let me follow her in this debate. The only reason I do so at this stage is that I have parliamentary duties to perform at midday with a foreign dignitary. I wanted to have some input to the debate on this Bill as it is a very important Bill. The shadow Minister for Planning and Infrastructure, the member for Carine, has stated that the Opposition supports this Bill. There are two significant parts to this Bill; one part concerns the people who ignore the speed limits on our roads in Western Australia, and the other part concerns those in society who behave as hoons. Both parts are very important, and I want to touch on them both. Such activities can result in the impounding of the offender's vehicle for between 48 hours and three months. In some serious cases with repeat offenders, vehicles can be confiscated. I do not have a problem with that at all. However, some areas of the Bill concern me. The minister could perhaps give me the answers to my questions by way of interjection or in her response to the second reading debate. Under this legislation, driving in excess of the speed limit by 45 kilometres an hour will be deemed to be reckless driving. Is that a more serious offence than dangerous driving? We currently have offences of dangerous driving causing actual bodily harm and dangerous driving causing grievous bodily harm.

Mrs M.H. Roberts: They are two separate things. Dangerous driving causing death and injury etc is outlined in sections 59 and 59A of the Road Traffic Act. Reckless driving is defined in section 60 of the Act. There is a further definition of dangerous driving under section 61.

Mr R.F. JOHNSON: I realise that. I want to know whether the offence of dangerous driving causing grievous bodily harm will be replaced by the offence of reckless driving.

Mrs M.H. Roberts: No; there is no replacement. It will continue to exist.

Mr R.F. JOHNSON: Which is the most serious offence?

Mrs M.H. Roberts: Driving that causes bodily harm to someone is certainly more serious. If you look at the penalty points that apply, for example, under section 60 of the Road Traffic Act 1974, you will see there are first, second and third offences, as the member for Carine highlighted. The penalty units respectively are 20, 24 and 48. Under clause 59A, headed "Dangerous driving causing bodily harm", a first offence incurs 80 penalty units or licence suspension etc. Second or subsequent offences incur up to 160 penalty units and a longer licence suspension and the like. It appears to me that there is not much doubt that dangerous driving causing bodily harm is the more serious offence that attracts more serious penalties.

Mr R.F. JOHNSON: I accept that response. From what I can gather, a typical sentence or punishment for somebody who is found guilty of dangerous driving causing grievous bodily harm, which is more serious than actual bodily harm, is perhaps a two-year suspension of that person's licence and a fine of $1 500. Many people in society would say that that penalty does not really reflect the seriousness of the road traffic crime that has been committed. Perhaps in the minister's final response and during the consideration in detail stage we can go into that in a bit more detail.

Mrs M.H. Roberts: We had a chat about maths earlier. I think you will find that it is substantially more than that. It is actually 160 penalty units. That figure of 160 multiplied by $50 comes to about $8 000. It is a higher penalty than you suggested.

Mr R.F. JOHNSON: For dangerous driving causing grievous bodily harm?

Mrs M.H. Roberts: Dangerous driving causing bodily harm. For a second or subsequent offence the fine is 160 penalty units or imprisonment for 18 months. In any event, the person is disqualified from obtaining or holding a drivers licence for a period of not less than 18 months.

Mr R.F. JOHNSON: I can tell the minister that somebody who was found guilty of dangerous driving causing grievous bodily harm was fined $1 500 and given a two-year licence suspension. That is a fact.

Mrs M.H. Roberts: That is not the maximum penalty.

Mr R.F. JOHNSON: No, but that is the problem. The penalty for an offence that causes grievous bodily harm to somebody must be reflected by not only the prosecution of the police but also the courts. That is far more serious than driving 45 kilometres an hour over the speed limit on a clear road. I do not accept speed at all -

Mrs M.H. Roberts: I will say two things; it is more serious, and dealing with what you are talking about is not the subject of this legislation. This legislation is to do with the confiscation and impounding of vehicles for certain behaviours.

Mr R.F. JOHNSON: I realise that, but everything in this world is relative. Offences and sentences are relative to the crimes committed. That is why we must look at this legislation in that light, to see how it relates to other legislation that is in force, and whether we are getting things out of kilter. We must make sure that serious offences are dealt with in a more serious way, and that the sentence or punishment that is handed down reflects that seriousness.

The new speeding aspect to the offence of reckless driving is when a person is found to be speeding at 45 kilometres an hour above the posted speed limit. If the speed limit is 60 kilometres an hour, a person will not be deemed to be driving recklessly unless he does 105 or 106 kilometres an hour. Is that correct?

Mrs M.H. Roberts: No; you can still be done for reckless driving for doing less than 45 kilometres an hour over the limit. The principles that currently apply to reckless driving will continue to apply; there just will be no onus on the police to prove that it was reckless driving once a person drives at more than 45 kilometres an hour over the speed limit.

Mr R.F. JOHNSON: Exactly. That is a slight area of concern. I do not condone anyone driving at that degree over the speed limit. Such people endanger not only themselves but also other people on the roads. I have no sympathy for a soft approach to be taken to those who drive at 45 kilometres an hour over the speed limit. However, I hope that the police will not enforce this legislation simply by way of speed cameras. Multanovas are often located in areas that are not dangerous zones or black spots. Often they are placed at the bottom of a hill, where the natural progression of a motor car makes it speed up a little. That is what is deemed by many in Western Australia to be a revenue-raising exercise. I do not want the police to do that. Many speed cameras are placed in areas in which crashes hardly ever occur.

Mr P.B. Watson: That is because the speed cameras are there.

Mr R.F. JOHNSON: That is a nonsense, member for Albany. That is not the case at all.

Mr P.B. Watson: How do you know?

Mr R.F. JOHNSON: It is a fact; no accidents occur in those places.

Mr P.B. Watson: That is because the speed cameras are there.

Mr R.F. JOHNSON: No. People often do not know that the speed cameras are there until they come across them.

Mr P.B. Watson: They are listed on the news the night before.

Mr R.F. JOHNSON: No. The member for Albany should explain that to people in his area and see what they think about it. He should see what they think about where the speed cameras are located and whether they are the most appropriate locations. They are not located in the areas in which they are needed. I do not condone anybody speeding over a certain limit. We are all guilty of driving at five kilometres an hour over the limit at times - it is unavoidable because the car just gathers a little speed. A motorist cannot use cruise control in a 60 kilometres-an-hour zone because it might change to 50 kilometres an hour and so on. I use cruise control on the freeway all the time. I have to keep dropping out of it because sometimes I come across somebody doing 89 kilometres an hour in an area with a limit of 100 kilometres an hour. Not many crashes occur on the freeway - there are very few. We know where the crashes have occurred because we see the little white crosses dotted along the roadside. That is where the Multanova radars should be put instead of wasting time putting them on the freeway. More police officers should be patrolling the freeway, and a good number of them should be in unmarked cars. They are the officers who normally catch the speeders on the freeway. When I say speeders, I do not mean people doing 105 kilometres an hour in a 100 kilometres-an-hour zone, but, rather, those doing 120 kilometres an hour or 115 kilometres an hour. They are the ones who are a danger to other motorists; they are the ones who drive excessively over the speed limit. However, we do not see enough of our police officers on the freeway, particularly in unmarked cars. We do see them sometimes, but not often enough. We should also see more brightly coloured police cars so that people know that the police -

Mr J.R. Quigley interjected.

Mr R.F. JOHNSON: We want both, anticipated member for a northern suburbs seat.

Mr J.R. Quigley: Say Mindarie. You can say it.

Mr R.F. JOHNSON: Or should I say defunct member for Innaloo who does not seem to care about his electorate these days. He is more worried about his preselection for the new seat.

Several members interjected.

Mr R.F. JOHNSON: I am sorry. Am I being a bit unkind? The member spends more time in Mindarie than Innaloo these days. Let us get back to the Bill before the House, because that is the most important issue. The problem is that the member for Innaloo tends to divert people's attention.

We need more police patrols on the freeway and on country roads. Let us face it, the bulk of serious accidents occur on country roads. However, how many police officers do we see patrolling country roads? Very few.

Mr P.B. Watson: There are a lot.

Mr R.F. JOHNSON: No, there are not, not compared with the total number of police officers around the place. There should be more officers on those roads because that is where the greatest number of deaths occur.

I am all in favour of a safe and reasonable speed limit on suburban roads. However, the minister has got it wrong in some areas. In some instances, there are limits of 50 kilometres an hour where they should be 60 kilometres an hour. I know my good friend and colleague the member for Wanneroo probably agrees, as does the member for Joondalup, that there is nothing wrong with having a limit of 50 kilometres an hour on a suburban street. By that I mean streets and roads within a suburb. It is absolutely okay because that is where the families and the children are -

Mrs M.H. Roberts: You should write to Main Roads and let it know.

Mr R.F. JOHNSON: I have drawn attention to this matter at Joondalup council meetings many times.

Mrs M.H. Roberts: Write to Main Roads. It choses the limits.

Mr R.F. JOHNSON: It cocks a deaf ear on this matter because it is a good revenue raiser. Roads that run between suburbs, such as Dampier Avenue and Mullaloo Drive from Marmion Avenue to the West Coast Highway -

Mr P.W. Andrews: Do you want to increase the speed limit on those streets?

The ACTING SPEAKER (Mr A.J. Dean): I call the member for Southern River to order for the first time.

Mr M.P. Whitely: Do you want to bring them back to what they were?

Mr R.F. JOHNSON: Yes, on those sorts of streets the limit should be 60 kilometres an hour. People have lived with a limit of 60 kilometres an hour on Mullaloo Drive, for instance, and the roads that split up the suburbs, which are not inner-estate roads. It is on the inner roads that the low limit of 50 kilometres an hour is needed - I do not have a problem with that. On the other roads that have always had a limit of 60 kilometres an hour, and where, to my knowledge, there has never been an accident, the limit has been brought down to 50 kilometres an hour, and with that we are seeing more road rage. I might be creeping along a road at 50 kilometres an hour, but a limit of 60 kilometres an hour is quite suitable, and has been ever since the road was built. The person driving behind me might want to travel at more than 50 kilometres an hour. He might toot his horn, get anxious and then overtake. Police officers, mainly on motorcycles but sometimes in cars and vans, sneak around the corners of these roads that used to have a limit of 60 kilometres an hour, and lie in wait with hand-held radars. It is a sneaky and unnecessary thing to do.

Mr P.B. Watson: You should be supporting the police.

Mr R.F. JOHNSON: I do support them. I want to see them patrolling the roads where accidents happen. I want to see more of them in vehicles on the streets where the accidents and deaths occur. That is what I want to see, my friend.

Mr P.B. Watson: You're not my friend.

Mr R.F. JOHNSON: The member is my friend, but if he does not want to be friends with me, that is up to him.

The situation I have described is often a waste of police time. It probably happens because the new officers on the beat have to catch a certain number of people driving over the speed limit; but what is the limit? The member for Wanneroo would agree with me that certain roads split up the suburbs and should have a limit of 60 kilometres an hour, as they always have, rather than 50 kilometres an hour. If a person does 55 or 56 kilometres an hour along such a road, and for the past 20 years that road has had a limit of 60 kilometres an hour, it is very difficult to remember that the speed limit has changed, particularly when there are no signs to say that it is a 50 kilometres an hour zone. There is a saving there because there are fewer signs indicating that the limit in that area is 50 kilometres an hour. I do not have a problem with the lower speed limit on the inner suburban streets. However, I hope the minister for transport who is responsible for that matter will take it on board and let us have -

Mrs M.H. Roberts: You have slipped up because the minister for transport is actually responsible for Main Roads rather than the speed limits.

Mr R.F. JOHNSON: They might shift her into another portfolio; one never knows.

Mr C.J. Barnett: They might put her on the back bench.

Mr R.F. JOHNSON: They might do. I will conclude my comments about speeding. I do not condone speeding at all. I would be happy if anybody who does 20 kilometres an hour over the speed limit were caught for reckless driving. It would not bother me because if a person is driving at 80 kilometres an hour in an area with a limit of 60 kilometres an hour, he is driving recklessly. Not everybody will agree with me but that is my viewpoint. Let us have some balance and commonsense in this argument.

[Leave granted for the member's time to be extended.]

Mr R.F. JOHNSON: That is my view on speeding. I have no sympathy for people who speed excessively. If more police were on the roads catching those driving at 45 kilometres an hour over the speed limit, then justice would be seen to be done. If, just to make things easier, all we rely on is Multanovas to catch people driving recklessly at 45 kilometres an hour over the speed limit, it would be a massive revenue-raising exercise, and I would not mind that. However, I would prefer to have more police officers patrolling those streets than a proliferation of revenue-raising machines in what is seen by the public as a revenue-raising exercise. I hope that that will not be the eventual case.

I will now touch on the other part of the Bill that is very important and deals with hoons. As the member for Girrawheen said, people in the suburbs that I represent are sick to death of hoons doing doughnuts in quiet cul-de-sacs and wheelies on the lawns that they have tended to make their gardens look beautiful - it is their pastime. I am not a gardener so my front lawn is not as good as many other people's lawns. People in my electorate and I get really annoyed when we see beautiful green lawns that have wheel marks across them.

Mr P.B. Watson interjected.

Mr R.F. JOHNSON: I suggest that only reckless former posties from Albany would do that sort of thing! My postie would not dream of doing that.

Apart from the fact that it is such a nuisance, it often happens very late at night. I have tried to catch people in the past but they are clever devils. They do their burnouts and, by the time a person gets to his window to try to catch the registration number, they have turned off their lights and are hooning down the road. That is not so much of a danger as the drivers who do doughnuts; they race around little suburban streets. Those drivers are acting dangerously because they are travelling at high speed. When drivers do a burnout, they have their brakes on and hammer their right foot onto the accelerator. The wheels of the car spin and that produces the burnout. The bigger problem is with drivers who race around the streets. We have all seen it. They are irresponsible hoons. Some end up in people's bedrooms because their cars have got out of control. The drivers are predominantly between the ages of 17 and 24. Very often, they are P-plate drivers. I have no problem with dealing harshly with people who affect the lives of many. It is not just one person whose lawn is destroyed or one person living in a cul-de-sac where the hoons do doughnuts and race each other - everyone in the street suffers the noise, visual pollution and disturbance. I was tempted to introduce a private member's Bill into this place some time ago on this issue. However, I knew that the Government would not agree with it and that it would never see the light of day. A lot of provisions in this Bill are those that I was going to put in my private member's Bill.

Mr A.D. McRae: Another gunna!

Mr R.F. JOHNSON: No, member for Riverton. I knew that if the Opposition came up with a good idea, the Government would not support it. It does not matter what we say. If we have great ideas and want to lead the way in Western Australia, the Government will not support us.

Mr A.D. McRae: You were in for eight years!

Mr R.F. JOHNSON: The Government had 10 years before that, my friend! All his lot was worried about was seeing how much money they could collect in brown paper bags and having 13 leaders' accounts with millions of dollars in them. It was a corrupt Government of the day. That is all members opposite did in that 10 years.

If Opposition members come up with a great idea, the Government will not support it. I do not mind that; that is politics. The fact that the minister has introduced this Bill makes me happy. I support it; it is long overdue. I wish we had introduced something during our term of government. However, we did not because there were many other things that we brought in. The Government has brought in this Bill and the Opposition will support it.

In conclusion - I know those are the favourite words my colleagues on the other side of the House want to hear from me - I will support the Bill. I will tease out some of the finer details during consideration in detail because I need some points clarified. I hope that we can stop people who speed excessively and put other lives in danger on the roads. They are responsible for deaths and maiming people for life. I totally support the provisions concerning hoons. I have no problem with impounding vehicles and, if necessary, eventually confiscating them should that be necessary. All this good legislation is no good unless we have more police officers patrolling the streets and highways to ensure that the

laws we pass this day and the next are adhered to and those guilty of contravening laws are brought to account. We need more police officers in the State of Western Australia.

MR J.B. D'ORAZIO (Ballajura) [12.04 pm]: I strongly support this legislation, which I refer to as hoon legislation. Since I became the member for Ballajura, the issue that has been brought to my attention most is that of young drivers who speed and the inappropriate use of motor vehicles. As members may be aware, my electorate includes Malaga. That is an area in which youths tend to congregate and race each other in their cars. They do all sorts of stupid things. The streets in Malaga are covered with burnt tyre rubber. This legislation is about making youths responsible for their actions. That is important. It also signals to parents that this type of thing is occurring. This legislation contains provisions that will make parents more aware of their children and what they do. The children are not all from bad backgrounds. They are just normal children who are doing stupid things. The problem is that the stupid things they are doing do not just endanger their lives; they endanger other people in the community who are innocent. I know of incidents in Marshall Road in which vehicles raced side by side. What would have happened if someone had been driving the other way? Someone totally innocent may have been killed or badly injured. Because of their youth, these people do not fully understand what they are doing. There need to be consequences for their actions. That is exactly what this legislation does.

Interestingly enough, I conducted a survey in Ballajura, and the issue that arose was not so much speeding in Malaga but speeding in quiet residential streets. Young drivers had knocked over letterboxes when travelling over small kerbs at excess speed. I received a complaint from a man whose entire front lawn of beautifully manicured green santa ana couch had been ripped up by someone doing burnouts on it. From speaking to some of these young drivers, it is clear that they see it as a pastime. It is time we made them understand that the community will not tolerate this behaviour. They are endangering not only themselves, but also the rest of the community. The survey indicated that the problems in the area were in quiet residential streets. Interestingly enough, after the incident last November when there was a problem with youth at the Kingfisher community centre and a wedding was disrupted, the community called a public meeting. Some 300 people attended the public meeting, all of whom argued that the Government needs to make sure that people, including youth, take responsibility for what they do. Interestingly enough, almost to a person the people at the public meeting said that this sort of legislation has to happen; that there must be outcomes for people who break the law. After the meeting, numerous people told me of incidents in their quiet residential streets, which have a speed limit of 50 kilometres an hour. Youth being youth, these people have caused massive problems. One person indicated that his letterbox was run over. My own brother, who lives on Benara Road, said that a young P-plate driver came out of a side street and cleaned up an entire side fence and knocked down the wall of some units next door. Luckily, the driver did not hurt himself badly. Again, it was all connected with speed and reckless driving. It is important that the community make changes through legislation. We are not actually penalising youths; we are trying to give them a wake-up call and say, "Guys, you cannot keep doing this." It is a great thing if that wake-up call results in a vehicle being taken from a repeat offender. The most important thing to some youths is their car. If they are threatened with the loss of their car, they might take the view that their behaviour was reckless and that being responsible is the way to go.

Another example of this type of behaviour is the so-called speed meetings of youths in the Malaga industrial area. They pour oil on the ground before doing burnouts to enhance the smoke effects from their cars. However, when they leave, the oil remains on the ground. That is absolutely stupid. Someone who drives through that area afterwards could create a massive problem. In fact, a totally innocent person could end up causing major damage. These youths must understand that big trucks deliver material to various locations in those industrial areas and could cause a major disaster if they have to brake suddenly, for whatever reason.

This legislation is important for the community. First, it attempts to at least resolve this problem by introducing impounding measures; and, secondly, it sends a message to these youths that the rest of the community will not tolerate their behaviour. The youths in the community must also understand that they are part of the community and that their actions affect others. This legislation is also for them. When they are older, they might wake up and realise that their stupid actions as a young person have resulted in the permanent disablement of someone else.

I commend the legislation. It is fantastic. It is not before time. The members of my electorate are absolutely supportive of it. After the public meeting I spoke about, a committee of the community was set up comprising 17 different people representing the police, parents and citizens associations, schools and the community. They have unanimously supported this legislation. I congratulate the minister again for having the strength of character to bring the legislation into the Parliament. Our Government will ensure it becomes law for the benefit of the whole community.

MR P.D. OMODEI (Warren-Blackwood) [12.11 pm]: I support the legislation, provided it is a practical and sensible way to deter people - young or otherwise - from speeding or dangerous driving, burnouts and all those kinds of things.

It is interesting to note the almost no-tolerance attitude of the Government to this issue. The Labor Party seems to have had a major change in attitude. It was interesting to read the explanatory notes to the Bill, which refer to the Police Service. However, the Bill refers to the Police Force. I have long been a supporter of the Police Force being called the Police Force. I hope that when we are in government we will restore those words, because that is what it is. When

somebody's car is being confiscated, the officer will not say, "We are here with the Police Service; we are going to take your car away." The officer will say, "We are the Police Force. We are taking your car away because you are burning up the bitumen, creating a hazard and putting people's lives at risk. We are doing it because we are the Police Force." It is not the Police Service. I reckon that the 4 800 police in Western Australia want it to be called the Police Force, and it is about time we did that. A whole lot of clauses in the Bill refer to the Police Force. I am absolutely delighted that the minister has read her legislation carefully and that she will now change the name of the Police Service to the Police Force. That is a major step forward and the minister should be commended for it. I am very keen to see whether she will retain in the Bill the words "Police Force". They appear right through the legislation. Did the minister read the legislation?

Mrs M.H. Roberts: Absolutely, and it has to be "Police Force" under the legislation. It was changed to Police Service by former commissioner Bob Falconer, but it is still Police Force under the legislation. The legislation must therefore refer to Police Force for it to have any legal effect.

Mr P.D. OMODEI: Why then does the explanatory memorandum refer to the Police Service?

Mrs M.H. Roberts: Although the previous Government renamed it Police Service, it never amended the legislation.

Mr P.D. OMODEI: It was a stupid thing to do. It should have been left as Police Force. However, the explanatory memorandum does not refer to Police Force, it refers to Police Service.

Mrs M.H. Roberts: That is because police officers, not lawyers, wrote it.

Mr P.D. OMODEI: I support the legislation. Any legislation that deters young people from putting their own and other people's lives at risk is a good law, but it must be applied in a practical sense. Some members appear to have very short memories. I have been caught speeding a few times but I have never been charged with reckless or dangerous driving - not for the lack of trying. It is nonsense for young men in this community, and members opposite, to claim that they have never driven more than 45 kilometres above the speed limit.

I will retell the story about a young Aboriginal traffic police officer who stopped a car in the backblocks of Nannup. In the car was a man, a woman and a child. When the officer saw the driver's licence he thought the name was familiar. The driver had been stopped for driving 60 kilometres over the speed limit, which incurs a penalty of four or five demerit points. The officer said, "We have a traffic officer in the wheatbelt by a similar name; I think he was a sergeant or something like that." The driver said, "In actual fact, he is a superintendent." The driver of the vehicle was a superintendent of police. I do not think the driver was fined, but under this law his car would be confiscated.

Let us not get too carried away with this legislation. Although the Bill is well intentioned, there is an element of politics in it. The Labor Party wants to be seen to be tough on crime, but its history does not bear that out. Regardless of that, I support the legislation. However, I ask members to acknowledge that members of Parliament and high-profile figures in the community were young once and probably did some of the very things that this Bill says we will not tolerate any more.

I have some concerns about impounding and confiscating vehicles. Perhaps the minister in her response will explain that more fully. I ask members to bear in mind that often a car that is driven by a young person between 17 and 24 years of age - the age group in which a statistically high number of people lose their lives in car accidents - does not belong to that person. Often the cars these young people drive belong to a friend or a family member, including elderly family members. There are some complications with this legislation, and the Bill tries to cater for those complications. However, ultimately the law must be applied in a sensible and practical way and I would like to think the officers in our Police Force would administer it with commonsense. We are all human beings. There are some overzealous policemen - I am sure some would admit to being overzealous - in which case the law must be applied sensibly. The law is meant to be a guide. If some legislation were taken to the letter of the law, a lot more people would be in jail today. I support the legislation, but it must be applied in a sensible way.

MR T.K. WALDRON (Wagin) [12.18 pm]: The member for Warren-Blackwood said that some of us were young once. I regard myself as very young and middle-aged!

The National Party will support this legislation. It is quite a good Bill and I congratulate the minister for introducing it. I am sure it will have support from the general public, especially as it deals with the hooning aspect of driving. The protection of the general public is paramount. Speed is a major factor in death and injury on the roads. I therefore do not have a problem with supporting the Bill. Reckless driving, dangerous driving and excessive noise through burnouts, racing etc should not be tolerated in this day and age. The Bill goes somewhere towards that intent.

I support the amendment to section 60 of the principal Act that defines driving at 45 kilometres an hour over the limit as reckless driving. It is not necessary to drive that fast. On country roads, a person would be driving at 155 kilometres an hour plus to exceed the limit by that level. That would put the driver and, more importantly, others in danger. We talk about road deaths in Western Australia, but serious injury has ongoing terrible effects on families for the rest of their lives. I support that provision.

I raise what I realise is a Main Roads situation, minister. I drive on country roads often when roadworks are in progress. The House and maybe police need to take this matter into account. Often on country roads when the speed

limit is 40 kilometres an hour because of roadworks, workers go away on weekends and forget to take the signs away. If a bridge is under repair or the roadworks involve a gravel surface, the continued reduced speed limit is needed. However, often the road has been fixed and there is no reason for the normal road speed limit not to apply. People who live in the local area on the weekend see that all the workers have gone and drive back in the afternoon -

Mrs M.H. Roberts: They should take the sign down. I know what you mean. I've seen it myself.

Mr T.K. WALDRON: Yes. A person could be done for reckless driving under that situation. It is a serious charge, but I do not think it would be reckless driving.

Mrs M.H. Roberts: The other worse scenario is when people assume people are not working there, and they drive through at speed and someone comes to grief.

Mr T.K. WALDRON: I think we have been guilty of assuming that nobody is working on the site, because no-one may have been seen working on the road in the two previous weekends. I drive on country roads day in, day out. A few hundred metres into the restricted area, it is realised somebody is working and the driver slows down. It is like the boy who cried wolf. The House needs to ask Main Roads to take down signs if the work is finished.

Mrs M.H. Roberts: That applies to Main Roads, and possibly some of the contractors.

Mr T.K. WALDRON: Yes. My other point relates to limits of 50 or 60 kilometres an hour; this relates also to Main Roads. As a main road into Narrogin from Wickepin approaches the built-up area, the speed limit is 60 kilometres an hour, and the limit changes to 50 kilometres an hour halfway down the hill. It is easy not to realise that the limit has changed. I realise ignorance is not an excuse. Maybe Main Roads should check the placement of the signs showing a speed limit of 50 kilometres an hour. That example seems ridiculous. Certainly, people should be booked if travelling at 45 kilometres an hour or 35 kilometres an hour over the speed limit. It is too quick, and people should be booked. I refer to one of the grey areas.

The provision for the police to impound and confiscate vehicles is a terrific move. For a first offence, the vehicle will be impounded for 48 hours. For the second offence within three years, the vehicle will be impounded for three months; and, for the third offence within five years, the vehicle will be confiscated and could be sold. That is fair enough. We need to be strong on repeat offenders in all areas. Youngsters need to be given an opportunity. If they make a mistake, they need to be given a reasonable opportunity. The penalty for a first offence of racing and hooning of 48 hours impounding is fair enough. People need to learn. Look at the situation with the Carlton footballer. The same principle applies. He had opportunities, but he kept acting in breach of the rules, and he has now paid the price. That is fair enough.

Regarding police officers impounding vehicles, I understand from a briefing that was provided that when making the decision to impound a vehicle, the police officer would inform senior officers to ensure that he acted in a correct way. That is fair enough for a junior officer. The police officer must be able to form a reasonable belief and have evidence that burnouts and racing etc occurred. The police must ensure that officers are handling that process in a correct way.

An incident was raised with me some time ago. The person making the accusation might have been a little over the top. Police have a duty of care to ensure that if a car is confiscated, the person involved, particularly if young, is not left on the road. I understand the duty of care for police, and I want to ensure that the duty of care is applied by police. The young offenders may have offended and deserve to have their car impounded for 48 hours. However, young people cannot be left by the road, particularly in an isolated area. I do not think our police would do that. We must make sure it does not happen. Otherwise, it could lead to further problems.

Mrs M.H. Roberts: It is the same scenario as with drink-driving. Police have a duty of care for a person in this situation as well.

Mr T.K. WALDRON: Yes. A couple of instances have been raised. I do not know whether I have the full story, and I would give the benefit of the doubt to the police. However, I was told of a situation in which two or three kids were left by themselves. Parents were unhappy. A vehicle was taken off the road because it was unroadworthy, which is fair enough, but the parents claim that the kids were left 30 or 40 kilometres from town. I do not have the full story. If it happened, it would be disappointing. It certainly would not happen in most cases. If it did happen, the police officers involved should be brought to task. Even though the young people may have offended, their safety and ability to get back to their families is important.

I refer now to getting vehicles back. The minister might like to comment. I understand that parents can apply to the senior officer to get a car from the pound. Hardship clauses are included. For instance, if the family's only car was impounded, the parents could probably get that car out. After a briefing, National Party members were talking about a possible loophole. For example, a child may have use of a car. For all intents and purposes, the child has full-time use of that car, but it is in the parents' name for insurance reasons etc. The kid has, say, a 1988 Datsun, and mum has a Commodore and dad has a nice Fairmont. That situation would need to be considered.

Ms M.M. Quirk: It's a mixed marriage then - a Ford and a Holden.

Mr T.K. WALDRON: I have a Falcon and my wife has a Commodore. We like to spread it around a bit!

In that case, it is the child's car for all intents and purposes and, in the event of an offence being committed, that car should be impounded for 48 hours. Has any thought been given to that aspect? Maybe the minister will comment on that matter. I know what happens with hire cars and stolen cars, and I was going to raise the matter of finance companies, but as that is covered in the proposed amendment, I will leave that aspect.

Another issue is the cost of impounding, towing and storage. We were told this is to be charged at a flat rate. However, a car might need to be towed 80 kilometres in country areas. Will brackets of cost apply, or will it be a going rate? We need to check that matter. The minister would want to keep that fairly standard. I seek clarification on the cost of impounding and towing. Also, impounding a vehicle following the hooning etc might provide a chance for police to check the car. The kids might have cars "souped up", and impounding would provide a good opportunity to inspect the vehicles. Should the cost of that inspection be borne by the driver? The car may have things on it that should not be there; I am not a mechanic. The vehicle should be checked out.

This is a really good Bill that is fully supported by the National Party. A couple of members mentioned that youngsters over the years have liked, and will like into the future, to have a go in their cars and to hoon and do burnouts etc. More opportunities should be provided for this to happen in a controlled environment. I mention the Narrogin Rev-Heads Weekend. I am not a petrol head, but I go to watch it. The number of people who attend that event is amazing. They absolutely love it. As I love going to the footy, they love that event. It is a great outlet, because they can go there with their cars and go for it. It is controlled, and the crowd has a great time. The Rev-Heads Foundation pumps thousands of dollars back into the Narrogin community to help the ambulance organisation, fire brigades and sporting bodies. It is a fantastic event. The Kukerin Tracmach Fair also runs events such as creek-bed racing and burnout. I am not having a shot at the Safer WA people, but the local Safer WA group ran a program with the local speedway, with events for young kids to get out there and have a go. These kids want to do this, and they will otherwise do it on back roads. Coming from the country, I can remember from my era a flat section of road at Jingalup where the boys would go and give it a burn. I remember that one guy rolled his car, but luckily he was not injured. We will never stop it completely, but providing more opportunities in a controlled situation will complement what the minister is trying to do with this legislation. I encourage everyone to promote events like the Narrogin Rev-Heads Weekend, which is just a huge event. Those events are great opportunities for the police to put money into the event to promote the road safety message. Crashed cars can be on show as well. That would really hit the target group. I encourage the Road Safety Council, the Police Service and local groups to get involved with that.

I will leave it at that, other than to say that this is a good Bill. I am concerned about road safety in country Western Australia. We lose, and see injured, too many of our young people on country roads. Many country people say that it happens only to city people who do not understand the roads. The statistics do not bear that out. It happens to city people as well, but most of the accidents involve country people. Having had a bit to do with road safety, I realise that a lot of country people are to blame for things like not wearing seatbelts. I am happy to do my best in that area, because it is very important. With Easter coming, I encourage everyone to drive carefully.

MRS D.J. GUISE (Wanneroo - Deputy Speaker) [12.32 pm]: I support the Bill. This comes from a self-proclaimed and acknowledged revhead. Anyone looking at my profile will see that I am a long-time supporter of motorcycle road racing. I am a self-proclaimed leadfoot.

Several members interjected.

Mrs D.J. GUISE: It is true; that is why I use the cruise control all the time. I say that for the benefit of the police officers present today, so that they know that I am very careful these days. It is best to acknowledge these things.

Mr T.K. Waldron: There are honest coppers, aren't there?

Mrs D.J. GUISE: There are!

I support this legislation because I see the need to reclaim our streets. It is a sad indictment of our society that we have reached the point at which we are considering putting in place legislation that gives the police the means to impound and confiscate vehicles. In the old days the thought of wearing out tyres was a disincentive for young people - and still is for some people - but sadly it appears that we now need to take stronger measures. We all have stories, I would think, about people acting inappropriately in our suburban streets. I know of an incident in which the fire brigade was called to wash the sump oil off a problem area in Wanneroo. In May 2002 I presented a petition in this place from Landsdale residents about inappropriate behaviour in their suburb, and part of that was about dangerous driving, burnouts etc in their streets. We all experience those situations. Members have already spoken about the current offence for reckless driving being expanded to include driving a motor vehicle at a speed of more than 45 kilometres an hour above the limit, and the new offence of wilfully driving a motor vehicle in a manner that causes a loud noise or smoke to be emitted from the tyres of a vehicle, better known as a burnout or, in motorcycle terms, doing doughnuts. This offence will carry a maximum penalty of a $600 fine and three demerit points, and can be the trigger for the impounding of an offender's vehicle. I am also particularly interested in clause 12, which inserts new division 4 into the Road Traffic Act. This deals with the ability of the police to impound a vehicle of an offender in certain circumstances. In the case of repeat offenders, the police will be able to apply to the court for a long-term impounding order and eventual confiscation. I acknowledge at this point that consideration is taking place of a legislative package of integrated

reforms to specifically target recidivist drink-drivers, and that will include action against offenders' vehicles. Members are well aware of my support for that action, given the death of Jess Meehan in my electorate.

I have already stated that I am a self-professed revhead. Members will often see me at the Barbagallo Raceway in Wanneroo. I enjoy watching the car races. My husband is a life member of the Motorcycle Racing Club of WA and for some years I acted as its sports secretary and media person. Picking up on the point raised by the member for Wagin, we need to provide alternatives for young people. We need to get them off the streets, and reclaim the streets. To that end, I congratulate the police and all involved in my area, because we run Blue Light Drags at the Barbagallo Raceway. I have even brought in the flyer. The drags started in February and go through until April.

Ms K. Hodson-Thomas: They need more money.

Mrs D.J. GUISE: They need more money, so everybody should get behind the event and support it. It is a great project that includes the racing at a reasonable cost for those involved. I am told by the police involved that some of the youngsters who have been participating in illegal street racing at Scarborough have seen the light and are now coming up to Wanneroo. That speaks for itself. They can have fun participating in the burnouts, if they are silly enough to waste their rubber, in a very safe and contained place. I will not go into the detail, because the members for Carine and Wagin raised some points to which the minister will wish to respond, other than to say "well done" to the minister. It is great legislation. It is sad that we had to get to this point, however necessary it is. We need to reclaim our streets. To use the motto of the Blue Light Drags: "If you want to race, the street is not the place".

MR S.R. HILL (Geraldton) [12.37 pm]: I also support the Bill and congratulate the minister on bringing it into the House. Following from the member for Wanneroo, I also confess to being a bit of a revhead, having just purchased a new Commodore ute, of which members are probably aware, and I have an interest in this sort of legislation. I will talk about what happens in Geraldton, particularly on the weekends. I have been talking to a number of young people, and others a bit older than I. We have a number of roundabouts in Geraldton, and it is a bit of a hobby on a Saturday night to see who can mark which roundabout. If it is a new roundabout with some public art on it, it gets a high priority, as you will probably be aware, Mr Acting Speaker (Mr J.P.D. Edwards), being the member for Greenough. During my period as the member for Geraldton I have had a great interest in road safety. With the local RoadWise committee, of which Councillor Roger Morris is the chairman and Mal O'Brien the executive officer, we have tackled this issue head-on. In the past couple of years we have hosted ute musters, to which a number of people bring their vehicles and the Police Service and the Department for Planning and Infrastructure traffic people check them. That has worked towards getting some of the younger people to show an interest in road safety. The other activity of which people in Geraldton are fond, particularly on a Thursday night, is going to one of the shopping centres and lining up their vehicles. It is not only ute owners who do this. Some of the young ladies in the community also go along and show off their vehicles. Following this is a race for the nearest exit to see if there is someone from the Police Service around. They then try to bait someone. I congratulate the minister on the legislation, and I also congratulate the RoadWise committee in Geraldton for its proactive approach to this. There will be many more ute musters and similar events to encourage young people to have their vehicles checked out and gain a better understanding of road safety. As a country person, I have driven a number of country roads. As the member for Warren-Blackwood said, we are all a bit guilty sometimes of going over the speed limit. When there is a great distance to travel and someone is driving a high-powered vehicle that can do a certain speed, he sits there for a number of hours, and then finds that he has crept over the speed limit.

I echo the comments of the member for Wagin and I encourage people to slow down on and take a bit of interest in the roads over this long weekend. A lot of people will be travelling on the roads, particularly those who are going to regional centres such as Geraldton for sporting events. I congratulate the minister for bringing this legislation to the House and I look forward to its being passed.

MR R.A. AINSWORTH (Roe) [12.39 pm]: I support this legislation. I also will comment more generally, albeit briefly, on road safety. Yesterday I did something that I do not often do; that is, I got quite vocal when the minister commented on the previous Government's supposed lack of action on road safety. Her comment is not the case; in fact, it is quite contrary to the facts. The previous Government established an all-party Select Committee on Road Safety, of which I was chair. It ran for three and a half years, so it had extension after extension because of the great breadth of research that was required of us in considering such a diverse topic. The committee made some hundreds of recommendations, a number of which the previous Government began to implement. Even more of those recommendations have been implemented since the change of government as matters have progressed. The work of the Parliament, as opposed to that of any particular political party, has resulted in the move forward in road safety strategies. The legislation that we are debating today is just another step in that direction.

The history of the issue shows that the old Traffic Board, which was the administrative wing of road safety in Western Australia at the time of the select committee's report, was one of the first casualties of the recommendations. The Traffic Board was scrapped and a more broadly representative organisation was put in place to deal with road safety matters in this State. There were recommendations for graduated drivers licences and for other measures in hundreds of areas, some of which have been implemented, some of which have not and some of which may never be implemented. Nevertheless, there has been steady progress on road safety. Despite the statistics, which of course are never satisfactory, the number of road deaths per head of population has decreased. When economic factors, which have a

significant impact on road safety, are taken into account, the statistics show that more road crashes and road fatalities occur in an affluent community that is experiencing relatively buoyant times economically than occur in the same community with the same number of motor vehicles in less economically sound times. That translates into the fact that when economic times are good, more people are on the roads more often, and perhaps with even more high-powered vehicles. We would be hard-pressed to say that the current economic situation is anything but good. Therefore, the statistics on road crashes and road fatalities, which otherwise might have escalated at a higher rate, have been contained.

The effort that has been made in producing road safety strategies has been very good in recent years. I commend the Government for the actions it is taking on road safety. As I said a moment ago, I believe that the progress that has been made in road safety in the past few years has been the result of the Parliament working collectively for the common good, which certainly requires that it transcend party politics. For that reason, although we all like to take credit at various times - my side of politics is no different in that respect - it should be acknowledged that the progress that has been made outside this Chamber has been made because all parties have recognised that a significant road safety issue needs to be addressed. Having taken some steps to address and investigate the required changes to improve that situation, both the previous and current Governments have worked very hard to put in place those changes to improve road safety. That will be an ongoing process. I am sure that the minister does not see this legislation as the last step for her Government to improve road safety. Of course she does not; likewise, when we get back into government, we will not find that all the road safety issues have been fixed. This will be an ongoing process. I commend the minister because I believe it is very necessary to deal with this area of road safety, and this Bill does that effectively.

MR J.P.D. EDWARDS (Greenough) [12.44 pm]: I commend and support the Bill. It is probably just as well that we operate under parliamentary privilege in this place, because I think that today some members may have implicated themselves in breaking the law. I am not necessarily a revhead as such, but I enjoy vehicles and cars and I am fortunate to have a sporty old number. I will not say that it is a new number; it is a 1958 Austin Healey, and I enjoy giving it a bit of a run. It is getting a bit old and creaky and does not do the speeds it used to do.

This Bill covers a lot of areas in relation to hoons that have been of concern to many people, and that is definitely a good thing. I am a little cautious about some parts of the Bill, as it provides that a person who exceeds the speed limit by 45 kilometres an hour or more commits an offence of reckless driving. I guess that comes down to the discernment of the police officers involved and how they assess the situation, and that is always the case with the Police Force. I understand that if the speeding or hooning continues, the vehicle can be impounded and confiscated. That is a fairly drastic measure, and to young people it will be a very salutary lesson. Having had my car impounded in slightly different circumstances, I understand how difficult it can be when a person does not have a set of wheels. I parked on a double yellow line in London and when I came back about six hours later, I found that my car had been towed away to, I think, Park Lane car park. I then had to fork out a hundred quid to get the car out. That was a fairly quick and easy way out, but a very expensive one, and it hurt my pocket. I am sure that, over a period, young people will learn a lesson when money is involved.

One area that we could improve is driver training. It is necessary. We need to understand that we must give our kids better driver training. Following the same line of the member for Wagin, I think that giving kids the opportunity to hoon around, burn rubber or whatever they want to do in a controlled environment is an excellent idea, and perhaps that should be done prior to their gaining their drivers licence. Certainly I have no problem with that being allowed at a later time when young people want to let off steam in their motor vehicles, but it should be in a controlled environment.

We must also be careful that we do not over-regulate in the regulations and the legislation. I understand, obviously, that the introduction of these rules and regulations is for the benefit of both those people who are involved and those who are not. However, we need to be careful that we do not become "nannyfied" with these rules and regulations. Again I flag how discerning the police need to be in these circumstances. Plenty of young people own cars. I could say that my son is a revhead. He has a V8 Torana. Usually he either takes out the gearbox and puts it back in again or takes a six-cylinder engine out and puts in an eight-cylinder. To give him his due, I am sure that he drops the accelerator every now and again. He is a reasonably sensible young man and, at the age of 24, he understands that he can get into trouble by doing the wrong thing. I have known him to park in a car park with friends who all have their Toranas lined up, and they have been spoken to by the police. I know it is difficult, because when the police see a line of V8s, their question is: what are they up to and where are they going? However, perhaps it is about the approach taken when talking to the kids. My son has had a couple of bad experiences, which he told me about. I told him that that was one of the things we must live with in this life. However, there are some areas that the Police Force could look at in talking to those young people.

I am very conscious that I am running out of time. I would like to say some more, but I will not hold up the House. I support the Bill. I congratulate the minister for bringing it into the House. I hope it does what she hopes it will do. However, I hope that we will not be over-regulating.

Debate interrupted, pursuant to standing orders.

[Continued on page 2049.]

ALBANY STUDENT PARLIAMENT

Statement by Member for Albany

MR P.B. WATSON (Albany) [12.50 pm]: As part of the first-ever regional Parliament in Albany, a student Parliament was also held in Albany. I will read out the names of the young people who were members of that student Parliament. From Albany Senior High School were Matt Sellenger, Natalie Davy, Gemma Cole, Hayden Smith, Will Chaloner, Cathy Bain and Amy Hetherington; from St Joseph's College were Kim Prosser, Aaron Porebski, Kathryn Spry, Alex Palfrey, Tyrone O'Neill, Megan Allsopp, Taylor Mickle and Kaitlin Bunn; from Denmark High School were Bohdi Williamson, Emily Vondeling, Ben Goodsell, Kathleen Robbins, Rubi Piekalns, Rebecca Halse and Nikki Grazulis; from Kojonup District High School were Natasha Williams, Bianca Cavanagh, Chloe Crabb, Caitlin McDonald, Joanna Williams and Ashleigh Mort; from John Calvin School, Albany were Abby Plug, Emma Spaanderman, Natika Spaanderman, Brendan Dekker, Stephen Van Dongen and Desmond Vermeulen; from North Albany Senior High School were Jennifer Adams, Rose Evers, Joshua Overington, Georgia McGrath, Kyle Lydeamore, Danielle Ronk, Taryn Meyer, Jake Hill and Aleasha Remaj; from Bethel Christian School were Emily Gould, Tim Stead, Aaron Crosby, Kathryn Eaves, Travis Douglas, Colleen Evans and Jai Frantom; from Mt Barker Senior High School were Gabriel Kingi, Danelle Watterson, Anthony Brayshaw, Kaitlyn Davies, Emma Sandells and Tobias Backshell; and from Great Southern Grammar were Jack Jones, Emma-Jade Tuffley, Kyle Kongrat, Prue Campbell, Sammy James and Luke Piggford. It was a great effort by Jane Gray and the parliamentary education team and a great initiative of the Gallop Labor Government.

MISLEADING PETITION

Statement by Member for Dawesville

MR A.D. MARSHALL (Dawesville) [12.52 pm]: I have grave concerns that a petition that was presented to Parliament has political implications and was misleading. The petition headed "Save the Railway", which relates to the Perth-Mandurah rail link, appears to have been politically motivated. The petition creates mischief as it insinuates that the southern railway corridor program will be scrapped. That is a lot of rubbish. The petition is also misleading because one of the three statements that petitioners were asked to support by signing the petition has nothing to do with saving the railway. Statement 1 is -

> Continue to give priority to the construction of the southern railway

This is okay and definitely deserves a tick. Statement 2 is -

> Ensure that train services commence by December 2006.

This is also okay and deserves a tick; however, a commencement time of 2006 is highly unlikely. Statement 3 is in doubt. It is -

> Make the extension of the freeway and the Peel Deviation the next major capital works project after the railway.

The Peel deviation petition has nothing to do with this rail petition, so this statement should be withdrawn. If Mandurah residents were asked to prioritise, through a petition, whether they wanted the rail link or the Peel deviation first, the Peel deviation would win hands down. This petition is devious, misleading, sneaky, divisive and incorrect. People have signed it under false pretences. The member who presented this petition should be more open to the House when presenting petitions.

SMARTER THAN SMOKING COUNTRY SPORTS SCHOLARSHIPS

Statement by Member for Mandurah

MR D.A. TEMPLEMAN (Mandurah) [12.53 pm]: It was my pleasure to attend the presentation of the Smarter than Smoking country sports scholarships on the evening of Wednesday, 7 April in Mandurah. Once again, Healthway has provided the Department of Sport and Recreation in the Peel region with $15 000 for the Smarter than Smoking country sports scholarships. These scholarships increase opportunities for young, country-based athletes by providing assistance with the development of their sporting careers. The Peel region has an unbelievable number of talented young athletes and sporting achievers. Many are already achieving at state and national levels. On Wednesday evening, 20 young people received scholarships. These athletes are to be congratulated for their dedication and commitment to their individual sports. The athletes included Stephen Snowdon, Jay Sloot, Leigh Sloot, Anita Rizzi, Matthew Switzer, Tahnee Obst, Jessica Remus, Robert Beswick, Tricia Borgward, Melissa Luff, Jasmin Stronach, Stephanie Smith, Hannah Berglund, Christopher Dunlop, Elizabeth Lyster, Salli Lyster, Alex Darby, Brett Jenkinson, Lisande Dingian, Danielle Longworth and Natasha Hazel. I acknowledge the tremendous contribution that these young people have made. I also acknowledge the support and leadership shown by all staff at the Peel region office of the Department of Sport and Recreation. While I congratulate and pay tribute to all scholarship recipients, I also pay tribute to all the active participants in sport in the region, their families and friends who support them and the tremendous

amount of time that coaches, officials and volunteers in the Peel region put in to ensure that young people in sport are supported and encouraged in their endeavours.

SUZANNE KELLY AND ANGUS WALLAM, *CORROBOREE*

Statement by Member for Warren-Blackwood

MR P.D. OMODEI (Warren-Blackwood) [12.54 pm]: I acknowledge the great achievement of Suzanne Kelly and Angus Wallam in presenting their illustrated version of *Corroboree*, a book for children that has been circulated throughout Australia. In 1999, Angus Wallam was the joint winner of the inaugural Marrwarning Award for published and unpublished Aboriginal and Torres Strait Islander writers. The award is an initiative of the University of Western Australia Centre for Indigenous History and the Arts and UWA Press.

Last week, I attended the launch of the book by Sally Morgan at Bull Creek Primary School, which was well attended by a range of school kids. Suzanne Kelly is a Nyoongah woman whom I have known all my life and who grew up in Pemberton. She now resides at Middlesex with her husband Alan, who was a saw doctor. Sue and Alan now grow apples. Suzanne is an excellent example of a person who understands the Aboriginal culture. During the launch of the book she said it was more about Aboriginal understanding than reconciliation - a salient point that she repeated yesterday on the Australian Broadcasting Corporation. Of course, Angus Wallum is a well-known Wagin identity. The book is about Wirrin, a young boy at about the same time that Angus was a young boy. It provides illustrations and translations of Aboriginal words into Australian words, and it will be a great addition to education in Australia.

GRAHAM MURRAY, WA YOUNG FARMER OF THE YEAR

Statement by Member for Wagin

MR T.K. WALDRON (Wagin) [12.56 pm]: I would like to congratulate Graham Murray of Wagin who was announced the winner of the 2004 Western Australian Young Farmer of the Year competition held recently at the Wagin Woolorama. It is a statewide competition run by the Western Australian Federation of Rural Youth as a forerunner to the national Young Farmer of the Year competition. The competition is open to any young person aged 16 to 30 years with a keen interest in, but not necessarily working in, agriculture. Event chairperson, Emma Field, said the Young Farmer of the Year competition is a concept that is being adopted by all affiliated States in the national rural youth body. She stated in a media release that -

> 'We are aspiring not only to reward the young farmer who wins but to promote agriculture as an exciting and viable career option to all those talented young people from rural areas' …

Competitors were assessed on a series of 10 modules ranging from practical farming tasks such as fencing, to budgeting and finance and even domestic skills, which I am told this year involved knitting. Module judge Rodney Field said all participants are a credit to their industry and are excellent examples of young people in agriculture. Graham and the runner up, Tim McDougall of Narrogin, will compete in the national Young Farmer of the Year competition to be held in Queensland in July 2004. Last year's winner, Shayne Smith of Dumbleyung, was successful at the national competition bringing home the prestigious title of Australian Young Farmer of the Year.

This competition is a great opportunity to showcase talented young people in agriculture to audiences from rural and metropolitan backgrounds. I take this opportunity to congratulate all participants, the organising committee and the Western Australian Federation of Rural Youth and to wish Graham and Tim the very best when they represent WA at the national competition.

TRANSPLANT AUSTRALIA, WA BRANCH

Statement by Member for Joondalup

MR A.P. O'GORMAN (Joondalup) [12.58 pm]: Today I acknowledge a group that has been active in my electorate over the past three years; the Western Australian branch of Transplant Australia. The branch operates throughout the State and seems to have a very active group around the Joondalup area. The reason for so much activity is that a number of my constituents are family members or friends of transplant recipients. The group is actively fundraising to send young transplant recipients to the National Transplant Games, which will take place in Adelaide in September this year. The aim of the national games is to raise awareness of the need for organ donation. The games are held every two years and it is hoped that they will be staged in Perth in 2006 or 2008.

In November 2003, the transplant group held some WA games called the "WA Transplant Gift" at Arena Joondalup. This was done to raise awareness of the games and to raise funds to send up to 10 transplant athletes to the Adelaide games. These athletes are all aged between 10 and 14 years. Of course, with transplant recipients it is not just the athlete that needs to travel. Usually the whole family is involved to provide the added support that is required. The cost of sending the 10 athletes and their support personnel to Adelaide will be approximately $60 000. The group has been fundraising by having sausage sizzles in Joondalup, which raised approximately $500. It recently held a fundraiser on the paddle steamer *Decoy* and raised about $2 000. As members can see, it is extremely difficult to raise large amounts

of money for this group to go to the games in Adelaide. I urge anyone wishing to contribute to get in touch with the group to offer their assistance.

Finally, I thank Anna Bradshaw who organises most of the events in her spare time. Anna is a teacher assistant at Joondalup Ed Support Centre and the transplant group is her after-hours passion. Future events will include mouse racing in July, which needs sponsors, a bowl-a-thon in June, more sausage sizzles and a Christmas party in December.

Sitting suspended from 1.00 to 2.00 pm

QUESTIONS WITHOUT NOTICE

AUSTRALIAN LABOR PARTY, VOTE RIGGING ALLEGATIONS

179. Mr C.J. BARNETT to the Minister for Police and Emergency Services:

I refer the minister to the comment made by the Commissioner of Police, Barry Matthews, on Radio 6PR this morning that the police were investigating allegations by Senator Mark Bishop of vote rigging and criminal behaviour within the Australian Labor Party because there was "the likelihood of a criminal offence".

(1) Will the minister now admit that she was wrong when she stated in this House on 1 April that "They are allegations. I do not believe those allegations to be true"?

(2) Will the minister now admit that she was wrong as Minister for Police not to seek proper legal advice on those allegations?

(3) Will the minister now admit that she was wrong when she stated yesterday that Senator Mark Bishop did not make specific or general allegations of criminal misconduct?

(4) Will the minister now admit that she was wrong as Minister for Police to try to sweep this matter under the carpet and refuse to refer the allegations to the police?

Mrs M.H. ROBERTS replied:

(1)-(4) I am very pleased to receive this question, because, again, what we have seen today is how sly and tricky certain other people attempt to be when they ask questions like this. I note the quote from the police commissioner today. The answer to just about all of the questions is no. Listen to this quote from Commissioner Matthews on Radio 6PR this morning. He said - to continue the quote that the Leader of the Opposition started -

> We will only finally know that as a result of the investigation into the various documents and who did what.

I have given this matter to the commercial criminal area to look at. Those people are doing an investigation. They will ultimately report to me. There is, quite properly, an investigation taking place. I am pretty incredulous about the second question. It asks me whether I will admit that I was wrong not to get advice about these matters. I suspect that had I taken documents to the police and sought Crown Law advice, police advice - all kinds of advice - on them, members opposite would have been the first to say that I was abusing my position as Minister for Police in order to get advice that I should not be getting. They would be saying that, as minister, I should be at arm's length from these things.

Mr C.J. Barnett: You should be, too!

Several members interjected.

Mrs M.H. ROBERTS: The Leader of the Opposition wants to eat his cake and have it too. He wants to have it both ways. He cannot have it that way. What I said at the time, and what I am saying again, is that Senator Bishop is a senator. He is a lawyer. He was the head of a union for quite a number of years. He knows about these matters. He made a choice about whether to refer his complaint to the police or to the Australian Labor Party. He referred it to the State Secretary of the Australian Labor Party, not the police. That was his choice. The Leader of the Opposition has now made a complaint to the Commissioner of Police. I think it is appropriate, given that someone who holds the position that the Leader of the Opposition holds has made that complaint, that it be investigated.

AUSTRALIAN LABOR PARTY, VOTE RIGGING ALLEGATIONS

180. Mr C.J. BARNETT to the Minister for Police and Emergency Services:

I ask a supplementary question. Is it not the case that the minister has failed in her responsibility as Minister for Police because she has been more interested in covering up these allegations within the Labor Party?

Mrs M.H. ROBERTS replied:

The only person who has been failing in his capacity in any role in this Parliament is the Leader of the Opposition.

ANZAC DAY, HISTORY

181. Mr A.D. McRAE to the Premier:

I ask the Premier, with the celebration of Anzac Day looming, and, indeed, having myself already attended this week three Anzac Day ceremonies in schools, whether he can advise the House of the initiatives the Government is taking to educate young Western Australians about our Anzac history and heritage?

Dr G.I. GALLOP replied:

I thank the member for Riverton very much for the question. Nearly all of our First World War veterans have died, and most of our Second World War veterans are now in their 80s and 90s. Therefore, if we are to keep the Anzac flame alive, it is important that certain initiatives be put in place so that this great tradition will carry on into the future. Last year I set up the Anzac Day Review Committee. One of the members of that committee is the WA Branch President of the Returned and Services League, Mr Bill Gaynor, and it is chaired by my parliamentary secretary, the member for Rockingham. The idea behind the committee is to make sure that the Anzac heritage stays alive into the future.

A number of initiatives are under way. The first is a program to rebuild the crumbling state war memorial in Kings Park. The second is a $250 000 small grants program to repair war memorials right around Western Australia. The third is an adopt a memorial program to encourage schools and community groups to adopt memorials, undertake research about them and keep them properly maintained. I thank the Minister for Education and Training for raising the issue of Anzac Day within our school system. We have moved to make the celebration of Anzac day compulsory in all our state schools. We have established a new memorial register and web site to record all the memorials and honour boards around Western Australia.

Mr C.J. Barnett: Then why not support the flag?

Dr G.I. GALLOP: I do support the flag.

A statue of our great wartime leader John Curtin will be constructed in Fremantle to coincide with the sixtieth anniversary of his death and the end of the Second World War. We have also introduced the Anzac Day Amendment Bill 2003, which we want to take through the Parliament. In addition, each year we will be taking 12 Western Australian students, along with the member for Murdoch, to a significant Anzac Day site throughout the world. This year we will be going to France and London. These 12 students have been selected from state and non-government schools all over Western Australia, with half of them from country Western Australia. There was a very good selection process, and I am told that the quality of the students who went through that process leads us to conclude that we can be very confident that our young people will carry the Anzac tradition with great honour in our State today. We will be visiting some of the battlefield sites in France, and we will also be attending the Anzac Day dawn service at the new Australian war memorial at Hyde Park in London. This is a great opportunity for these young Western Australians to learn first-hand about our history, and, upon their return, they will be expected to speak to their school and their neighbouring schools about what they have learnt, and encourage other students to take up the Anzac story. We are very proud of what we have been doing to make sure that the Anzac flame stays alive into the future.

I thank all the members of Parliament who are encouraging their schools to become involved in the adopt a memorial program. It is a good program. It will be very interesting for the students, and, more significantly, they will learn about aspects of our history that are very important, such as mateship, resilience and making sure that we take that extra step in doing what we have been asked to do in our communities. Those issues are all part of what we regard as the Anzac tradition. We will make sure that the tradition continues in this nation for another hundred years.

AUSTRALIAN LABOR PARTY, VOTE RIGGING ALLEGATIONS

182. Mr R.F. JOHNSON to the Minister for Police and Emergency Services:

I remind the minister that the police are now investigating the complaints of Senator Mark Bishop relating to alleged vote rigging and fraud within the Australian Labor Party.

(1) Will the minister admit that there is now a clear and direct conflict of interest between her role as Minister for Police and her role as President of the Australian Labor Party while the Police Service is investigating these allegations?

(2) Will the minister stand aside as the Minister for Police while the complaints are investigated?

Mrs M.H. ROBERTS replied:

(1)-(2) The simple answer is no, because I do not have any role in the investigation. That is done by the Police Service.

WORKERS COMPENSATION, ADVERTISEMENT

183. Mr A.J. DEAN to the Minister for Consumer and Employment Protection:

Can the minister comment on the accuracy of the full-page advertisement on the Government's workers compensation reform proposals on page 63 of *The West Australian* on 3 April 2004 in the name of Kevin Reynolds?

Mr J.C. KOBELKE replied:

I thank the member for some notice of this question. It gives me the opportunity to put the record straight. The workers compensation system that we inherited from the previous Government was a very poor one. We made a clear commitment to improve it, to make sure that it contained costs, that costs did not blow out to 3.4 per cent as we saw under the previous Government, and that within those contained costs the money should go to the benefit of injured workers, whose current benefits are well below the standards that exist in other jurisdictions across Australia. That package is nearly complete and I trust I will have the privilege in the near future of introducing it into the House. We have had very thorough consultation with all the stakeholders, and the feedback from people who know the system and who have worked in it for decades is that the package of improvements that we will bring forward is the best they have ever seen for improving benefits to injured workers in Western Australia. It is unfortunate that some of those stakeholders have made claims regarding this package that are simply untrue. I will refer to two issues in the advertisement in *The West Australian*. Firstly, it states -

- It's proposed that injured workers only get full pay for up to 13 weeks after being injured.

That is correct. Currently it is four weeks. Under our proposal they will get 13 weeks. The article then states -

It then drops to 85%.

It does for a very small percentage, but for most it does not. This article clearly misrepresents the Government's proposal. It continues -

- Seriously injured workers will be WORSE OFF under the proposed workers' comp reforms.

That is clearly wrong. Our proposals will increase the benefit to injured workers in the first year to something in the order of $130 million, and about $60 million in the years after that - a massive improvement - and will still keep premiums within the 2.4 to 2.7 per cent band. We will deliver both for employers and for injured workers. We hope people will look at the detail of this very thorough package and not go misrepresenting it for whatever purpose.

In terms of the benefits to the working people of Western Australia, the unemployment figures out today again show another drop in unemployment in Western Australia - under 5.5 per cent, which is clearly below the national figure, which again reflects the better benefits being received by the men and women of this State under a Gallop Government. The monthly unemployment figure during the term of the Gallop Government is 6.3 per cent. Under the last Liberal Government the average unemployment figure on a monthly basis was 7.3 per cent. Over the whole time of both Governments, we are nearly a full percentage point better on unemployment, because the Gallop Government is delivering for our working men and women. When it comes to health and safety, workers compensation, wages, employment and unemployment, the Gallop Government is streets ahead of the Liberal Opposition.

POWER SUPPLIES, POLE-TOP FIRES

184. Mr J.H.D. DAY to the Minister for Energy:

I refer the minister to the recent spate of pole-top fires that affected power supplies to more than 10 000 homes in the metropolitan area this month and only this week caused numerous lengthy power outages in the wheatbelt and mid west regions.

(1) Does the minister agree with the Director of Energy Safety that the lack of preventive maintenance and new power infrastructure has led to this unacceptable level of power disruptions?

(2) Given that the Government's costly plan to break up Western Power is no longer proceeding, will the minister now lift the investment restrictions he placed on the utility so that vital transmission system upgrades and maintenance can proceed?

Mr E.S. RIPPER replied:

(1)-(2) At last the shadow Minister for Energy has asked me a question. I have been lobbying him for days to get some priority for his questions to me. The question of pole-top fires is an interesting one. It came to light in a public way because this Government gazetted the technical and safety regulations for the electricity supply industry, a matter that had been sitting on the Leader of the Opposition's desk for five years when we came to power. By gazetting those regulations, we gave the Director of Energy Safety a role as the regulator to hold Western Power accountable. The Leader of the Opposition, when he was Minister for Energy, was in the pocket of David Eiszele, the managing director at that time of Western Power -

Dr G.I. Gallop: Captured.

Mr E.S. RIPPER: He was captured in the pocket of David Eiszele, who said to him, "Don't do this, minister; we don't want to be publicly exposed to this sort of scrutiny." I rejected that argument from Western Power and gave the Director of Energy Safety the right to hold Western Power publicly accountable for these sorts of matters.

Mr J.L. Bradshaw: When?

Mr E.S. RIPPER: At the beginning of 2002. In January 2002.

Mr J.L. Bradshaw: Why has it taken you until today to say something?

Mr E.S. RIPPER: The member for Murray-Wellington appears to believe that pole-top fires are a recent development.

Mr C.J. Barnett: Never like this.

Mr E.S. RIPPER: Never like this, says the Leader of the Opposition. Let us have a look at the figures. In the financial year 1994-95 there were 532 pole-top fires; in 1995-96 there were 560; in 1996-97 there were 693; in 1997-98 there were 632; in 1998-99 it dropped to 393; in 1999-2000 there were 331; in 2000-01, when we must hold the Leader of the Opposition responsible because he was responsible for the strategic development plan and all the arrangements in Western Power, there were 671 pole-top fires; in 2001-02 there were 339; in 2002-03 - not a good year - there were 635; and so far this year there have been 424. The annual average of pole-top fires from 1994-95 to 2000-01 was 530, and the annual average in the last three years was 466. There are too many pole-top fires. I agree with the Director of Energy Safety that more needs to be done to reduce the incidence of pole-top fires, which are disrupting the reliability of electricity supply to Western Power's customers. I do not agree with the Director of Energy Safety that Western Power is not working on this issue. Western Power is working on this issue. However, its work needs to be more effective and intensive. There needs to be a reduction in pole-top fires. I agree with the Director of Energy Safety on that, but I do not agree that Western Power is not working on the issue. In particular, Western Power has been trialling a new method of silicon coating electrical equipment, which at the end of the trials is proving to be a very successful way of preventing pole-top fires. We will see more of that in the future as a result of the trial, but we would not have know about this issue if the Leader of the Opposition and David Eiszele had had their way and continued right through until now. The Government knows about this issue because I was not in the pocket of David Eiszele and I did not agree to cover up this issue.

POWER SUPPLIES, POLE-TOP FIRES

185. Mr J.H.D. DAY to the Minister for Energy:

I have a supplementary question. Is the Minister for Energy claiming that the situation has improved since his Government has been in office? I ask for the second time: will he now lift the investment restrictions he has placed on Western Power so that it has more funds to improve this problem?

Mr E.S. RIPPER replied:

It is interesting that the shadow Minister for Energy talked about investment restrictions. We have significantly -

Mr C.J. Barnett interjected.

Mr E.S. RIPPER: Wait a minute.

Mr C.J. Barnett interjected.

The SPEAKER: Order, Leader of the Opposition!

Mr E.S. RIPPER: The Government has -

Mr C.J. Barnett: You're the weak link; you are too weak to do anything about it. You are a laughing stock.

The SPEAKER: Order, members!

Mr E.S. RIPPER: The Leader of the Opposition said I was too weak to do anything about it. He was the minister who agreed with David Eiszele to keep these sorts of problems covered up. He would not allow the Director of Energy Safety to implement the role that I have given him. That matter sat on his desk for five years. When I became minister I received complaints from the Coordinator of Energy that the former minister had taken no action on this issue and he requested that I please consider it.

On the question of investment, we have significantly increased the amount of money being spent on maintenance in the distribution system; for example, in the country, we have almost trebled the amount of money spent on maintenance and capital works. As always, and as with every government agency, we will have a thorough discussion in the budget process about their needs, their requirements and their priorities. The Leader of the Opposition will see the result of that discussion when the budget is brought down on 6 May.

Mr C.J. Barnett interjected.

The SPEAKER: I call the Leader of the Opposition to order for the first time.

CHILDREN ON HOSPITAL WAITING LISTS

186. Mr J.J.M. BOWLER to the Minister for Health:

In December last year the Government promised to give priority to all children who had been on hospital waiting lists for 500 days or more. Can the minister please report to the House any progress in this matter?

Mr J.A. McGINTY replied:

I thank the member for that question. As he has rightly pointed out, because of the concerns the Government had about waiting lists for surgery in this State, last December the Premier announced a $10 million program in which every patient who had been waiting for longer than 500 days would be offered their surgery by 30 June this year. In particular, he had regard for children and said that any children who fitted into that category would be offered their surgery before Easter. Today is Holy Thursday and it is appropriate I report to the House on that promise. It was originally estimated that 140 children fitted into this category but an immediate audit conducted by the Department of Health revealed that there were 85. Of those 85, 27 have accepted the offer of surgery. They are overwhelmingly in the category of ear, nose and throat surgery. Of the remainder, some were not ready for surgery generally because of other disabilities, some no longer required their treatment and some, despite repeated efforts, could not be contacted.

The audit showed a further 263 children had been waiting longer than clinically desirable but fewer than 500 days. I am very happy to report to the House that 205 of those children have been offered their surgery. The remaining 58 will be given priority and offered surgery before 30 June. Today, I am able to report significant progress in reducing the wait list and the wait times for children needing surgery.

In the past three months all 85 children waiting longer than 500 days have been offered their surgery as promised. The 85 children waiting longer than 500 days as at 30 November 2003 has been reduced to 25. The 263 children waiting longer than clinically desirable has been reduced to 179. Although much more needs to be done, more children are being accepted for their surgery and the lists are reducing.

WILLIAMS AND NARROGIN POLICE STATIONS

187. Mr T.K. WALDRON to the Minister for Police and Emergency Services:

Working and operational conditions at Williams and Narrogin Police Stations have been described as among the worst in Western Australia. Given the minister's announcement on Tuesday, 23 March this year that a total of $34 410 will be spent on upgrades at both stations, I ask -

(1) Will the minister detail the expected upgrade that will be achieved at Williams for the $10 590 allocated and at Narrogin for the $23 820 allocated?

(2) Will any of this funding be used to upgrade the currently unusable cells at each of the stations?

(3) Will the level of expenditure bring the stations and cells into line with the requirements of the Occupational Safety and Health Act and custodial standards?

(4) Does the minister accept that at least $150 000 to $200 000 is really required to upgrade each station to an acceptable standard?

Mrs M.H. ROBERTS replied:

I thank the member for some notice of the question; it has enabled the Police Service to provide me with the following response.

(1) Yes, the occupational safety and health building upgrade work currently being undertaken at Williams Police Station for $10 590 is as follows: electrical upgrade work $3 340; security fencing, $5 060; and minor building upgrade work, $2 190.

The occupational health and safety building upgrade work currently being undertaken at Narrogin Police Station for $23 820 is as follows: electrical upgrade work, $3 270; security fencing, $14 950; and minor building upgrade work, $5 600.

(2) No.

(3) This expenditure will address identified occupational safety and health building works. The Narrogin Police Station has three cells, which comply with custodial standards. This year's program does not include additional cell upgrades.

(4) No; both stations are listed for major building upgrades on the Police Service 10-year capital investment plan, which is subject to budget deliberations in future years.

The Labor Party called on this Parliament for a very long time to introduce occupational safety and health coverage of police officers. The fact that legislation has been implemented means that the Government has had to spend a lot of extra money on police stations in both the metropolitan and country areas to ensure those occupational and safety health standards are met, which should have been implemented many years ago.

SWAN TAFE, STUDENT OUTCOMES

188. Mr N.R. MARLBOROUGH to the Minister for Education and Training:

Will the minister - may I say that he is a very fine minister - please inform the House on the student outcomes being achieved at Swan TAFE?

Mr A.J. CARPENTER replied:

I thank the member for Peel for the question. Everybody knows his very deep interest in training and education. He has been very helpful to me in this portfolio. As they leave the public gallery, I acknowledge the students from Strathalbyn Christian College in the mid west. I hope they have enjoyed their time in the Parliament.

Last night in the company of the members for Midland, Swan Hills and Darling Range, I attended the awards ceremony for Swan TAFE at the Burswood ballroom. It was a very good night. Swan TAFE is the amalgamation of nine campuses. In 2004, 25 000 students at those nine campuses are receiving training in more than 250 courses. Last night approximately 125 prizes were presented. The outstanding student of the evening was Craig Coetsee. For members who have not heard of him already, that is a name that we will hear much more of. He is a very interesting young man. He was also awarded vocational student of the year. He is a fashion designer from Leeming. Last year he completed a diploma in fashion industries. In addition to winning the vocational student of the year award, he won the inaugural Geoff Gale award, named in honour of the late Geoff Gale, who was a manager at Swan TAFE. It is a new award for the most outstanding student at the nine campuses. Craig's expertise is being sought in the Australian fashion industry. He is a great credit to Swan TAFE and will be a great asset to Western Australia. He will deliver major benefits to the Western Australian economy through his expertise and his new business.

Mr J.H.D. Day: Can you remember his name?

Mr A.J. CARPENTER: It is Coetsee. He is one of the famous Coetsees.

Last night's awards were another reminder of how successful training is now in Western Australia. When we came to government there had been no growth for a long time in the number of apprentices and trainees in Western Australia. In June 2001 there were 18 700 apprentices and trainees in Western Australia.

Dr G.I. Gallop: The former Government was a Philistine Government.

Mr A.J. CARPENTER: It was certainly a failure. By January this year the 18 700 had increased to 25 100 - a 33.5 per cent increase. The Government has an outstanding record of providing apprentices and trainees in Western Australia. Western Australia is outsprinting the nation, as it should be. Last night was another example of how brilliant some of those young people are.

ROYAL FLYING DOCTOR SERVICE, FUNDING FOR AIRCRAFT

189. Mr M.F. BOARD to the Minister for Health:

I refer the minister to the launch of the new aircraft of the Royal Flying Doctor Service, which the minister and I recently attended with the federal Minister for Health and Ageing. Will the minister confirm that to purchase that aircraft, the Royal Flying Doctor Service was required to use funds from its existing budget and that no additional state funds were provided for that aircraft, which is contrary to announcements that were made about state support?

Mr J.A. McGINTY replied:

No, I cannot because I do not believe that is true. The federal minister, Tony Abbott, and I sat at the rostrum and looked down on the assembled gathering. They were very appreciative of the great contribution that had been made by the State and federal Governments to fund the Royal Flying Doctor Service and, in particular, to fund the establishment of the new plane to service people in the Kimberley region. The new plane will replace an obsolete aircraft that currently operates out of the Derby base. Among the sea of grateful and appreciative faces was a face that had a particularly dark cloud over it and that looked very glum; it was the face of the member for Murdoch. Do members know why he was so glum? It is because his federal colleague Tony Abbott and I had come from Royal Perth Hospital, at which we had made a historic announcement. For years and years people have talked about the need for the State and federal Governments to cooperate and work constructively together to establish general practitioner clinics, collocated with emergency departments, to provide not only after-hours GP services but also a means of taking pressure off those emergency departments. The old Perth Dental Hospital, which is currently in the process of being renovated, will provide a magnificent facility.

Mr M.F. Board interjected.

Mr J.A. McGINTY: We have done it. The former Government could not do it, even though a federal Government of the same political persuasion was in power. It took my good friend Tony Abbott and I to do it. That is why the member for Murdoch was looking very dark. It was like Harmony Day. My good friend Tony Abbott and I were arm in arm, and we provided a significant amount of funding from the State and federal Governments to significantly upgrade the fleet of the Royal Flying Doctor Service. The member for Murdoch hated every minute of it. He did not like it at all. What the public wants in health care in this State is cooperation, not division. It wants all levels of government to cooperate. It wants to see cooperation between the Australian Medical Association and the divisions of general practice. The Government has achieved that with the AMA. As members are aware, the Government settled the AMA's enterprise bargaining agreement, which was expected to be problematic, without an angry word being spoken in the public arena. That was a phenomenal achievement. The Government is working on building those partnerships,

and making sure that the public of Western Australia can look to their political leaders, regardless of their political colour, and know that they are working cooperatively to deliver better health care for all Western Australians.

ROYAL FLYING DOCTOR SERVICE, FUNDING FOR AIRCRAFT

190. Mr M.F. BOARD to the Minister for Health:

Will the minister tell the House how much money the State contributed to the purchase of that aircraft? If the minister cannot tell us that, will he commit to provide that information to the House at the next sitting?

Mr J.A. McGINTY replied:

The Premier made a very generous contribution to the Royal Flying Doctor Service at a fundraising function that was held two months ago, following a direct request from the RFDS for financial assistance. My recollection is that this year the State Government has contributed a total of approximately $4 million to the RFDS. That donation was requested of, and made directly by, the Premier to the RFDS. Of course the Government will continue to meet the very important needs of the people who live in the electorate of the member for Kimberley. The Government will also continue to meet the needs of people who live in the outlying parts of the State and who need this iconic service - the Royal Flying Doctor Service is exactly that - to meet their health care needs.

NATIVE TITLE AND NATIONAL PARKS LEGISLATION

191. Dr J.M. WOOLLARD to the Minister for the Environment:

In reference to the Government's commitment, in its policy on protecting old-growth forests, to create 30 new national parks -

(1) What has the Government done to overcome the statutory or judicial conflict between native title and the establishment of national parks?

(2) Will the first of the necessary Bill or Bills be introduced in this session of Parliament?

(3) If not, why not?

Dr J.M. EDWARDS replied:

I thank the member for some notice of this question.

(1) The Government has engaged in extensive and ongoing consultation with the South West Aboriginal Land and Sea Council, which is the native title representative body.

(2)-(3) The timing of the introduction into Parliament of a Bill or Bills to create the new national parks will depend on the outcome of the above consultation, but it is a high priority for the Government this year.

NATIVE TITLE AND NATIONAL PARKS LEGISLATION

192. Dr J.M. WOOLLARD to the Minister for the Environment:

As a supplementary question, is the minister saying that the Bill or Bills will not be introduced in this session of Parliament?

Dr J.M. EDWARDS replied:

No, I am not saying that.

BETTER BUSINESS BLITZ, EXMOUTH

193. Mrs C.A. MARTIN to the Minister for Tourism:

I understand that the minister recently attended a very successful tourism forum in Exmouth called the Better Business Blitz. Will the minister inform the House whether any other regional business communities in Western Australia, and more particularly any small businesses in the Kimberley, will benefit from this new service?

Mr R.C. KUCERA replied:

I thank the member for Kimberley for the question. Before I answer that question, I will comment on the issue of state-federal cooperation. Yesterday the federal Minister for Small Business and Tourism and I announced the biggest coup that Western Australia has ever had in the tourism industry. Next year the Australian Tourism Exchange, which is the third biggest tourism exchange in the world, will be held in Western Australia. That will bring some 2 500 national and international tourism operators to this State. The event will be worth about $10 million in direct spending to this State. In addition, it will showcase Western Australia to the rest of the world. I thank the Premier for his support of and involvement in that. It will be a significant event.

Dr G.I. Gallop: It is interesting that at the tourism awards this year the federal minister, Mr Hockey, spoke very highly of our Government's performance.

Mr R.C. KUCERA: Indeed he did.

Several members interjected.

The SPEAKER: Order, members!

Mr R.C. KUCERA: It is better to work cooperatively. I will come back to the Better Business Blitz to which the member for Kimberley referred. The program has been designed to help our regional tourism operators. A team of people survey particular areas in the State, including the State's tourism zones, to establish the needs of small business people in those areas and how their businesses can be developed. A series of workshops and seminars are then developed, which include speakers, and taken to those areas. This program worked very well in Exmouth recently. I was pleased to close the program. It was tremendous.

Several members interjected.

The SPEAKER: Order, members!

Mr R.C. KUCERA: I hope that the businesspeople in Exmouth note the mirth of members opposite, and in particular the Leader of the Opposition. This concept is positive. The program surveys what small business people need and then the Government provides those services and seminars for them. Importantly, after the seminar, the tourism and business development staff work with the businesses to make sure the programs are followed through, and that the product can be developed in the area. The early indications are that the new model is assisting tourism and businesses in the regions. The Government received very positive feedback from Exmouth. As a result, more visits have been scheduled for the rest of the year. The program will be held in Kununurra in May, in the Swan Valley during July, and in Esperance and Kalgoorlie in September, and a further seminar has been scheduled for Pemberton in November.

I thank the member for Geraldton for his assistance in running a similar program for retailers, which was called Supa Shop and was recently successfully run in Geraldton. In conjunction with the Minister for Planning and Infrastructure, the other day we announced a partners in business program that will be aimed at assisting small subcontractors in the building industry, and subcontractors generally throughout the State, to make sure that they get support from the Government.

INTERNATIONAL TRAVEL INSURANCE POLICIES, STAMP DUTY

194. Mr D.F. BARRON-SULLIVAN to the Treasurer:

As the Treasurer feels left out, my question is for him. Like the other questions, it is on an important matter.

Dr G.I. Gallop: Do you feel left out?

Mr D.F. BARRON-SULLIVAN: This is a very important matter.

I refer the Treasurer to moves by the Office of State Revenue to break a long-standing national agreement and increase stamp duty paid on international travel insurance policies.

(1) Will the Treasurer admit that Western Australia is the only State in Australia to break this agreement, which will see this tax revenue increase from about $1.5 million to a massive $20 million?

(2) Given that the Treasurer has increased taxes and charges in each of his first three budgets, despite the Premier's specific promise not to do so, can he confirm that now, in an election year, it is government policy to sneak tax increases through the back door?

Mr E.S. RIPPER replied:

(1)-(2) I am so glad that I asked the Opposition to ask me a few questions. There has been no change in the law of stamp duty on insurance. There has been no change in the interpretation made by the Office of State Revenue in the application of that law. The Office of State Revenue has been applying the law of this State and attempting to collect revenue. From time to time it engages in compliance activities. The Richard Court Government engaged additional compliance officers so that people's adherence to taxation laws could be checked. The latest compliance activity has been to examine insurance companies providing overseas travel insurance. I am advised that of those examined to date, two companies had paid stamp duty correctly, two had paid stamp duty in accordance with the Insurance Council of Australia interpretation of the apportionment schedule and two had paid no stamp duty at all.

I cannot go into individual circumstances of particular taxpayers unless those taxpayers give me permission to know about and then discuss their circumstances. However, I believe that stamp duty law should be applied equally to all sellers of travel insurance. There should not be a circumstance in which two companies are paying on the correct basis, two on an incorrect basis and two not at all. Although I do not know the taxation circumstances of HBF, I am advised that it has about 30 per cent of the travel insurance market in WA. If the correct interpretation of the law were applied, the amount of extra money that might be paid would probably be around $2 million and not the $20 million about which the member spoke.

It is all very well for people to talk about revenue, but people need to know what the revenue has been spent on. Since the Gallop Government has come to power, it has spent $650 million a year more on health, or

28 per cent more; $380 million a year more on education and training, or 20 per cent more; and $116 million a year more on the police, or 25 per cent more. That is where the resources of our taxpayers go. We are making those expenditure commitments despite the fact that until this year, year after year, the Commonwealth Government cut our share of commonwealth grants. Finally this year we have been able to get some partial redress of that very unfair situation applied by the Commonwealth Government to the grants available to Western Australia. That allocation will of course be reflected in the budget that will be released on 6 May.

INTERNATIONAL TRAVEL INSURANCE POLICIES, STAMP DUTY

195. Mr D.F. BARRON-SULLIVAN to the Treasurer:

Will the Treasurer reduce the tax burden of stamp duty on international travel insurance policies?

Mr E.S. RIPPER replied:

I have said right from the beginning of this budgetary process that targeted tax relief is one of the Government's priorities, provided of course that the State can afford it. The way in which the Government has balanced the taxation burden on the community with the service needs of the community will be revealed on 6 May. We have not changed the law, neither have we changed the interpretation of the law on stamp duty on insurance. Some companies have been paying according to that law and others have not. The Office of State Revenue is simply seeking to enforce the law equitably between different players in the same market.

QUESTION WITHOUT NOTICE, INFORMATION TABLING

MR E.S. RIPPER (Treasurer): I table the full information pursuant to a question asked at this question time. I also table a graphical presentation of the information on the incidence of pole-top fires experienced by Western Power in the south west interconnected electricity system.

[See papers Nos 2253 and 2254.]

ROAD TRAFFIC AMENDMENT (IMPOUNDING AND CONFISCATION OF VEHICLES) BILL 2004

Second Reading

Resumed from an earlier stage of the sitting.

DR J.M. WOOLLARD (Alfred Cove) [2.48 pm]: I support the Bill. I corresponded with the minister approximately 12 months ago about the activities in my constituency. I was a member of Melville Safer WA when it was brought to my attention that very dangerous driving was occurring in particular areas of Melville. At weekends, in particular, drivers would be hooning around Point Walter, the Applecross foreshore, near the primary school, near Garden City Shopping Centre, and near Melville Recreational Centre. Many members of the community have been waiting for a Bill like this to be introduced to stop some of the dangerous driving that is occurring. Only this week I was called by someone who now thinks twice about going out in the evening, because some drivers are hooning around her area from 9.30 pm until 2.00 am. She does not want to be coming home when the roads are unsafe because of that dangerous driving.

I hope that this Bill will have the effect of decreasing the speed of some of the traffic in suburbs and on country roads, because too many deaths are related to reckless driving. I am pleased that the Bill has exemptions for police and ambulance emergency vehicles. The member for Wagin put forward a very good suggestion; that is, that when cars are impounded, a roadworthiness test should be conducted on them. As I have said, many people in my community are very pleased that this Bill has finally been introduced to the House. The minister is to be congratulated. The Bill will give support to our local police. In fact, the police from both Murdoch and Palmyra are part of the Melville Safer WA committee. I am sure that they will be pleased to see this Bill go through this House. I hope it will go through the other House very quickly. I hope that it will stop some of the antisocial behaviour that has been occurring on our roads for a long time. I see in the legislation that in some instances people will get demerit points; in other instances a person's drivers licence will be withheld, and that person will have to take the test again. I am pleased with the definition of "circumstances of aggravation" in clause 12 of the Bill. I believe that in many ways this will help the police in carrying out their duties with reckless drivers. Once again, I congratulate the Government for bringing this Bill to the House.

MR A.P. O'GORMAN (Joondalup) [2.51 pm]: I also support this Bill and congratulate the minister for bringing it to the House. In the past few months in discussions with my constituents, particularly in the suburb of Connolly, this issue has come to my attention a number of times. It involves not only young people, but also many people across all age groups. However, young people in particular are an issue. People who are hooning, as it is called, doing burnouts and racing each other on the streets, thereby raising a lot of smoke and noise etc, cause a lot of disturbance to the residents of Connolly. I have undertaken to refer that matter to the local police. In fact, I have arranged for the local police to talk to those people and explain this Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill. That will take place next month, I hope.

It is good legislation, and it will serve as a strong deterrent to such behaviour, along with the measures that the Gallop Government has put in place to deter crime during its period in government. This is not a new thing that has arisen in

the past two or three years. It has been around for many years. Indeed, when I lived in Craigie in the early 1980s, one of my pastimes was to sit on the front porch and watch the hoons as they tried to wipe themselves out on the streets.

Point of Order

Mr M.F. BOARD: I raise a point of order because I know the Hansard reporter is struggling to hear the member. With the noise from the conversations going on in the Chamber, she cannot record what is being said. Is it possible to resolve that issue for the Hansard reporter?

The SPEAKER: Those who are talking can talk somewhere else.

Debate Resumed

Mr A.P. O'GORMAN: Obviously, my voice does not seem to be carrying too well. I was saying that in the early 1980s I lived in Camberwarra Drive in Craigie. One of the regular pastimes was watching these hoons, as they were called, racing around the streets. Interestingly enough, this morning I opened my local paper and saw an article headed "Residents up in arms". It states -

> Residents in Spinaway Street, Craigie, are fed up with speeding, reckless drivers in their street.
>
> Resident Kelvin Maybury said residents in the street were exposed regularly to young drivers who used the street as a drag strip and a burnout pad.
>
> "We are forced to seal up our homes while we sleep or risk being nauseated by the lingering stench of burning rubber that takes hours to dissipate if it gets indoors," he said.

That appeared in today's newspaper. When I lived in that suburb over 20 years ago, I lived about 100 metres around the corner from that street, and we had that issue back then. I am glad that the Minister for Police has finally taken action and that the Government is sending a strong message to the communities of Craigie and Connolly and to the electorate of Joondalup that we will not tolerate this sort of behaviour, and that the cars of people who engage in that type of inappropriate behaviour will be confiscated. I support the Bill.

MR A.D. McRAE (Riverton) [2.54 pm]: I also support this legislation. I do so because the experiences in a number of parts of my electorate are similar to those that many members have talked about today and during the debate on this legislation. Although I understand that this Bill is about more than just the hoon provisions, that is the focus. It is clearly the most difficult social conflict that is going on in our electorates, when young men, in particular, with high-powered cars demonstrate how much rubber they can put onto the bitumen in a given space and whether they can put patterns on the road when they do it.

At one level, we have also heard people admit that they enjoy driving cars fast. They do that on speedways and in controlled racing situations. It is a pity that many of these hoons do not take the opportunity to be involved in more structured car-racing activities. We have those activities so that people can experience and enjoy them. It is not something that absolutely thrills me or gets me all that excited. However, I accept that some people find it exciting and want to go to those types of events.

Mr R.F. Johnson: I would have thought you would be easily excited.

Mr A.D. McRAE: Not as easily excited as the member for Hillarys obviously is about many things. My excitement probably tends to be more sophisticated than the member for Hillarys'.

Mr R.F. Johnson: What a snob. I like the simple things in life.

Mr A.D. McRAE: No, it is not about snobbery. It is just because I try to engage my brain in things, rather than the simplistic reactions that the member gets involved with. I was also interested to note that, in addition to what might be referred to as the hoon clauses, this legislation makes provision to broaden the base for the application of sanctions against those people who drive with an excessive blood alcohol content or who drive while they are disqualified, and a range of other matters. There will be much more serious penalties for people found to be in breach of those provisions of the legislation.

It is appropriate, the day after the World Health Organisation declared yesterday's World Health Day as being targeted at driving safely and road safety, that we contemplate the kind of carnage that results from sometimes just thoughtlessness, but on many occasions out-and-out ignorance, stupidity and recklessness, which puts drivers' lives and bodies at risk, as well as that of their passengers and other people in the community. This Parliament must send a clear message to the community about that kind of carnage and imposition on people, particularly to those who continue to disregard acceptable community standards and what we clearly know are reasonable standards of safety.

I was listening to the radio on my way to Parliament this morning. One of the hosts on the local ABC radio station was talking to one of the assistant commissioners of police in Western Australia. The assistant commissioner referred to the propensity for young men, in particular, to ignore the rules of law applying to road use and traffic safety, to the point that they are causing real damage to people in the community. That assistant commissioner commented that the first recorded motor vehicle traffic accident in Western Australia was in 1896. It involved a young man who had just

acquired a new car and was showing it off and lairising on the roads in front of his friends. Instead of complying with the four-mile-an-hour - I repeat, four-mile-an-hour - speed limit that applied on Perth roads in 1896, the driver was recorded as having reached speeds of eight miles an hour. This resulted in a collision with and the death of a pedestrian. According to the assistant police commissioner, the first recorded motor vehicle traffic accident in Western Australia resulted from excessive speed; that is, speed beyond that which had been set as appropriate. We might think that is funny now because it is a matter of four miles an hour, but according to the conditions of the day, that speed limit was absolutely right. The motor vehicle probably weighed two to three tonnes, had a four to six-horsepower motor and reached speeds of eight miles an hour. It would have been very difficult to control, and would have had braking systems that were wholly inadequate by today's standards. The misuse of that vehicle and breach of the legally set speed limit for motor vehicles of the day resulted in the death of a pedestrian. Nothing has changed. Excessive speed kills. That must be the message that this Parliament sends to the community, and particularly to young men. Seventeen to 24-year-old men are involved in nearly 40 per cent of all road deaths in this State. The message from 1896 to 2004 is exactly the same. Our will, intent and action to make roads safer must not be diminished by that 108 years of experience. Indeed, it should be a lesson to us that we need to continue the process. It is young people who are vulnerable to accidents and likely to cause personal and property damage and the injury, death and disability of others. We need education, of course, but we also need laws that will clearly communicate to young people that if those laws are breached, their toys will be taken away. It is as simple as that. We must reduce the message to that. I wholeheartedly endorse this legislation as a clear message that those laws must be obeyed and that they exist for the safety of everyone in the community.

MR J.R. QUIGLEY (Innaloo) [3.02 pm]: I both support this legislation and congratulate the Government on its introduction. Perhaps no electorate in Western Australia has been more adversely affected by hoon conduct than the electorate I currently represent, Innaloo. I previously approached my Liberal Party predecessors, Ray Young and Mr Strickland - your predecessor, of course, Mr Speaker - about the endemic problems on the Scarborough beachfront, with its large car parks, alcohol outlets and propensity to attract testosterone-charged males on Friday nights and Sunday afternoons. Over the years, the City of Stirling and the Police Service have taken a number of steps to stop this behaviour on the Scarborough beachfront, where on some Sundays up to 100 vehicles would gather, oil would be poured on the road and the hoon behaviour would start. However, it did not matter how many police were sent to the beachfront. It did not worry those people a whit if they got booked. That is because when people are young, they do not think through the consequences of their actions. I know this from my experience as a solicitor. So often I would see clients with a charge of dangerous or reckless driving, and the first thing they would want to know was for how long it could be delayed. As a solicitor, I was bound to say if the offender pleaded not guilty, the trial would be listed for nine months hence. In nine months the offender would come back with another ruse to further adjourn the matter. There is no immediate sanction for the behaviour of these people; that is, to mark their behaviour in a way that will cause them to cease. This legislation has been enacted in Queensland, and I understand from a visit to the Gold Coast last year that it has been successful.

I recount to the Chamber an incident that first occurred before summer and was repeated on three occasions during summer. The Reserve Street car park in Scarborough is a largely unused multistorey car park that the youths use as a multistorey grandstand. Gallons of oil were poured on the part of Reserve Street that is a hill sloping from West Coast Highway to The Esplanade and, one after another, the vehicles came up that hill doing burnouts. Adjacent to this is Observation Rise, which has a lot of residents. Of course, many pedestrians had to walk through that dangerous bedlam to get to the beach. Some motorists were booked, but they were back there 10 days later. They did not return to that car park but went to the car park just north of Observation Rise. There was no cessation of the conduct, although the culprits could be easily identified. Perhaps it is that they have no licence to lose; perhaps they do not give a fig; or perhaps they think they can keep rolling the consequences of their conduct so far into the future that it will not have an immediate impact on their lives. From my experience in criminal law, the hoons do not care what impact they have on other people's lives. They are selfish and care about only the impact on their lives, whether it be by way of arrest or losing their job. Their concern is only their selfish little world and not the social disorder they are wreaking upon the electorate I currently represent.

Surprisingly, the week before last I went to the Mindarie residents and progress association meeting. I thought I would go and have a look at that area.

Mr C.J. Barnett: Are you neglecting your electorate and your constituents?

Mr J.R. QUIGLEY: No; I was casting my interests further afield to see what had been happening there. Surprisingly, at that progress association meeting I learnt that the same problem was occurring in a Mindarie car park. I happened to mention to the members of that progress association that I could promise them that this Government would introduce anti-hoon legislation that would result in vehicles being seized on the spot. With this legislation, the one thing that these hoons cherish - their ability to take their mates home in their flash cars - will be denied them. Instead, they will be looking for buses. I applaud the minister and the Government for the introduction of this legislation. It will be a great benefit to the community I represent.

Mr C.J. Barnett: Which community is that?

Mr J.R. QUIGLEY: Innaloo, Mindarie, Western Australia - the whole trip.

MRS M.H. ROBERTS (Midland - Minister for Police and Emergency Services) [3.08 pm]: So many members on both sides of the House, including Independent and National Party members, have spoken on this Bill that it almost needs to be carried by acclamation! It is great that a Bill like this has support from every group in the Parliament. The Labor Party, the Liberal Party, the National Party and the Independents have all signified their support for this Bill. I think it is very good legislation. I am hopeful that it will have a very positive impact on the community. I know that similar legislation in Queensland is working well and has been embraced by the community. I first spoke to the then Minister for Police and Corrective Services in Queensland, Mr Tony McGrady, the member for Mount Isa, last August - although it may have been earlier than that - about the success of that legislation. I am very pleased that we have been able to introduce this legislation here, and hopefully we can do something to alleviate the needless trouble that people in various parts of the metropolitan and country areas have had to put up with. Prominent incidents have occurred at the Scarborough beachfront. We have also heard reports of incidents in Willagee and country areas. This legislation should do something to address that behaviour. The member for Carine highlighted the fact that in Queensland, where similar legislation is in place, although a lot of cars are caught for the first time and impounded for 48 hours, very few cars are caught for the second time and incur a three-month confiscation. At this time I think only one car in Queensland has been confiscated and sold under the legislation. That indicates that the legislation is having the desired effect. We do not want to punish people in the community gratuitously. We want to alter their behaviour.

Many members made very positive suggestions about how facilities could be made available to enable young people to perhaps get some of their revhead tendencies out of their system by engaging in these activities in an organised and safe environment. I thank the member for Carine for her contribution. The member raised a number of issues and signalled that she might take up some of them during consideration in detail. One of the questions that the member asked me directly was whether a person who had incurred a Multanova fine for driving at 45 kilometres over the speed limit would automatically be charged with reckless driving. I am advised by the police advisers that that would not be automatic, and that a notice might go out asking people to explain, or there might be some correspondence with the Multanova operator as to road conditions, the number of cars on the roads, whether it was near a school, and other factors, and those factors would be taken into account.

I also thank the members for Girrawheen, Hillarys, Ballajura, Warren-Blackwood, Wagin, Wanneroo, Geraldton, Roe, Greenough, Alfred Cove, Joondalup, Riverton and Innaloo for their contributions today. Those members have been very supportive of this legislation. I hope the legislation will not let people down. Sadly, it will not be a panacea for every problem involving hoons or hoon drivers, but it will be a significant start. One of the benefits of this legislation is that the remedy will be swift. Often when it comes to penalties for road safety matters, be it for speeding, drink-driving, failing to stop at a stop sign, or whatever, the justice system is very slow. The offender may get an infringement notice in the mail at some stage, and a court date at some later stage, and eventually the penalty is applied. This legislation will allow for the immediate confiscation of a vehicle from an offender. That will be a good thing, because the offender will get the message then and there, on the spot.

The member for Wagin raised a number of interesting questions. He asked about the cost in country areas of getting the vehicles back to where they need to be stored, or back to a police station or the like, and he gave the example of a vehicle that might be 80 kilometres from a police station. I have been advised that in country areas police will be rather keen to introduce some commonsense, bearing in mind that these are not cars that need to be towed for any mechanical reason, so there is no reason that these cars cannot be driven. It may be that a police officer will simply drive the car back to where it needs to be stored or, alternatively, come to an arrangement whereby the owner of the car will drive the vehicle to where it needs to go, either with or without a police escort. I am not sure of the detail, but I am told the Police Service will use a commonsense approach. I understand that the Police Service is considering setting fees for towing, and that while there may be a difference between the towing fees charged in the city and in country areas, the difference is not likely to be much. We do not expect that any undue hardship will be caused to people in country areas because of this Bill. It has been suggested to me that in many instances in country areas it will not be practical or necessary to use a tow truck service. My understanding is that there will be a standard fee to cover the cost of impounding the vehicle, and that people in country areas will not be penalised unduly.

I am mindful of the time and date. I am also mindful of the fact that we have had some very good support for this legislation. I anticipate that we will now move into consideration in detail; and, if there are any outstanding issues, I will be more than happy to address them at that time. I thank all parties and members of this House for their support of this legislation. I hope that it works on behalf of the whole community.

Question put and passed.

Bill read a second time.

Consideration in Detail

The ACTING SPEAKER (Mr A.D. McRae): I note that there are two amendments on the Notice Paper in the name of the member for Carine. However, subsequent to that, two agreed amendments have been proposed, and they can be

found on a separate sheet of paper that is available from the Chamber staff. I assume that means that we will not be proceeding with the amendments on the Notice Paper.

Ms K. HODSON-THOMAS: Does that mean that I will need to withdraw my amendments?

The ACTING SPEAKER: No. I am just letting members know about the discussion that has taken place.

Clauses 1 to 3 put and passed.

Clause 4: Section 5 amended -

Ms K. HODSON-THOMAS: This clause seeks to amend section 5 of the Road Traffic Act by inserting a proposed new subsection (6), which states -

> For the purposes of this Act, a person reasonably suspects that something is the case at a relevant time . . .

Is "a person" referring to the police?

Mrs M.H. Roberts: Yes.

Ms K. HODSON-THOMAS: Is that referring to a circumstance of aggravation; that is, the police reasonably suspect that the offender who is about to be charged and have his vehicle confiscated will become aggravated?

Mrs M.H. Roberts: The only section of the Act where that will apply is where there is that circumstance of aggravation. The member is right in her assertion.

Clause put and passed.

Clauses 5 to 6 put and passed.

Clause 7: Section 51 amended -

Ms K. HODSON-THOMAS: Proposed section 62A refers to causing excessive noise or smoke, which will attract a penalty of 12 penalty units. If a probationary driver is charged with an offence under proposed section 62A, causing excessive noise or smoke, will that mean an instant disqualification of licence?

Mrs M.H. ROBERTS: It would not be an instant suspension of licence, but, upon conviction, that person's licence would be cancelled. As a consequence of this provision, that person would have to reapply for his or her licence.

Clause put and passed.

Clauses 8 to 10 put and passed.

Clause 11: Section 74 inserted -

Ms K. HODSON-THOMAS: Proposed section 74(4) states -

> A person who, under this section, has a right to be heard in proceedings may be represented by any person he or she authorises for that purpose.

I assume that relates to the owner of the vehicle?

Mrs M.H. Roberts: No.

Ms K. HODSON-THOMAS: To whom does that refer?

Mrs M.H. ROBERTS: The Commissioner of Police and the Director General of the Department for Planning and Infrastructure have the right to be heard; and those people do have the right to delegate to their officers.

Clause put and passed.

Clause 12: Sections 78A and 78B replaced with Division 4 in Part V -

Mrs M.H. ROBERTS: I move -

> Page 14, after line 32 - To insert the following -
>
> (2) Subsection (1) does not operate to prevent proceeds from the sale or disposal of a confiscated vehicle from being paid in accordance with section 80J(7).

The member for Carine raised a question about what would happen where a finance company owned a vehicle. This issue had been raised in earlier discussions. I had thought this was catered for in the legislation before the House, but upon closer scrutiny it appeared that the clauses were not as anticipated. I sought clarification on how the Bill presented to the House compared with the Queensland legislation and what would occur should the vehicle involved be part of a hire purchase agreement or belong to a finance company. As I understand it, the situation that exists in Queensland is that if they are looking at the final confiscation and sale of a vehicle, the amount owed to the hire purchase company or the finance company is paid out first and that which remains goes to the Crown. In the draft Bill that we introduced, the money was going to the Crown after other payments were taken out, and there was no remedy for the finance company

or the hire purchase company. We have rectified that with this amendment, so that what will apply in Western Australia is similar to that which applies in Queensland. If a vehicle is sold, the money owed to the finance company or the hire purchase company will be paid to them by the Commissioner of Police, and only any surplus funds will be kept by the Crown.

Ms K. HODSON-THOMAS: I withdraw my amendment on the Notice Paper. I commend the minister for taking up this issue. We appreciate that the minister has been so accommodating in providing this amendment. When the amendment is moved, Mr Acting Speaker (Mr A.D. McRae), will that preclude other discussion on clause 12?

Mr J.C. KOBELKE: Under the standing orders, because the Bill has been amended, we would not be able to proceed to the third reading, but I was hoping to approach the member for Carine upon conclusion of the consideration in detail stage to see if we had her support to suspend standing orders to do that before leaving today. I do have agreement with another person on the other side and the leader of opposition business, but we would need to suspend standing orders to conclude some other matters. I will talk to the member for Carine in a moment and, if she is happy with that, we will seek to suspend standing orders. That matter will be done by agreement. If it is not done by agreement, we will not proceed in that way.

The ACTING SPEAKER (Mr A.D. McRae): Two questions have been asked. Firstly, the member for Carine asked whether she could discuss other parts of clause 12, which is the question before us. I will put the amendment as moved by the Minister for Police and Emergency Services; the member for Carine can then talk about any other part of clause 12. Secondly, the member will still need to have that conversation with the Leader of the House about how to proceed once the matter has been dealt with.

Amendment put and passed.

Ms K. HODSON-THOMAS: I have a number of questions about clause 12. I will try to streamline them, because I know it is Easter Thursday and people would like to get away as soon as possible, but this is important legislation and people need to understand it. From my perspective, I understand the "impounding offence (driving)", particularly as it relates to sections 59, 59A, 60 or 61, which are very serious offences under the Road Traffic Act, but I seek some clarification on a number of other matters. I alluded to these during the second reading debate, particularly the release of impounded vehicles, which is referred to on page 12 in proposed section 79D - release of impounded vehicles, which states -

> **"Impounded vehicle"** means a vehicle impounded under section 79 or 79A.

In this instance we are talking about the 48-hour impounding of a vehicle. Proposed subsection (2)(c) states -

> a senior officer is satisfied that unless the vehicle is released, exceptional hardship will be suffered in the particular case.

A vehicle that belonged to the parents of a young person could be impounded, and that could result in exceptional hardship for the parents. What does the minister deem to be "exceptional hardship"?

Mrs M.H. ROBERTS: Police officers have an awful lot of discretion in many areas, and this is an area in which they would have some discretion. If the parents had other children and one of the children had a medical condition that required transport for treatment or the like, that would be an example of "exceptional hardship".

Ms K. Hodson-Thomas: What if the parents might not be able to go to work without the vehicle?

Mrs M.H. ROBERTS: If parents could demonstrate that some hardship would result from that, such as a threat to their employment, it would be an example of a hardship circumstance that would be favourably considered.

Ms K. HODSON-THOMAS: I refer to proposed section 80D, "Effect of confiscation". The minister's legal adviser has clarified this proposed section to me. However, for the record, does the "property in a vehicle" mean the vehicle per se and not the driver's property within the vehicle? I know the answer, but I would like further clarification on the record. We are not talking about someone's university books or something in the vehicle; we are talking about the vehicle itself.

Mrs M.H. ROBERTS: This refers to the ownership of the property of the vehicle. I move -

> Page 20, after line 32 - To insert the following -
>
> (i) in the case of a confiscated vehicle, in satisfaction of any unpaid amount known to the Commissioner -
>
> (i) for which the vehicle was nominated in writing as security for the payment of that amount; and
>
> (ii) that, but for the confiscation of the vehicle, would have been payable to a person other than the person convicted of the offence in respect of which the vehicle was confiscated;

Amendment put and passed.

Ms K. HODSON-THOMAS: Members who have not read the legislation, as I have, may not appreciate that the commissioner must provide in writing notice of his intention to proceed to sell a vehicle and items within that vehicle. The commission should give at least 14 days written notice. It is important to place that on record. The Opposition supports this legislation and looks forward to it being implemented.

Clause, as amended, put and passed.

Clauses 13 to 15 put and passed.

Title put and passed.

ELECTRICITY INDUSTRY BILL 2003

Council's Amendments

Amendments made by the Council now considered.

Consideration in Detail

The amendments made by the Council were as follows -

No 1

Clause 3, page 3, after line 19 - To insert -

"relevant corporation" means Western Power Corporation or a body corporate that is a subsidiary, as defined in section 3 of the *Electricity Corporation Act 1994*, of Western Power Corporation;

No 2

Clause 3, page 4, after line 11 - To insert -

"Western Power Corporation" means the body corporate that is Western Power Corporation under section 4(1) of the *Electricity Corporation Act 1994*.

No 3

Clause 8, page 8, line 1 - To insert before "The" -

Without limiting the other matters that may be taken into account, matters that are to be taken into account by

No 4

Clause 8, page 8, lines 2 and 3 - To delete ", may take into account one or more of the following matters" and insert instead -

are

No 5

Clause 8, page 8, line 18 - To delete the line.

No 6

Clause 9, page 8, line 27 - To insert before "The" -

Without limiting the other matters that may be taken into account,

No 7

Clause 9, page 8, line 28 - To delete "may" and insert instead -

is to

No 8

Clause 9, page 8, line 29 - To delete "one or more of".

No 9

Clause 9, page 8, line 29 - To insert after "section 8(5)" -

but as if the area or areas referred to in section 8(5)(e) were the area or areas to which the licence in respect of which the power is exercised applies

No 10

Clause 12, page 10, lines 8 to 10 - To delete "body established by section 4(1) of the *Electricity Corporations Act 2003* or any subsidiary of the body as defined in section 3 of that Act" and insert instead -

relevant corporation

No 11

Clause 27, page 16, line 14 - To insert before "For" -

Without limiting the other matters that may be taken into account,

No 12

Clause 27, page 16, line 14 - To delete "may" and insert instead -

is to

No 13

Clause 27, page 16, line 15 - To delete "one or more of".

No 14

Clause 27, page 16, line 15 - To insert after "section 8(5)" -

but as if the area or areas referred to in section 8(5)(e) were the area referred to in subsection (1)(b)

No 15

Clause 31, page 18, line 18 - To delete "*Corporations Act 2003*" and insert instead -

Corporation Act 1994

No 16

Clause 32, page 19, line 11 - To insert after the word "Authority" -

in writing

No 17

Clause 45, page 27, lines 5 to 8 - To delete the lines.

No 18

Clause 46, page 27, lines 14 to 20 - To delete the lines.

No 19

Clause 46, page 28, lines 15 to 21 - To delete the lines.

No 20

Clause 49, page 31, after line 6 - To insert -

(3) The requirement in subsection (1) and (2) only applies if the applicant or proposed transferee intends to supply electricity to customers pursuant to the licence.

No 21

Clause 50, page 31, after line 16 - To insert -

(2) If when a retail licence or an integrated regional licence was granted or renewed, or the transfer of a retail licence or an integrated regional licence was approved, subsection (1) did not apply because of section 49(3), the licensee may at any subsequent time submit to the Authority a draft of a standard form contract under which the licensee will supply electricity to customers pursuant to the licence if the standard form contract is approved by the Authority.

No 22

Clause 51, page 31, line 20 - To insert after "49" -

or 50(2)

No 23

Clause 55, page 33, lines 23 and 24 - To delete "body established by the *Electricity Corporations Act 2003* section 4(1)(c) or (d)" and insert instead -

relevant corporation

No 24

Clause 55, page 33, lines 26 and 27 - To delete "the *Electricity Legislation (Amendments and Transitional Provisions) Act 2003* section 58(3)" and insert instead -

subsection (7)

No 25

Clause 55, page 33, line 29 to page 34, line 1 - To delete "the *Electricity Legislation (Amendments and Transitional Provisions) Act 2003* section 58(2)" and insert instead -

subsection (6)

No 26

Clause 55, page 34, after line 5 - To insert -

"tariff customer" of a corporation means a person who, immediately before the commencement day, was supplied with electricity by the corporation (otherwise than under a written contract) in relation to which the person was liable to pay fees and charges prescribed under the *Energy Operators (Powers) Act 1979* section 124.

No 27

Clause 55, page 34, after line 30 - To insert -

(6) A tariff customer of a corporation is to be taken on and from the commencement day to have entered into a contract with the corporation for the supply of electricity.

(7) The Minister, by order published in the *Gazette*, is to prescribe a form of contract for the purposes of subsection (6), and the contract referred to in subsection (6) is to be taken to be in the form so prescribed.

(8) An order under subsection (7) -

(a) may specify different forms of contract in respect of different classes of tariff consumers; and

(b) may be amended, replaced or revoked by the Minister by order published in the *Gazette*.

No 28

Clause 60, page 38, lines 11 to 13 - To delete "body established by the *Electricity Corporations Act 2003* section 4(1)(b) or (d) or any subsidiary of the body as defined in section 3 of that Act" and insert instead -

relevant corporation

No 29

Clause 62, page 39, line 19 - To insert before "In" -

Without limiting the other matters that may be taken into account,

No 30

Clause 62, page 39, line 21 - To insert after "section 8(5)" -

but as if the area or areas referred to in section 8(5)(e) were the area to be affected by the exercise of the powers

No 31

Clause 67, page 42, lines 6 and 7 - To delete the lines.

No 32

Clause 67, page 42, lines 10 and 11 - To delete the lines.

No 33

Clause 71, page 44, line 8 - To delete "-" and insert instead -

, Western Power Corporation is the supplier of last resort for the designated area.

No 34

Clause 71, page 44, lines 9 to 16 - To delete the lines.

No 35

Clause 97, page 57, line 23 - To delete "$2 000" and insert instead -

$5 000

No 36

Clause 97, page 57, line 24 - To delete "$8 000" and insert instead -

$20 000

No 37

Clause 104, page 61, after line 21 - To insert -

(a) prescribing network infrastructure facilities that are to be covered by the Code with effect from the coming into operation of the Code;

No 38

Clause 104, page 61, line 23 - To insert after "whether" -

other

No 39

Clause 104, page 61, line 24 - To insert after "or" -

whether network infrastructure facilities that are covered by the Code

No 40

Clause 106, page 64, lines 19 and 20 - To delete "*Transmission and Distribution Systems (Access)*" and insert instead -

Corporation

No 41

Clause 119, page 72, lines 7 to 11 - To delete "that are transferred to the Electricity Networks Corporation or the Regional Power Corporation under the *Electricity Legislation (Amendments and Transitional Provisions) Act 2003* Part 3" and insert instead -

of a relevant corporation

No 42

Clause 120, page 73, lines 3 to 5 - To delete "commencement day as defined in the *Electricity Legislation (Amendments and Transitional Provisions) Act 2003* section 19(1)" and insert instead -

day on which it comes into operation

No 43

Clause 122, page 74, line 29 - To insert after "technologies" -

such as those that make use of renewable resources or that reduce overall greenhouse gas emissions

No 44

Clause 122, page 75, after line 2 - To insert -

(e) to encourage the taking of measures to manage the amount of electricity used and when it is used.

No 45

Clause 124, page 76, lines 17 and 18 - To delete the lines.

No 46

Clause 124, page 77, lines 30 and 34 - To delete the lines.

No 47

Clause 124, page 78, lines 9 and 10 - To delete the lines.

No 48

Clause 126, page 80, lines 2 to 8 - To delete the clause.

No 49

Clause 127, page 80, lines 9 to 31 - To delete the clause.

No 50

Clause 128, page 81, lines 1 to 14 - To delete the clause.

No 51

Clause 129, page 81, line 15 to page 82, line 14 - To delete the clause.

No 52

Clause 130, page 82, lines 15 to 24 - To delete the clause.

No 53

Clause 131, page 82, line 25 to page 83, line 33 - To delete the clause.

No 54

Clause 132, page 84, lines 1 to 11 - To delete the clause.

No 55

Clause 133, page 84, lines 12 to 16 - To delete the clause.

No 56

Clause 134, page 84, lines 17 to 19 - To delete the clause.

No 57

Clause 135, page 84, lines 20 to 24 - To delete the clause.

No 58

New clause 124A, page 78, after line 25 - To insert the following new clause -

124A. Appeals

(1) Application may be made to the Board for the review by the Board of decisions of a participant referred to in section 121(2)(b) or (c) that are made under the regulations or the market rules and are not of a class specified in the regulations.

(2) Regulations may -

(a) provide for the powers of the Board; and

(b) apply provisions of the *Gas Pipelines Access (Western Australia) Act 1998* with or without modifications,

in relation to reviews provided for in those regulations.

(3) Nothing in subsection (1) prevents or affects the review by a court or tribunal, according to law, of decisions of participants made under the regulations or the market rules.

No 59

New clause 124B, page 78, after line 124 - To insert the following new clause -

124B. Immunity of certain participants

(1) In this section -

"civil monetary penalty" means liability to pay damages or compensation or any other amount ordered in a civil proceeding, but does not include liability to pay a civil penalty under the regulations;

"market governance participant" means a participant referred to in section 121(2)(b) or (c);

"officer" of a body corporate includes a person who is an officer within the meaning of the *Corporations Act 2001* of the Commonwealth section 82A;

"system management participant" means a market governance participant the functions of which include a function under the regulations or the market rules specified in the regulations as a system management function.

(2) A market governance participant, or an officer or employee of a market governance participant, does not incur any civil monetary liability for an act or omission done or made in good faith in the performance, or purported performance, of a function under the regulations or the market rules.

(3) If an act or omission done or made after the expiration of the period of 12 months from the establishment of the initial market rules is negligent -

(a) the immunity given by subsection (2) does not apply to that act or omission; but

(b) as long as that act or omission is done or made in good faith, the civil monetary penalty for it is not to exceed the prescribed maximum amount.

(4) Regulations may exempt a specified market governance participant, other than a system management participant, from the operation of subsection (3)(a).

(5) The regulations may, for the purposes of subsection (3)(b), without limitation -

(a) prescribe a maximum amount that is limited in its application to persons, events, circumstances losses or periods to which they are expressed to apply;

(b) prescribe maximum amounts that vary in their application according to the persons to whom, or the events, circumstances losses or periods to which, they are expressed to apply; or

(c) prescribe a manner in which the maximum amount is to be divided amongst claimants.

(6) This section does not apply to any liability of an officer of a body corporate to the body corporate.

No 60

New clauses 126 and 127, page 79, after line 4 - To insert the following new clauses -

126. Review of market operation

(1) The Authority is to review the operation of the market as soon as practicable after the expiration of 3 years from the commencement of this Part and thereafter as soon as practicable after the expiration of 3 years from a report being laid before each House of Parliament under subsection (5)(a).

(2) The purpose of the review is to assess the extent to which the objectives set out in section 122(2) have been or are being achieved.

(3) Not later than 3 years and 6 months after the commencement of this Part, or after the last preceding report was laid before each House of Parliament under subsection (5)(a), as the case may be, the Authority is to give the Minister a written report based on the review.

(4) If the Authority considers that some or all of the objectives set out in section 122(2) have not been and are not being achieved, the report is to set out recommendations as to how those objectives can be achieved.

(5) As soon as practicable after receiving the report, the Minister is to -

(a) cause the report to be laid before each House of Parliament; and

(b) prepare a response to the report and cause the response to be laid before each House of Parliament.

(6) As soon as practicable after the report is laid before each House of Parliament, the Authority is to post a copy of the report on an internet website maintained by the Authority.

127. Public consultation

(1) In the course of conducting a review under section 126(1), the Authority is to seek public comment on the extent to which the objectives set out in section 122(2) have been or are being achieved (the **"issue"**).

(2) The Authority is to cause a notice giving a general description of the issue to be -

(a) published in a daily newspaper circulating throughout the State; and

(b) posted on an internet website maintained by the Authority.

(3) The notice is to include -

(a) a statement that any person may, within a specified period, make written submissions on the issue to the Authority; and

(b) the address to which the submissions may be delivered or posted.

(4) The period specified under subsection (3)(a) is not to end less than 30 days after the day on which the notice is published under subsection (2)(a).

Leave granted for the Council's amendments to be moved together.

Mr E.S. RIPPER: I move -

That the amendments made by the Council be agreed to.

I will make a few general remarks that could structure the debate. The amendments to the Electricity Industry Bill can be put into three categories: firstly, amendments that reflect that the restructure of Western Power will not at this stage proceed. These relate to deleting references to the Regional Power Corporation, Electricity Networks Corporation, Electricity Generation Corporation and Electricity Retail Corporation and replacing them with "Western Power Corporation"; deleting references to the Electricity Corporations Act 2003 and replacing them with "Electricity Corporations Act 1994"; and deleting those provisions that specifically deal with the arrangements between the new corporations; for example, the tariff equalisation fund. The second category of amendments is government amendments. These relate to recognising a situation in which some retailers may wish to sell electricity to only large customers and not all customers. Presently, the Bill requires that any retailer must lodge with the Economic Regulation Authority for approval a draft standard customer contract for the supply of electricity to a customer who does not use more than 160 megawatt hours of electricity per annum. The Bill now provides that a person need lodge only a standard customer contract in the event the customer wishes to supply customers who do not consume more than 160 megawatt hours per annum.

The Electricity Legislation (Amendments and Transitional Provisions) Bill 2003 was to require the establishment of standard contracts between Western Power's customers and the new Electricity Retail Corporation. These provisions have now been transferred to the Electricity Industry Bill 2004 but are applicable to Western Power Corporation and its tariff customers. Electricity networks will be covered at the commencement of the electricity access code rather than subsequent to the code's establishment.

The third category of amendment is opposition amendments agreed to by the Government in the upper House. These relate to mandatory public interest tests for various licensing decisions. Under the current Bill, this was discretionary. Penalties applying to a marketer's non-compliance with direction from the Electricity Ombudsman will increase. The amendments also specify an additional electricity wholesale market objective relating to demand management and elaborate on what is meant by "sustainable energy options".

The Opposition's amendments also specify that under the Act the Gas Review Board will be the relevant appeals body for decisions of wholesale electricity market governance bodies, rather than have the matter dealt with by regulations. The deletion of the provision, which provided for the wholesale electricity market regulations, would take effect notwithstanding any written law. The Economic Regulation Authority would be obligated to conduct periodic reviews of the wholesale electricity market to ensure that the market's objectives, which are specified under the Act, are being achieved. Finally, the Opposition's amendments would specify the extent to which market governance bodies administering the electricity wholesale market are to be immune from or liable for certain actions, rather than the matter being dealt with by regulations.

I make those introductory comments to provide some structure for the ensuing debate. I thank the shadow Minister for Energy for his preparedness to debate these amendments en bloc. I suggest that for the convenience of members we debate the amendments one by one. In that way we will have the benefit of both worlds.

Mr J.H.D. DAY: The minister has given us an outline of the overall intention of the amendments. By way of clarification, will he explain the purpose of amendments Nos 3 to 5, which affect clause 8(5)?

Mr E.S. RIPPER: Amendments Nos 3, 4 and 5 relate to clause 8, which provides the ability for the Governor to grant an exemption from the requirement to hold an electricity licence. In doing so, the Governor may consider the public interest, which is defined under clause 8(5) of the Bill. Hon Robin Chapple proposed that the word "may" be changed to "must". The Government agreed to this request and moved an amendment to that effect. The type of amendment will be seen in a number of places throughout this debate. Certain members of the upper House felt that the public interest was an obligatory requirement for consideration, and the Government was prepared to accept that amendment.

Mr J.H.D. DAY: Will the minister give an example in which he foresees that the public interest test will apply in this case?

Mr E.S. RIPPER: I can give the member an example from the gas industry framework. The Rottnest Island Authority has received an exemption from the requirement to hold a licence under the gas framework because it is a small, self-contained system. There may be certain examples such as that whereby imposing the regulatory cost of licensing on particular operation may not produce sufficient benefits in the public interest to justify the cost.

Mr J.H.D. DAY: I thank the minister for that explanation. I am interested in amendment No 21 and would appreciate it if the minister could explain the purpose of it.

Mr E.S. RIPPER: Amendments Nos 20, 21 and 22 deal with clause 49, which deals with the form of contract to be submitted with an application for licence grant, renewal or transfer.

Mr J.H.D. Day: Clauses 49, 50 and 51 are affected by those amendments.

Mr E.S. RIPPER: I take the member's point. The Bill previously required that all retailers must submit to the Economic Regulation Authority for approval, as part of their application for a retail licence, a draft standard customer contract for the supply of electricity to customers who do not consume more than 160-megawatt hours per annum. That is the equivalent of a bill for about $28 000. Some retailers may wish to supply only wholesale electricity customers or they may seek to supply 160-megawatt hour or less customers subsequent to the grant of a retail licence. Accordingly, the Government has sought to amend the Bill to reflect those circumstances. That 160-megawatt hours per annum has been the threshold beyond which special consumer protection measures that apply to smaller customers are not applied. A raft of consumer protection measures apply to those smaller customers. The limit for the application of those measures is 160-megawatt hours per annum. Having a standard customer contract was one of those measures. If a retailer does not supply small-user customers, there is no need to require the retailer to provide the customer with that standard customer contract.

Mr J.H.D. DAY: Presumably, amendments Nos 25 to 27 relate to the same subject the minister just discussed. I would like the minister to confirm that.

Mr E.S. RIPPER: Clause 55 deals with contracts with corporations. I am advised that currently there is no government-approved supply contract for Western Power's supply of electricity to its customers. One of the things the Government wants to achieve through this reform package is a requirement for Western Power to supply electricity to customers subject to a government-approved supply contract, as is presently the case with the supply of gas. This measure is about the application of those consumer protection measures to Western Power's supply to smaller-use customers. These matters were previously to be taken care of in the Electricity Legislation (Amendments and Transitional Provisions) Bill 2003. The Government decided that it would be pragmatic to shift those provisions from the Electricity Legislation (Amendments and Transitional Provisions) Bill to the Electricity Industry Bill. Essentially, these amendments apply - as the Government always intended - the customer protection measures to Western Power's supply to its smaller-use customers. It was to be done in one Bill. However, the future of that Bill is not as certain as the future of this Bill, which is why it is being done in this Bill.

Mr J.H.D. DAY: Amendments Nos 43 to 47 relate to part 9 of the Bill, which is entitled "Wholesale electricity market". Quite significant changes are proposed for this part. I ask for some further information from the minister on the wholesale electricity market that will be able to be established as a result of this legislation; in particular, I would like some further details about what he sees as the market that will be established, the degree of its complexity, how it will operate and what the cost will be of establishing the market that he foresees and the cost of operating the market on an ongoing basis.

Mr E.S. RIPPER: I think that information on the cost of electricity reform, including the cost of the market, has already been tabled in the House. I do not have the precise figures in front of me. The Bill provides a head of power that enables the development of market rules and the establishment of the market. Following the passage of this legislation, a considerable amount of work will be required to set up the market, which is why the market was not scheduled to take effect until 1 July 2006. It is still intended that the market will take effect from 1 July 2006. As we have debated extensively in the House, the split-up of Western Power is essential to ensuring that the full benefits available from the operation of the market are obtained. The failure of the Liberal Party to support the split-up of Western Power in any

form whatsoever has naturally created a delay in the opportunity for the Government to achieve that end. It would now be the Government's view that the numbers for the split-up of Western Power will be available after the election when the Leader of the Opposition, having lost the election, will no doubt lose his position and therefore a different policy will be adopted by the Liberal Party. At that time, the numbers will be available for the disaggregation of Western Power. The Government will then be able to proceed with its legislation. That will probably effectively mean that the disaggregation of Western Power could not be achieved prior to 1 January 2006. There is obviously some uncertainty about this issue. It is conceivable that the Liberal Party could next month adopt its sixth or seventh position on electricity reform and come to us and say, as Hon George Cash in the other place seems to be saying already, that it supports the break-up of Western Power in one form or another.

Mr J.H.D. Day: When did Hon George Cash say that?

Mr E.S. RIPPER: He said that the position of the Liberal Party was always to support the Electricity Industry Bill 2003. He said -

> It previously advised that it would support a separate networks corporation and a regional power corporation but that it would not support a separate generation corporation or a separate retail corporation. The Government has decided to progress only the Electricity Industry Bill.

That is an interesting comment by George Cash. He is still expressing support for the break-up of Western Power, but he is trying to imply that the Government made the decision that it would not proceed with the break-up of Western Power. The Government is committed to the break-up of Western Power as soon as the numbers are available for the Bill to be passed through the upper House. That is why the Bill remains on the Notice Paper in the upper House. Realistically at this stage the Liberal Party may not change its attitude, so I think the most realistic scenario is a Gallop Government victory at the next election and the Leader of the Opposition's retirement from politics, followed by a change of policy within the Liberal Party.

Together with my advisers and in consultation with industry, I am considering the precise form of market that should apply from 1 July 2006. Those discussions and that consultation with industry have not yet concluded. There is an argument that given the full benefits of the operation of the market will not be available because the split-up of Western Power has not been achieved, a less costly version of the market might be a more pragmatic course of action as an interim step. No decision has been made on that matter. I must express my appreciation to industry, whose representatives have continued to work very hard in all the working parties to do with electricity reform, despite their very strong disappointment at the failure of the Parliament to support the full package including the split-up of Western Power.

Mr J.H.D. DAY: I think there was more than a small degree of arrogance in the minister's comments assuming that the Government would win the next election. I do not think that any side of politics can make that assumption. Nevertheless, if that is what he wants to believe and he wants to go to the next election with the policy of breaking up Western Power at great cost and putting at risk a whole range of aspects of Western Power, let him do so. As far as the Opposition is concerned, it will have a considered and responsible policy that will promote further reform in the electricity industry in Western Australia. The Opposition will have a policy that further advances reform of the electricity industry in Western Australia, in the same way that there had been substantial reform over the eight years that we were in government.

I raised the issue of the cost of establishing the electricity market that the Government is proposing to put in place. I also sought information about the nature of the market, its complexity and how it would operate. The minister said that the figures for the cost of establishing the market and breaking up Western Power have been previously debated in this place. I agree that is the case. I would like to confirm, therefore, the information that the minister provided previously; for example, that it would cost $153 million to break up Western Power and establish the market. I would also like him to clarify what he would see as the ongoing cost of his proposed market.

It is also important for us to have some more information about what will be the nature of the market. I do not pretend to be an expert on what is a very complex area, but I know various options are available, for example, there could be a simple top-up and spill system, as I understand it, or there could be much more complex balancing arrangements for electricity generation. I would like some more information from the minister about the details of the market that he foresees establishing and the costs of the establishment and operation of the market.

Mr E.S. RIPPER: I have tabled in this House the cost of electricity reform. I direct the member to those tabled costs. A significant cost is involved in establishing an electricity market. One of the consequences of the Liberals' opposition to the break-up of Western Power is that the full returns on investment will not be obtainable until there is a change of heart or a change of leadership in the Liberal Party and the numbers are available for the split-up of Western Power. I have indicated that the Government still wants to establish a competitive electricity market by 1 July 2006, but that the Government is discussing with its advisers and with industry whether the full model of the electricity market as originally proposed by the Electricity Reform Task Force, and as confirmed by the work of the Electricity Reform Implementation Unit, should be introduced straight up or whether there should be a modified and less elaborate model

as an interim step. Those discussions are not concluded. We are in consultation with the industry and with our expert advisers on the best way forward.

Mr J.H.D. DAY: When does the minister expect a decision to be made in that respect; that is, about the nature of the market, the structure and details of it and so on? While I am on my feet, I ask the minister whether he has any more detailed information available about some of the specific costs involved. For example, I understand that it may cost as much as $20 million to put in place some of the expensive equipment, such as current transformers and voltage transformers, to measure the amount of electricity that is being put into the system by third party generators. Will the minister give us more information about that?

Mr E.S. RIPPER: We are moving well beyond the amendment that relates to how sustainable energy is defined for the purposes of the electricity market. I have tabled the information. We are working on the best way forward, following the Liberal Party's sabotage of electricity reform. We still want to proceed with the best electricity reform available, despite that sabotage. As soon as we can get an agreed outcome that takes into account the industry's views, we will announce where we are going.

Mr J.H.D. Day: When do you expect that will be?

Mr E.S. RIPPER: I do not want to put a definite date on that, because we are still involved in those discussions. As the member pointed out, it is a complex and subtle matter.

Mr C.J. BARNETT: I restrained myself from commenting, but I must make one comment. Listening to the Minister for Energy - with this minister, that seems almost a contradiction in terms - it is clear that after three and a quarter years he has achieved virtually nothing in the energy portfolio. On 18 February, for the first time in the history of this State, we lost power simply because we had a couple of hot days. The minister can claim to have established one new power station, which has been built at the wrong end of the pipe. It has been built at the end of the pipe where the pipe is narrow and the energy is not required, so it will run on diesel fuel. That one incompetent decision has probably cost the State $100 million in net present value terms. It should have been built at Pinjar. I could go on and on. I am not stunned by the minister's incompetence, because I expect that. However, I am stunned that after three and a quarter years he does not get it; he does not understand the objectives in the energy industry. I will state them.

Dr G.I. Gallop: Point No 1: don't get captured by the bureaucrats. That's what happened to you, my friend. You were totally captured.

Mr C.J. BARNETT: They are: to provide a reliable and safe electricity supply, which is more exacting because the demands on the electricity system are growing, particularly the quality of the power supply in an electronic age; to expand the energy industry, and broadly define it, in terms of power generation, pipeline infrastructure and the power distribution system; to keep prices down or lower prices; and to introduce more competition and encourage more private sector growth to change the structure of the industry. Off the top of my head, they are four or five reasonable objectives in the energy industry; yet all this minister can talk about is the disaggregation of one player in the industry. It is illogical. He does not understand what the broad objectives of energy policy should be. It is little wonder the lights went out on 18 February when, after three and a quarter years, the minister cannot articulate what the energy policy should be about. He simply does not get it.

Mr J.H.D. DAY: I will move on to amendments Nos 58 and 59, which relate to new clauses that provide for appeals. I ask for an explanation from the minister of those amendments.

Mr E.S. RIPPER: The Bill, as it went to the upper House, provided a head of power for the establishment of market rules. Certain members of the upper House were concerned that the Bill provided extensive powers for regulations on a range of matters, and they wanted the Parliament to have a say on those matters ahead of the development of the regulations. Two amendments relating to those matters were moved by Hon Peter Foss. After some debate, those matters were agreed to by the Government. The first of those, amendment No 58, established the Gas Review Board as the appropriate body to review a decision by a wholesale market decision maker. The Government had previously suggested that the question of appeals be the subject of regulations. Hon Peter Foss was not happy to leave that matter to regulations, although those regulations would have been subsequently available for disallowance, and the Parliament would have had its say then. Since the Government and the industry had already agreed that the Gas Review Board would be the appeal mechanism, the Government was happy to write the Gas Review Board decision into the legislation.

The Government intended to deal with the question of immunity in the operation of the market through regulations. It was the view of certain members of the upper House that immunity was such an important issue that it should be dealt with by the Parliament, notwithstanding the fact that the Parliament would later have the chance to disallow relevant regulations. There were some discussions between the Government and those members of the upper House. This new provision prescribes the circumstances in which an immunity may be granted to participants in the electricity market.

Question put and passed; the Council's amendments agreed to.

The Council acquainted accordingly.

MACHINERY OF GOVERNMENT (MISCELLANEOUS AMENDMENTS) BILL 2003

Second Reading

Resumed from 7 April.

MR J.C. KOBELKE (Nollamara - Minister Assisting the Minister for Public Sector Management) [4.07 pm]: The opposition spokesperson on this matter, the member for Kingsley, did not address the details of the Bill. She spoke about general issues of public sector management. However, she asked one specific question, to which I will respond. As we will be going into consideration in detail at a later stage, we will have an opportunity to take up those matters that she raised. However, she asked why the Costello report had not been made public. The Costello report is fundamental to the machinery of government. It was an overview of the whole public sector in Western Australia, and made a series of recommendations direct to government. The Government has accepted a range of those recommendations, has announced that and is implementing them. However, other matters were not taken up in that first round and require further consideration. Therefore, at this stage it is still a deliberative document of government. It is a work in progress. Because of that, it is not appropriate that those documents be released now.

I commend the Bill to the House. At a later stage we will be able to go into more detail when we consider the Bill during consideration in detail.

Question put and passed.

Bill read a second time.

BUSINESS OF THE HOUSE, REMAINING STAGES OF CERTAIN BILLS

Standing Orders Suspension

MR J.C. KOBELKE (Nollamara - Leader of the House) [4.08 pm]: I move without notice -

> That so much of the standing orders be suspended as is necessary to allow the completion of all remaining stages today of the following Bills: Justices of the Peace Bill 2003; Oaths, Affidavits and Statutory Declarations Bill 2003; Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill 2003; and Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2004.

I thank the Opposition for its support. Hopefully, in a short time we will be able to complete those procedural matters and conclude the week, its having been a very productive one. I thank the Opposition for its cooperation and support.

MR C.J. BARNETT (Cottesloe - Leader of the Opposition) [4.10 pm]: I find it curious that the Government would want to do this. The Oaths, Affidavits and Statutory Declarations Bill and the Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill are about taking references to God out of oaths. The Attorney General came into this Parliament, as did the Premier and other members, and argued that we do not need to have references to God in oaths. I do not know what they have against God, but they want to take the word "God" out of oaths.

Dr G.I. Gallop: I have nothing against God at all.

Mr C.J. BARNETT: The Premier is still besotted with doing that.

Ms A.J. MacTiernan: Does the phrase "whitened sepulchre" have a certain reality in this place?

Mr C.J. BARNETT: Coming from the minister, I would expect nothing better than that.

Dr G.I. Gallop: Nasty, nasty, nasty!

Mr C.J. BARNETT: The Premier is displaying a lot of maturity today.

I do not have a problem with references to God. I do not pretend to be the most devout person in the world, but I do not find it necessary to take references to God out of oaths. The Premier wants to take any references to God out of our oaths, laws and traditions, because that is the Labor Party's view. However, when people objected, suddenly he and the Attorney General ditched that idea. The Leader of the House now wants to suspend standing orders to enable these Bills to be dealt with immediately. The Premier of this State is still on the same bandwagon. He still does not want the word "God" to appear in oaths.

Dr G.I. Gallop: We are happy for it to appear.

Mr C.J. BARNETT: No. The Premier now wants to give people the option of swearing by their religious beliefs, whatever those beliefs might be. Why is the Premier seeking to rush these Bills through now? We want to go into consideration in detail and deal with the issue now. The reason he wants to rush these Bills through now is that he has been caught out in showing the Labor Party's true view -

Dr G.I. Gallop: What is its true view?

Mr C.J. BARNETT: It is certainly not a Christian view.

Dr G.I. Gallop: How can you say such a stupid thing!

Mr C.J. BARNETT: I just have.

Dr G.I. Gallop: You do not know what you are talking about!

Mr C.J. BARNETT: Seventy per cent of the people in this country regard themselves as Christian.

Mr J.N. Hyde: They do not regard themselves as infallible as you regard yourself!

Mr C.J. BARNETT: I hope the member for Perth will continue, because he represents, in many respects, values that are very different from those held by the majority of Western Australians and Australians. I assure the member for Perth that he does not represent values that I share. Seventy cent of the people of this State regard themselves as Christian. The vast majority of people, whether they are Christian or not, are quite happy to swear to God; or, if they chose not to do that, to have a simple, neutral affirmation. The Labor Party wants to take away the right of people to swear to God. I cannot understand why it wants to do that. Even today, when we want to go into consideration in detail, the Premier is still clinging to what he wants to do. The Premier is our sporting hero, or so he likes to pretend! He is our lover of Anzac Day! He is our champion of the flag! I remember the Premier of 30 years ago. Today I cannot remember that person at all. Suddenly, the Premier is the champion of Anzac Day, yet he failed to support our troops when they went to Iraq -

Points of Order

Mr A.D. McRAE: I raise this point of order on the matter of impugning the Premier. The Leader of the Opposition knows full well that the Premier spoke strongly in support of Australian troops and wished them godspeed and a safe return to their families. It is patently wrong for the Leader of the Opposition to misuse his position in that way.

The DEPUTY SPEAKER (Mrs D.J. Guise): There is no point of order. I ask the Leader of the Opposition to address the motion before the Chair, which is the suspension of standing orders.

Mr J.C. KOBELKE: Madam Deputy Speaker, the Leader of the Opposition has been speaking for some three minutes, and he has not touched on the motion before the House. I know that you alluded to that on the last point of order, which was to a different matter. The issue is that the debate that the Leader of the Opposition is now entering into can be quite appropriately taken up when we get to that matter. There is no time constraint in this standing order. It is simply to allow that debate to come on if the Leader of the Opposition wishes to engage in it. The suspension of standing orders does not allow for a general debate on these matters.

Mr R.F. JOHNSON: As the Leader of the House quite rightly said, the Leader of the Opposition has been speaking for three minutes. The question before the Chair is the suspension of standing orders. I suggest, Madam Deputy Speaker, that the Leader of the Opposition is giving reasons about whether he believes there is a need to suspend standing orders. Normally there is some latitude and members who occupy the Chair give members a lot longer than three minutes to give the reasons that they believe standing order should be suspended or should not be suspended.

The DEPUTY SPEAKER: Both members have raised relevant points. Members of this place are clear about the standing orders of this House. We are debating the suspension of standing orders. I ask the member who has the call to address the motion a bit more succinctly. However, given that he has been on his feet for only three minutes, I am sure that is what he is about to do.

Debate Resumed

Mr C.J. BARNETT: I will be very brief. This issue is about the values of our community. There is certainly a vast difference between the values as reflected by the Labor Party and the values as reflected by members on this side. This motion to suspend standing orders suggests to the Parliament that we need to deal, as a matter of absolute urgency, with an issue that is fundamental to the values, culture, customs and traditions of our community.

Withdrawal of Remark

Ms S.E. WALKER: I have just heard the member for Riverton refer to the Leader of the Opposition as having been drunk at an Aboriginal hostel. I would like him to withdraw those comments, which he made in a conversation across the Chamber with the Leader of the National Party.

The DEPUTY SPEAKER: I heard no such comment. However, if it was made, I ask that it be withdrawn. I also draw the member's attention to the fact that it is unparliamentary to have a conversation across the Chamber, other than the one that we have with the member who has the call.

Mr A.D. McRAE: Madam Deputy Speaker, I did make those comments in relation to the Leader of the Opposition being at an Aboriginal hostel late at night. I withdraw.

Debate Resumed

Mr C.J. BARNETT: That is about what we would expect from the member for Riverton.

Dr G.I. Gallop: Come on! He withdrew! Show your respect for the Parliament.

Mr C.J. BARNETT: That particular issue I remember well. It was promoted by the Premier's staff, on unsigned, handwritten material involving the Premier's staff and the member for Kimberley. I am happy to debate that any time the Premier wishes.

Several members interjected.

The DEPUTY SPEAKER: I suggest that, unless members are prepared to be here for quite some time, they get on with debating the issue at hand.

Mr C.J. BARNETT: This is an important issue. This issue is about the values of our society. If we are to suspend standing orders, why the urgency? The values of a community are built up over tens, if not hundreds, of years. Indeed, we could argue that the Judeo-Christian values go back 2 000 years. The Judaic component goes back thousands of years before that. We in Australia have inherited what is basically a Christian set of values. That is reflected in our procedures in this Parliament, when we say the Lord's Prayer. It is reflected in our laws and our customs. The Labor Party, for whatever philosophical reasons it may have, wants to change that. Okay. The Labour Party can bring in these Bills, and Labor members can vote according to what they believe is correct, and we will vote according to what we believe is correct, but no-one should be rushed into doing that. Where is the urgency? Why do the Premier and the Attorney General want to remove the word "God" on the day before Good Friday? The reason they want to do that now is that they do not want any debate on this issue over the Easter weekend. They do not want people to stand in the pulpit and talk about this issue. They have chosen to bring on this debate before one of the two most significant Christian events in the year - Christmas and Good Friday. I think it is inappropriate that we debate this issue on the evening before Good Friday. If the Government wants to debate this, why the urgency? Look at members opposite: all lined up ready to suspend standing orders. Will members opposite who go to church over the weekend be honest and say they voted to remove the word "God" from our oaths?

Several members interjected.

The DEPUTY SPEAKER: Order, members!

Mr C.J. BARNETT: This is the backflip, because the Government has bowed to public pressure.

Several members interjected.

The DEPUTY SPEAKER: Order, members on my right!

Mr C.J. BARNETT: The Government wants to rush this through. I can quite happily stand here for 53 minutes if that is the way -

Mr A.D. McRae interjected.

The DEPUTY SPEAKER: Order, member for Riverton!

Mr C.J. BARNETT: I am content to stand here for 53 minutes and recite the Lord's Prayer, if that is what it takes. This issue could have been brought on earlier by the Labor Party. It brought in Bills to remove the word "God" from oaths. However, the Government reacted to public opinion, and it now wants to put the word back in. There are other aspects to this legislation concerning the words that the Premier wants to put in as alternative affirmations. Is that right, Premier? It is his new choice of words that he wants to bring in personally. There are also issues relating to the Queen. I happen to support a republic, but I also hold the view that references to our constitutional monarchy should not be tampered with until such time as Australia votes through a referendum to become a republic. They are important issues. The Labor Party wants to bring on these issues for debate and suspend standing orders to do so at 4.20 on the evening before the Easter weekend. Backbenchers opposite should think about what they are doing for their constituents. This is their level of representation for their constituents on issues they may not think are important.

If members opposite go to church this weekend, they will find out that many thousands of people in our community regard the issue of the oath and the choice of words and references to the Queen as important. Members opposite may not regard it as important, but they are failing to represent their constituencies by allowing this to be guillotined through on the eve of Good Friday. That is the standard of the Premier. His behaviour has been nothing less than immature.

MS S.E. WALKER (Nedlands) [4.23 pm]: I support the Leader of the Opposition. The buffoon calling I have heard from my left shows how ignorant government members are about what is happening. I heard a lot of lapses from the code of conduct while the Leader of the Opposition was speaking. Members opposite do not understand what is happening. If they do, they are not telling the truth when they call across the Chamber. The newspaper states that the Attorney General will put references to God back into oaths. Members opposite do not understand that oaths will still contain the words, "I swear, according to the religion and the beliefs I profess".

The DEPUTY SPEAKER: Order! The member for Nedlands must address the motion to suspend standing orders.

Ms S.E. WALKER: The reason I do not support the suspension of standing orders is that it is quite apparent that government backbenchers do not understand what is happening with this legislation and these amendments. If they understood what was happening, they would not call across the Chamber to the Leader of the Opposition and say that he

does not understand that the Government is putting references to God back in. The Government is doing that, but it is retaining the other oath.

Several members interjected.

Ms S.E. WALKER: What is wrong with that? That is where members opposite are little thick - that is why they are backbenchers! I tell members opposite what is wrong with that.

The DEPUTY SPEAKER: Order, members!

Ms S.E. WALKER: Do they want to hear what is wrong with it or not? I want other members to hear what they are saying.

Several members interjected.

The DEPUTY SPEAKER: Order, members! The behaviour in this Chamber is quite inappropriate. Members might think it is humorous, given that it is getting late in the afternoon, but I do not think so. I would like to hear the member who has the call. The member needs to address the motion for the suspension of standing orders. Maybe then we can all get on with this.

Ms S.E. WALKER: I do not support the suspension because it appears that only four members in this Chamber so far understand what is happening. I think this needs to be debated properly and not just pushed through, as the Leader of the Opposition said, on the eve of Good Friday. It needs to be debated properly because of the significance of retaining, "I swear, according to the religion and the beliefs I profess". I asked the Attorney General why it was retained; I asked him who supported it. He said it was the Premier - just one person in this State! That is in contradiction of the Westpoll survey. This is a sleight of hand because all judges in Western Australia control their own court, and they will dictate what happens when people are handed cards with the oath on it. That is why we should debate this properly. The situation will be that the courts can put in the words we were objecting to last week. Only four members in this Chamber understand that. It flies in the face of what the Attorney General was reported on the front page of *The West Australian* as saying this week, when he promised to put references to God back in. He promised the people, but he has performed another sleight of hand. That is why we should not suspend standing orders and why we should return after Easter and debate this properly.

MR M.W. TRENORDEN (Avon - Leader of the National Party) [4.27 pm]: The National Party was not involved in any arrangement today, which will come as no surprise to most members of the Chamber. Our view is clear: we do not support the suspension of standing orders. It is almost 4.30 on the eve of Easter, and it has been a good day. There has been a lack of tension in the air, which is a good thing before Easter. We do not believe we should proceed any further today. That is the National Party's position.

MR R.F. JOHNSON (Hillarys) [4.28 pm]: The Leader of the House has just had a word with me, and I do not think it is unfair to say that he has told me that if the Opposition is not happy to suspend standing orders, he will withdraw the motion.

Mr J.C. Kobelke: No, we will proceed.

Mr R.F. JOHNSON: In that case -

Several members interjected.

The DEPUTY SPEAKER: Order, members!

Mr R.F. JOHNSON: I now have grave concern about the suspension of standing orders to bring on these amendments, because there was an agreement between this side of the House and the other - the Leader of the House and me. The media were very interested in how the House was going to get through eight Bills in one week; that is, Easter week. They contacted us on Monday and asked whether it was a lot to try to get through in one week. Through our media officer, I told them that there was cooperation and I believed we could achieve quite a lot. The Leader of the House would not accept a handshake and my word that we would do our best to get through as many Bills as possible. He wrote to me last week to outline what he wanted to do this week. We have achieved virtually everything he wanted to do. In fact, we have gone beyond that in some instances. One Bill on which it was intended to achieve only good progress was the Construction Contracts Bill 2004. We made more than good progress; we completed that Bill. It is not feasible or necessary to deal with eight Bills in one week if they are to be scrutinised properly. The Leader of the House has had nothing but cooperation from me. I know how many of his backbenchers feel about the way he is behaving at the moment. Their views are not very complimentary. Here we are on the eve of Easter, about which we had an agreement. The Leader of the House said in the last part of that agreement that he would adjourn the House at 4.00 pm today, which was half an hour ago. Members want to get home to their families. I am not as badly off as some members. Many people must drive a long way after this House rises. They will catch the bulk of the traffic after a very long sitting day. We can sit here for another two hours and debate this.

Mr C.J. Barnett: Much longer.

Mr R.F. JOHNSON: We can sit here for three hours. However, do we really want to go down that road today? I do not believe we do.

Mr R.C. Kucera: It is your choice.

Mr R.F. JOHNSON: No, it is not; it is the Government's choice. If the Government wants to ram Bills through this House without proper scrutiny, that is its choice; we do not want to do that.

Mr R.C. Kucera: If you want to carry on like the Harper Valley PTA, that is your choice.

Mr R.F. JOHNSON: What a stupid comment. That is typical of what we hear from the Minister for Tourism. He has no credibility in this place or anywhere else.

I agreed earlier with the Leader of the House that, if necessary, we would suspend standing orders, but that was on the basis that it would be done after question time today when the Attorney General would move his amendments to the Oaths, Affidavits and Statutory Declarations Bill, the Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill and the Justices of the Peace Bill. We would have dealt with them without any problems and we would have gone home half an hour ago. The Attorney General knows that what I am saying is the truth. However, we have had to deal with other Bills even though it did not matter whether we dealt with them today or some other time. There is not a lot of business on the Notice Paper. We do not need to suspend standing orders at half past four to deal with one Bill just before Good Friday. We can stay here for ages if we have to. Do we want to get back to that sort of game between the Opposition and the Government?

Mr C.J. Barnett interjected.

Mr R.F. JOHNSON: I cannot trust them. Does the Leader of the House want to suspend standing orders to deal only with the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill?

Mr J.C. Kobelke: That's correct.

Mr R.F. JOHNSON: He did not tell me that. I thought he wanted to deal with the other Bills. He is up and down like a fiddler's elbow with his different ideas. He tells me one thing one minute and something else the next minute. I never know what he is going to do. If that is the situation, we will accept that. We cannot do justice to the other Bills in the time left before Good Friday. We will agree to suspend standing orders on the basis of dealing with the traffic Bill, which can then be given clear passage through this House.

MR J.C. KOBELKE (Nollamara - Leader of the House) [4.35 pm]: It is very disappointing, when we had a deal with the Opposition, to have had this unnecessary and rather spiteful debate. The Government thought it had an agreement to proceed. We were well behind with the schedule of work we had sought by agreement to address. The suspension of standing orders will allow the House to undertake the matters mentioned in the suspension motion. Of course, that allowed for full debate with no time restrictions. Given the hour, if the Opposition had used some sense - it shows very little sense on management - it would have realised that there was no need for such a stupid and acrimonious debate. It seems to be something that the Leader of the Opposition gets off on. We wish to proceed with the business of the House; if there is opposition - there clearly is - to dealing with the oaths, affidavits and statutory declarations Bills and the Justices of the Peace Bill, we will not proceed with them. That was always the deal. However, we had agreement on the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill. Suspending standing orders will allow us to complete the third reading of that Bill.

Question put and passed with an absolutely majority.

ROAD TRAFFIC AMENDMENT (IMPOUNDING AND CONFISCATION OF VEHICLES) BILL 2004

Third Reading

MRS M.H. ROBERTS (Midland - Minister for Police and Emergency Services) [4.36 pm]: I move -

That the Bill be now read a third time.

MS K. HODSON-THOMAS (Carine) [4.36 pm]: I place on record that the Opposition supports the legislation. We appreciate the fact that the minister was prepared to accommodate our concerns with an amendment that sought to clear up an issue concerning vehicles that were financed under finance contracts. It was a good debate that provided an opportunity for bipartisanship and goodwill, which are not often shown in this place.

I will keep my comments brief. I take the opportunity to wish a happy Easter to you, Mr Speaker, all members, parliamentary staff, Hansard staff, particularly the library staff as they are often forgotten, attendants and the media. I look forward to seeing everyone again in a few weeks.

MRS M.H. ROBERTS (Midland - Minister for Police and Emergency Services) [4.37 pm]: I thank the member for Carine for her comments and cooperation on this Bill. The opposition parties and Independent members scrutinised the Bill very closely. That scrutiny has resulted in two amendments, which had the unanimous support of the House, as

does the legislation. I thank all members for their cooperation, and the officers from the Department for Planning and Infrastructure and the Police Service of Western Australia for their support of the legislation.

Question put and passed.

Bill read a third time and transmitted to the Council.

CHILDREN AND COMMUNITY DEVELOPMENT BILL 2003

Third Reading

MS S.M. McHALE (Thornlie - Minister for Community Development, Women's Interests, Seniors and Youth) [4.38 pm]: I move -

That the Bill be now read a third time.

MS S.E. WALKER (Nedlands) [4.38 pm]: The Liberal Party opposes this Bill for the reasons I outlined extensively during earlier debate. We do not believe that the children in this State will be given maximum protection under this legislation, particularly under clauses such as clause 28. The Government has not outlined in the Bill the meaning of emotional, psychological, sexual and physical abuse. Even if it had done so, there is now a significant bar to the State intervening for the care and protection of children when they are subject to abuse.

The Opposition was disappointed with the title of the Bill when it was introduced with fanfare by the Premier. It was hailed as a historic child protection Bill. However, the Government has been too embarrassed to include the word "protection" in the title of the Bill. The Bill does not reflect the values and beliefs of members of the Liberal Party when it comes to the level of intervention that should be sought to protect our children. It amends the Child Welfare Act, which as we acknowledged during debate is antiquated in its language. However, anyone who reads the Act would know immediately how to identify when a child is in need of care and protection. We have had to fight our way through many clauses in this Bill to get to something that relates to child protection. Additionally, this Bill was introduced last year. It was introduced before the Crime and Misconduct Commission report was released in Queensland and it does not take account of the findings in that report about the running of the department in that State and the need to refocus on child protection and child safety. It emerged during the debate that we could not get many statistics from the minister. For instance, she did not know what ratio of case files to workers was needed in the department. The minister could not tell us about a lot of statistics, such as what socioeconomic groups the children in care came from - basic statistics. We are not even sure how the files or records are kept at the Department for Community Development in Western Australia. The rules and regulations for foster carers were not included in the Bill; they will be made up somewhere else. The Opposition did support some aspects of the Bill, but in our view the crucial aspect of child protection did not go far enough. It is a very disappointing Bill and we do not support it.

MS S.M. McHALE (Thornlie - Minister for Community Development, Women's Interests, Seniors and Youth) [4.41 pm]: I find the Opposition's position, as expressed by the member for Nedlands, to be quite extraordinary. However, those opposite have put on the public record that they oppose this Bill. This Bill is a good piece of legislation. It is recognised as a good and necessary piece of legislation by those people who are concerned about child protection and about having a modern legal framework for it. I can only assume that those opposite still do not understand this Bill, but for them to say that they oppose the Bill - after having first tried to take credit for it - and then to say that they recognise that it is a well overdue piece of legislation is quite extraordinary. For the Opposition to oppose the Bill at the end of a very long and protracted debate, after spending many hours going through the legislation, is just extraordinary. However, I feel confident that those who really care about children and about having a modern piece of legislation do support it. That includes the Children's, Youth and Family Agencies Association; COLD - culturally or linguistically diverse - communities; and the people working with Aboriginal children, who are disproportionately represented in care. I know that they support the efforts of this Government to work through this very difficult area of social justice and policy and to actually bring in a piece of legislation. It may not be seen as perfect - I do not think I have seen a perfect piece of legislation yet - but it is a good piece of legislation and it is recognised as such.

Mr R.C. Kucera: Will the minister take an interjection? I am pleased, after 35 years of dealing with children, that at long last the Government has answered their plea for help. This is an excellent piece of legislation. No piece of legislation can prevent totally the abuse of children, but I commend the minister, her staff and those people who have had to sit through the bigotry of the past few weeks for at least bringing things into play. Well done, minister.

Ms S.M. McHALE: I appreciate that.

The member for Nedlands relied very heavily on the Queensland Crime and Misconduct Commission report. That was a commission of inquiry into a parlous state in Queensland. The member should not try to replicate that for Western Australia, because some very detailed work is being done in this State to improve the overall service delivery for children in care. I make the point again: notwithstanding Queensland having a children's commission, mandatory reporting and other things, it still needed to have an inquiry into the management of children in care.

I thank the member for Kingsley, the member for Churchlands and, indeed, the member for Nedlands for spending a degree of time analysing the Bill and questioning me - rightly so - on the intent and purpose of the Bill, because as the member for Churchlands in particular has said - and I agree with her - this has been one of the most important pieces of legislation to come into this Parliament. The amount of time spent on the Bill perhaps reflects that. Whilst at times debate has been very protracted, it has been necessary to get on the public record the nuances and the importance of this Bill. I thank all members who appreciate the importance of this Bill and the work that my department has done. I put on record my thanks for the sterling efforts of the staff of the Department for Community Development, many of whom never thought they would see such a Bill come into Parliament, because they did not previously have a Government with the political guts to introduce such a piece of legislation. This Government did, and that speaks volumes for what it is trying to do for vulnerable, disadvantaged people in our State.

Question put and passed.

Bill read a third time and transmitted to the Council.

ADJOURNMENT OF THE HOUSE

On motion by Mr J.C. Kobelke (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 4 May 2004 at 2.00 pm.

House adjourned at 4.46 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FIRE AND EMERGENCY SERVICES, REPORT ON CANBERRA BUSHFIRES

2412. Mr B.K. Masters to the Minister for Police and Emergency Services

(1) What action is the Fire and Emergency Services Authority (FESA) taking in response to the Federal Parliament's report ('A Nation Charred') on the bushfires which took a heavy toll on life and property around Canberra in January 2003?

(2) Specifically, what process is being put in place to review the 59 recommendations of the report to determine their relevance and applicability to Western Australia?

(3) When is this process expected to be completed?

(4) Will FESA's advice to the Minister on these recommendations be made available to the public?

(5) What other actions has FESA put into effect or is planning to put into effect as a result of lessons learned from last year's Canberra fires?

Mrs M.H. ROBERTS replied:

(1)-(2) The Fire and Emergency Services Authority (FESA) advise they have studied the report and are preparing a paper on proposed action in relation to those recommendations applicable to FESA's activities. However, the Nairn Report recommendations will also be considered in conjunction with the Council of Australian Governments Report into bushfires across Australia which is scheduled to be released in late March. It should be noted that in Western Australia, in addition to FESA, the Department of Conservation and Land Management and Local Governments also have major responsibilities in relation to bush fires. Furthermore, the WA Planning Commission is responsible for some of the planning issues raised in the Nairn Report. Therefore, FESA will also liaise with these departments.

(3) FESA advise they expect the process to be completed by the end of May 2004.

(4) A decision will be made once the process is complete.

(5) FESA advise that prior to the release of the Nairn Report, they were already actively undertaking a range of activities designed to minimise the impact of devastating wildfires on the Western Australian community.

These include:

Development of the Rural Urban Bush Fire Threat Analysis (RUBTA) publication.

Planning for Bush Fire Protection publication – a 2001 joint FESA and Department of Planning and Infrastructure publication, endorsed by the WA Planning Commission. This is currently undergoing a major review.

A considerable commitment to bush fire research, in addition to a $100,000 a year commitment to support the national Bush Fire Cooperative Research Centre. While FESA has been involved in a number of research projects in the past – including the CSIRO's Project Vesta in 1998-99 – from 2004-05 it will commit a further $150,000 a year to research projects in partnership with a number of tertiary institutions and other WA agencies.

In direct response to the Canberra fires of early 2003 FESA has also undertaken the following:

Production of a video report specifically focused on the fire and emergency services response to the fires. This was distributed widely to emergency services personnel and Local Governments throughout Western Australia in summer of 2003-04 and to other fire and emergency service agencies across Australia.

In March 2004, FESA brought a representative of the ACT Recovery Centre to Perth to participate in a seminar designed to educate WA emergency services on the lessons learned from activities in the aftermath of the Canberra disaster.

CHILD DEVELOPMENT CENTRE, MERGING OF STAFF POSITIONS

2421. Dr E. Constable to the Minister for Health

I refer to the article entitled 'McGinty: Cuts not a threat' which appeared in *The West Australian* newspaper on 1 December 2003 and ask -

(a) which staff positions at the State Child Development Centre will be merged;

(b) how will the staff positions in (a) be merged and which public service level of remuneration will apply to the merged positions;

(c) when will the positions in (a) be merged; and

(d) how will the merging of the staff positions in (a) contribute a saving of $100 000 to the Health Budget?

Mr J.A. McGINTY replied:

(a) Relief secretary/telephonist, Senior Education Officer, Consultant Biostatistician.

(b) i. Relief secretary and telephonist positions. Salary levels are the same and will be maintained.
ii Senior Education Officer position to be abolished.
iii Biostatistician – services on occasional needs basis only

(c) i. Implemented.
ii Under negotiation
iii Implemented.

(d) The savings will be made as the positions identified have either been allocated to vacant positions within WCHS or abolished. This means WCHS has reduced its overall FTE by this number of positions.

The positions that will contribute toward the $100,000 saving this year include:

Relief secretary	$9,000
Telephonist	$9,000
Senior Education Officer (*)	$17,000
Biostatistician	$9,000
Secretary (on maternity leave) not replaced	$36,000

Other savings will be achieved through changes in administrative practices.

(*) In examining this role it is primarily responsible for co-ordinating the Family Partnership Training Program. The position has been accepted as under regular review and there are no serious implications if the position is withdrawn.

ROADS, 50 KILOMETRES PER HOUR URBAN SPEED LIMIT, ASSESSMENT

2477. Ms K. Hodson-Thomas to the Minister for Police and Emergency Services

I refer to the 50km per hour urban speed zoning that was introduced on to our local roads on 1 December 2001 and ask will the Minister advise -

(a) has an assessment of the 50 km per hour speed limit been conducted;

(b) has this report been released;

(c) if so, on what date, and to whom was it distributed;

(d) if no report assessing the benefits, disadvantages, and success of the 50 km per hour speed limit has been completed, will the Minister explain why not; and

(e) will the Minister provide a commitment to ensure such a report is presented to Parliament within the near future?

Mrs M.H. ROBERTS replied:

(a) The Office of Road Safety advise that an independent consultant has been engaged to undertake a full statewide evaluation of the 50km/h initiative.

(b)-(d) A report has not yet been released, as the evaluation is not yet complete. Validated information has only recently become available and collection of the necessary data to progress the evaluation has re-commenced.

(e) A report will be presented to the Government when it becomes available. The Office of Road Safety anticipates that a report will be available by 30 June 2004.

KEMERTON INDUSTRIAL ESTATE, POWER STATION, EMISSIONS

2496. Mr B.K. Masters to the Minister for the Environment

(1) Has the 260 megawatt power station, recently approved for operation within the Kemerton Industrial Estate, been assessed for its air emissions including greenhouse gas emissions?

(2) If yes, has this assessment been carried out on the basis that the station will operate on natural gas or on diesel or on a variable feed using these two fuels at different times and, if yes, what proportion of which fuel has formed the basis for this assessment?

(3) In the course of a 12 month period and recognising that the station is a peak load facility and does not supply base load, what would be the normal total outputs of the usual air emission pollutants including greenhouse gases if the station ran 100% of the time on natural gas versus 100% on diesel?

(4) Is the Minister aware that the station is likely to face a shortage of natural gas fuel supplies because of limitations on gas availability through the existing Perth to Bunbury pipeline?

(5) Will this station have a 1.5 million litre diesel fuel storage tank as part of its fuel supply infrastructure?

Dr J.M. EDWARDS replied:

(1) Yes.

(2) The Environmental Protection Authority (EPA) assessment was for a nominal 260MW peaking plant operating approximately 1000 hours per year, with up to 100 hours on ultra low sulphur diesel.

(3) The power station was not assessed for running 100% of the time on natural gas, nor 100% of the time on liquid fuel. The EPA assessment was for the power station operating for 900 hours per year on natural gas and 100 hours per year on liquid fuel.

This results in the predicted emissions:

Air Emission	Natural Gas (900 hrs/year)	Liquid fuel (100 hrs/year)
Oxides of nitrogen	127 tpa	41.1 tpa
Oxides of sulphur	negligible tpa	0.146 tpa
Particulate matter	6.48 tpa	2.74 tpa
Carbon monoxide	70.3 tpa	7.54 tpa
Polycyclic aromatic hydrocarbons	0.0028 tpa	0.0057 tpa
Non-methane volatile organic compounds	2.69 tpa	0.058 tpa
Greenhouse gas emissions	160,000 tpa assuming 900 hours per year operation on natural gas and 100 hours per year on liquid fuel.	

tpa: tonnes per annum

(4) This question should be referred to the Minister for Energy.

(5) Yes.

HEALTH, PATIENT TRANSFERS FROM JANDAKOT AIRPORT, COST

2508. Mr C.J. Barnett to the Minister for Health

I refer to the Minister's decision in 2003 to terminate the Advance Life Ambulance contract for patient transfers, and ask –

(a) why was the tender for Royal Flying Doctors Service patient transfers from Jandakot airport not put out to tender in 2003 in accordance with normal competitive tendering guidelines;

(b) was any exemption to the normal tender process granted to the Health Department in this instance, and if so, why;

(c) what is the current amount charged by St John Ambulance for a patient transfer from Jandakot Airport;

(d) what is the total cost of all current contracts for patient transfers from Jandakot Airport per annum; and

(e) what was the total cost of all contracts for patient transfer from Jandakot Airport in 2002-2003?

Mr J.A. McGINTY replied:

a) Current guidelines for the funding and purchasing of community services provide for a preferred service provider approach rather than selection through open competitive tendering.

Following the Auditor General's June 2000 Report and the 2001 change of Government, a Working Party was established to develop a system that provided a more flexible approach to the purchasing of community services. That approach would give weight to the history of an organisation's performance, the involvement of volunteers and provide for the development of grants and service agreements.

On the basis of the Government's policy for Funding and Purchasing Community Services released in October 2002, St John Ambulance Association has been undertaking all inter-hospital transfers from Jandakot.

b) No – on the basis of the Policy for Funding and Purchasing Community Services.

c) St John Ambulance fee is $133 per patient.

d) The cost is case dependent – see (e) for a typical year.

e) Total costs (ex GST) in 2002-03 were $428,400.

HEALTH, AGENCY NURSES, NUMBER EMPLOYED

2512. Mrs C.L. Edwardes to the Minister for Health

I refer the Minister to the answer to question on notice No. 1820 of August 2003 and ask -

(a) for each of the financial years 2000/2001, 2001/2002 and 2002/2003, how many 'agency' nurses were employed by the Health Department;

(b) will the Minister release the evaluation that was conducted of areas and times of peak need for agency nurses; and

(c) if not, why not?

Mr J.A. McGINTY replied:

(a) Agency nurses engaged by Health Services are as follows:

Actual 2000/2001	245 FTEs
Actual 2001/2002	362 FTEs
Actual 2002/2003	518 FTEs (includes 127 FTEs for WA Country Health Service)

WA Country Health Service reporting of Agency nurse statistics was not complete for 2000/2001 and 2001/2002; accordingly no data was included for these years.

(b) A detailed report was released by the Auditor General's Office into the nursing shortage and use of agency nurses in August 2002. This report was used as a part of the evaluation of agency nursing staff. This report is available online at www.audit.wa.gov.au.

(c) Not applicable.

CRANE DRIVER TRAINING, CLAIMS OF FORMER INSPECTOR

2529. Mrs C.L. Edwardes to the Minister for Consumer and Employment Protection

I refer the Minister to the ABC Online News of 9 Thursday 9 October 2003, titled 'Former inspector warns poor crane driver training may result in deaths' and ask -

(a) have the claims of the former inspector, referred to in the article, been investigated;

(b) if not, why not;

(c) if the claims have been investigated, what was the result of that investigation;

(d) will the allegation that assessors were 'warned of audits several days in advance' be referred to the independent investigator; and

(e) if not, why not?

Mr J.C. KOBELKE replied:

(a)-(c) Concerns about assessment procedures have been addressed on an ongoing basis. Unlike other jurisdictions, Western Australia required training to be conducted by a Registered Training Organisation. New audit procedures for assessors were introduced in June 2003 and new regulations relating to the operation of cranes were introduced in October 2003. For some time WorkSafe Western Australia have been requesting a review of the National Certificate of Competency Standard. A decision to review the standard was taken by NOHSC at its meeting on 19 March 2004.

(d)-(e) As advised in (a) WorkSafe auditing procedures have been reviewed recently and strengthened where necessary.

MINISTERS OF THE CROWN, AIR CHARTER SERVICE, AUDIT

2533. Mrs C.L. Edwardes to the Premier

I refer the Premier to the 2002/2003 Annual Report of the Department of Premier and Cabinet and ask -

(a) when was the last time the Ministerial Air Charter Service was audited;

(b) what reviews and reports were undertaken into the Ministerial Air Charter;

(c) will the Premier table copies of the audit, reviews and reports compiled by the Department of Premier and Cabinet and referred to in the Annual report for 2002/2003; and

(d) if not, why not?

Dr G.I. GALLOP replied:

(a) December 2003.

(b) Since Ministerial Air Charter services were transferred to the Department of the Premier and Cabinet in 1994, the Ministerial Air Charter service provider has been subject to regular operational due diligence/safety inspections. In addition, reviews of usage, client satisfaction, financial due diligence and contract variations have been conducted in conjunction with these audits.

(c)-(d) The inspection and review documentation forms part of the working papers integral to the good governance of the Ministerial Air Charter contract. The reports are prepared for the Director General and reviewed by the Office of the Auditor General, however they are not made generally available for commercial confidentiality and security reasons. However, if the Member has a specific question in relation to the operation of the contract I would be pleased to provide a response.

POLICE, NUMBERS AT CENTRAL METROPOLITAN AND WEST METROPOLITAN DISTRICTS

2647. Dr E. Constable to the Minister for Police and Emergency Services

(1) How many FTE police officers are employed at each of the following Central Metropolitan Police District stations -

(a) Claremont;
(b) Cottesloe;
(c) Leederville;
(d) Nedlands;
(e) North Perth;
(f) Perth;
(g) Subiaco; and
(h) Wembley?

(2) How many FTE police officers are employed at each of the following West Metropolitan Police District stations -

(a) Bayswater;
(b) Inglewood;
(c) Joondanna;
(d) Maylands;
(e) Mirrabooka;
(f) Morley;
(g) Scarborough; and
(h) Stirling?

Mrs M.H. ROBERTS replied:

(1)-(2) The Western Australia Police Service advise that due to operational sensitivities, specific information relating to staffing levels of individual police stations is not released. Resources are principally allocated at a District level and District Superintendents deploy these resources within their District to provide the best possible policing service to meet operational requirements and the varying needs of the community.

The Police Service advise the number of FTE police officers (including APLOs) employed at the Central Metropolitan Police District and the West Metropolitan Police District is as follows:

Central Metropolitan District	432
West Metropolitan District	291

EPIC ENERGY, DAMPIER-BUNBURY GAS PIPELINE, REGULATED TARIFF

2665. Mrs C.L. Edwardes to the Minister for Energy

I refer the Minister to the regulated tariff imposed by the Office of Gas Access Regulation, now the Economic Regulation Authority, into Epic Energy's Dampier to Bunbury Natural Gas Pipeline and ask -

(a) did the Minister, the Ministerial office or the department make a 'Public Interest' submission to the Office of Gas Regulation, regarding Epic Energy's tariff increase request;

(b) if yes, will the Minister table a copy of the submission;

(c) if not, why not; and

(d) if no submission was made, why not?

Mr E.S. RIPPER replied:

(a) Yes

(b) The submission is publicly available on the Economic Regulation Authority website. The submission's title is Dampier to Bunbury Natural Gas Pipeline – Western Australian Government Submission on the Draft Decision and dated 18 September 2001.

(c) Not applicable.

(d) Not applicable.

MENTAL HEALTH, BUDGET ALLOCATION AND PSYCHIATRIST NUMBERS

2688. Mr M.G. House to the Minister for Health

(1) Will the Minister provide the total budgetary allocation for Mental Health in the 2003/2004 State Budget?

(2) Is the funding provided by the Western Australian Government for Mental Health sufficient to satisfy the demand?

(3) How many psychiatrists are employed by the State Public Health System?

(4) Are sufficient psychiatrists available in the Public Health system to meet the need?

Mr J.A. McGINTY replied:

(1) The Mental Health program budget allocation for 2003-2004 is $235 085 366.

(2) While in general the total budgetary allocation for mental health is sufficient to meet most needs, as the report of the Health Reform Committee has emphasised, demand for mental health services will continue to grow.

(3) There are currently 91 Full Time Equivalents (FTEs) consultant psychiatrists employed by the State Public Mental Health System.

(4) There are currently 7.5 vacant FTE positions in the State public mental health system, and it is anticipated that there will be a continuing shortage of psychiatrists in the public sector in both the metropolitan and rural and remote areas.

Several initiatives are used to attract trainees into psychiatry:

Trainee psychiatrists are remunerated at 2 levels higher on the salary increment scale of the doctors' industrial agreement;

Consultant psychiatrists are paid an additional 15% on the base salary prescribed in the industrial agreement.

By agreement with the hospital or health service concerned, consultant psychiatrists may also be provided with up to one and a half days paid time or three sessions per week for agreed special research interests.

Despite these initiatives, the training program for psychiatrists has difficulty in attracting doctors into speciality training in psychiatry. Currently the training program has 63 trainees, which is 17 less than are required.

ROSS RIVER VIRUS, PEEL AND SOUTH WEST REGIONS

2689. Mr A.D. Marshall to the Minister for Health

(1) Will the Minister provide a summary table for Western Australia of the number of recorded Ross River Virus cases for the current season?

(2) Will the Minister advise what percentage of recorded Ross River Virus cases for the current season have been recorded in the Peel and South West Regions?

(3) Will the Minister advise which have been the worst affected towns in the Peel and South West Regions?

Mr J.A. McGINTY replied:

(1) The numbers of cases of Ross River virus disease notified to the Department of Health for the period 1 July 2003 to 15 March 2004 are listed below. The cases are shown by place of exposure where available, or by place of residence.

Region	Number
Kimberley region	24
Pilbara region	7
Gascoyne region	4
Murchison region	2
Goldfields region	9
Central Wheatbelt region	56
Midwest region	15
Metropolitan region	416
Peel region	115
Leschenault region	113
Capel region	130
Busselton region	201
Remainder of South West	122
STATE TOTAL	1214

(2) The percentage of cases of Ross River virus disease occurring in the Peel and South West regions for the period 1 July 2003 to 15 March 2004 are listed below.

Region	% of State Total
Peel region	9.5
Leschenault region	9.3
Capel region	10.7
Busselton region	16.6
Remainder of South West	10.0

(3) The worst affected towns in the Peel and South West regions have been Capel and Busselton.

COMMUNITY MOBILITY CLASSES, ELIGIBILITY CRITERIA

2691. Dr E. Constable to the Minister for Health

(1) Has the Health Department of Western Australia made changes to the eligibility criteria for participation in the Community Mobility Classes run by physiotherapists?

(2) If yes to (1), what are the new criteria for participation in Community Mobility Classes?

(3) If yes to (1), is the application of the participation criteria at the discretion of each physiotherapist who runs a class?

(4) If yes to (3), has the Health Department of Western Australia issued guidelines to the physiotherapists to indicate the circumstances under which the Department thinks the participation criteria should be implemented?

(5) If no to (3), what are the expected cost savings to the Health Department of Western Australia derived from the exclusion of participants based on the new participation criteria?

Mr J.A. McGINTY replied:

1) Yes.

2) The entry criteria for the program changed approximately 18 months ago with all participants requiring a referral from a health practitioner. Previously participants were able to self refer.

The new criteria for continued participation in the program have been progressively introduced since the beginning of this year. (These do not apply to existing clients.)

- Those accepted into the program are offered a 10 week Healthy Ageing Program (HAP). During the 10 week period participants are reviewed and at the end of this period the physiotherapist will discuss their future options. The majority of participants will not require long term support from the Community Physiotherapy Service (CPS) and will be able to make alternative arrangements.

Criteria for continued participation

- Has completed the 10 week self management course (HAP) and requires ongoing supervision due to medical problems; OR

- Has attended the 10 week self-management course and is assessed by the physiotherapist as not cognitively able to self manage but can follow instruction in a group setting.

- Has CPS medical form transferred from HAP OR

- Has been referred from another CPS program

Special consideration is given to clients over 75 years as their options for other community based services may be limited.

3) Yes, in consultation centrally with the CPS.

- At the end of the HAP the physiotherapist who runs the class makes a recommendation as to whether a person needs ongoing support.

- The final decision and class allocation are made centrally, in consultation with the physiotherapist and the client.

4) Yes.

- The Healthy Ageing Program and the criteria outlined above have been developed by the Community Physiotherapy Services and have been endorsed within the East Metropolitan Health Service.

- An ongoing information dissemination process is under way to make sure that clients, physiotherapists and those who refer into the program are aware of the changes.

5) There are no savings to the Department of Health. The changes that have been made are focused on providing increased and equitable accesses to the program while ensuring resources are directed towards patients with a clinical need.

GOVERNMENT DEPARTMENTS AND AGENCIES, MOBILE TELEPHONE CHARGES

2701. Mrs C.L. Edwardes to the Minister representing the Minister for Racing and Gaming

I refer the Minister to the answer to question on notice No. 2390, asked on 16 December 2003, and ask -

(a) for Gold Corporation, what are the actual monthly mobile telephone charges for the financial years 2000/2001, 2001/2002, 2002/2003 and the current financial year to date;

(b) for the Insurance Commission, what are the actual monthly telephone charges for the financial years 2000/2001, 2001/2002, 2002/2003 and the current financial year to date and how were the indicative figures for the mobile telephone charges arrived at;

(c) for Lotterywest, what are the actual monthly mobile telephone charges for the financial years 2000/2001, 2001/2002, 2002/2003 and the current financial year to date;

(d) for the Department of Racing and Gaming, what are the actual monthly mobile telephone charges for the financial years 2000/2001, 2001/2002, 2002/2003 and the current financial year to date;

(e) for the Burswood Park Board, what are the actual monthly mobile telephone charges for the financial years 2000/2001, 2001/2002, 2002/2003 and the current financial year to date;

(f) for the Totalisator Agency Board, what are the actual monthly mobile telephone charges for the financial years 2000/2001, 2001/2002, 2002/2003 and the current financial year to date; and

(g) for the Western Australian Greyhound Racing Association, what are the actual monthly mobile telephone charges for the financial years 2000/2001, 2001/2002, 2002/2003 and the current financial year to date?

Mr E.S. RIPPER replied:

(a) GOLD CORPORATION

Refer Parliamentary Question 2390. Gold Corporation's mobile telephone charges were actual total annual costs for each of the financial years 2000/01, 2001/02 and 2002/03, from which monthly averages were derived.

Total actual charges for current financial year to February 2004 are $17,721, for monthly average of $2,215.

(b) INSURANCE COMMISSION OF WA

The Insurance Commission of Western Australia accumulates all communication expenses in one account. Communication expenses include all voice and data communications, which covers fixed line telephone charges, mobile telephone charges, data links and telephone maintenance charges. Data links include all Internet connections, computer links to other government agencies, and a link to the Insurance Commission's Disaster Recovery Site. The Insurance Commission's expenditure on voice and data communications for the periods covered by the question were:-

2003/2004 to 29/2/2004	$160,952.22
2002/2003	$264,662.55
2001/2002	$246,219.43
2000/2001	$218,305.00

The Insurance Commission does not analyse these actual costs by type of service within its accounting systems. As a guide, using the budget assumptions for telecommunications costs, the telephone charges would be made up approximately as follows:-

	Fixed Line Calls	Mobile Calls
2003/2004 YTD	$110,330	$19,470
2002/2003	$181,421	$32,015
2001/2002	$168,779	$29,784
2000/2001	$149,644	$26,407

It should be noted that these charges do not include the data links and maintenance component of the Insurance Commission's communications expenses account.

The indicative figures provided in answer to the question No. 2390 of 16 December 2003 were produced by recalling file copies of several paid monthly accounts for each of the years in question and striking a monthly average of those accounts. As there is generally a fairly high level of consistency in call usage patterns from month to month at the Insurance Commission, this procedure is considered to provide a useful estimate of monthly call costs.

(c) LOTTERY COMMISSION

Lotterywest Mobile Phone Expenditure

	2000/01	2001/02	2002/03	2003/04
July	0	675	2,775	2,853
August	2,790	3,218	3,324	2,523
September	3,451	2,911	2,588	3,398
October	2,600	3,582	2,835	3,051
November	2,758	4,345	2,618	3,469
December	3,247	2,887	2,680	3,010
January	2,810	3,100	2,421	5,758
February	2,694	2,890	4,633	5,183
March	5,721	2,789	3,298	3,771
April	1,519	3,032	2,688	
May	3,610	2,037	3,541	
June	6,658	2,782	2,879	
Total	37,858	34,248	36,280	33,016

(d) DEPARTMENT OF RACING, GAMING AND LIQUOR

(d)-(f) are GST exempt

MONTH	2000/2001 $	2001/2002 $	2002/2003 $	2003/2004 to date $
JULY	390.65	589.00	957.11	483.91
AUGUST	361.40	461.27	514.85	1118.41
SEPTEMBER	376.95	494.68	513.55	498.05
OCTOBER	359.15	432.36	562.55	444.64
NOVEMBER	437.05	540.18	589.28	1291.00
DECEMBER	423.18	512.00	538.77	443.58
JANUARY	367.26	500.00	701.91	348.99
FEBRUARY	450.95	826.91	528.73	328.40
MARCH	338.82	534.77	535.14	466.04
APRIL	417.91	708.82	556.05	
MAY	422.64	738.05	505.73	
JUNE	893.09	525.27	338.77	

(e) BURSWOOD PARK BOARD

MONTH	2000/2001 $	2001/2002 $	2002/2003 $	2003/2004 to date $
JULY	255.50	164.92	237.42	145.75
AUGUST	229.65	165.28	217.65	181.30
SEPTEMBER	242.81	142.20	285.05	208.52
OCTOBER	300.47	184.23	285.82	271.89
NOVEMBER	272.76	155.05	274.05	227.39

DECEMBER	265.15	195.65	327.78	300.70
JANUARY	273.41	226.10	267.86	248.93
FEBRUARY	258.68	188.60	209.86	297.50
MARCH	242.59	175.51	238.33	
APRIL	240.60	171.65	235.64	
MAY	218.55	232.09	236.36	
JUNE	189.14	787.50	171.12	

(f) RACING AND WAGERING WESTERN AUSTRALIA (including Totalisator Agency Board)

MONTH	2000/2001	2001/2002	2002/2003	2003/2004 to date
JULY	1,196.53	1,439.74	1,250.31	1,160.76
AUGUST	1,200.22	1245.81	1,240.84	1,192.34
SEPTEMBER	1,267.40	1366.34	1,307.17	1,192.84
OCTOBER	1,482.90	1215.20	1,542.44	1,554.20
NOVEMBER	1,657.43	1377.98	1,667.99	1,406.24
DECEMBER	1,380.08	1372.32	1,543.51	2,425.88
JANUARY	1,835.05	1219.97	1,148.92	1,761.80
FEBRUARY	1,356.33	1413.39	1,309.49	1,432.51
MARCH	1,567.32	1173.17	914.17	2,392.72
APRIL	1,270.75	1548.99	1,642.54	
MAY	1,363.28	1325.92	1,171.68	
JUNE	1,531.95	1397.13	1,139.95	

(g) WESTERN AUSTRALIA GREYHOUND RACING ASSOCIATION

MONTH	2000/2001	2001/2002	2002/2003	2003/2004 TO DATE
AUGUST	1847	2037	1793	2728
SEPTEMBER	2120	2491	1916	2875
OCTOBER	2649	1570	1845	3167
NOVEMBER	2276	2131	1758	2542
DECEMBER	2519	2006	1863	3010
JANUARY	2363	2059	1763	2978
FEBRUARY	2164	2098	1775	2787
MARCH	2137	1998	1815	
APRIL	2093	2119	2073	
MAY	1758	1881	1775	
JUNE	2104	1918	1965	
JULY	2366	1846	1391	

HOSPITALS, BUDGET ALLOCATION AND EXPENDITURE

2730. Mr J.H.D. Day to the Minister for Health

(1) What is the budget allocation to the following hospitals for 2003/04 -

- (a) Royal Perth Hospital;
- (b) Swan District Hospital;
- (c) Bentley Hospital; and
- (d) Kalamunda District Community Hospital?

(2) What is the actual expenditure for each of these hospitals to 29 February 2004?

Mr J.A. McGINTY replied:

(1) Appropriation Budget ($'000)

- (a) 419 212
- (b) 62 132
- (c) 56 056
- (d) 10 953

(2) Appropriation Spent ($'000)

- (a) 278 713
- (b) 42 957
- (c) 36 282
- (d) 7 022

SCHOOL BUS DIVISION, MINISTERIAL RESPONSIBILITY AND STAFF

2732. Ms K. Hodson-Thomas to the Minister for Education and Training

I refer to the activities of the School Bus Division, and staffing allocations and that in the time periods noted below, the responsibility for the Division has been transferred from the Department of Education to the Department of Transport, then to Department of Planning and Infrastructure and most recently to the Public Transport Authority, and ask will the Minister advise -

(a) during which of the periods listed below was the School Bus Division within your area of Ministerial responsibility;

(b) where the School Bus Division was within your area of Ministerial responsibility, how many staff were allocated to this division, what were the position titles and levels of pay in each of the following years -

(i) the 1999/2000 financial year;
(ii) the 2000/2001 financial year;
(iii) the 2001/2002 financial year;
(iv) the 2002/2003 financial year; and
(v) the 2003/2004 financial year?

Mr A.J. CARPENTER replied:

(a) None. School Bus Services transferred to the Department of Transport in January 1996

(b) Not applicable

YOKINE COMMUNITY KINDERGARTEN, CLOSURE

2751. Mr J.H.D. Day to the Minister for Education and Training

I refer to the Yokine Community Kindergarten and ask -

(a) is the City of Stirling proposing to close the kindergarten;

(b) if so, when;

(c) will the Department of Education and Training provide on-site kindergarten facilities at Yokine Primary School for the existing students;

(d) if so, when; and

(e) if not, why not?

Mr A.J. CARPENTER replied:

(a) The City of Stirling did not renew the lease.

(b) 18 December 2003.

(c)-(e) The Tuart Hill Community Kindergarten accommodated the students enrolled at Yokine Community Kindergarten.

DENMARK HOSPITAL, BUDGET ALLOCATION AND TENDERS

2752. Mr M.G. House to the Minister for Health

(1) Will the Minister confirm that the budgetary allocation for the proposed new Denmark Hospital is still in the Forward Estimates?

(2) Will the Minister explain why the proposed new Denmark Hospital could not be built within the grounds of the existing hospital site?

(3) Will the Minister provide details of the date of the calling of tenders and contracts for the proposed new Denmark Hospital?

Mr J.A. McGINTY replied:

(1) The budget allocation of $500,000 for planning of the new Denmark Health Facility remains in the Department of Health Capital Program.

(2) It is possible to construct the new health facility within the existing grounds, but this option is considered unacceptable for the following reasons:

The topography of the site would restrict the ability to design a facility with functional areas grouped in an effective and efficient arrangement. It is likely that the a linear type building (similar to the current design)

would be the only practical option. This would replicate the inappropriate functional relationships that exist in the current facility thus eliminating the opportunity for innovation and change and the incorporation of all of the best aspects of contemporary and emerging health care delivery.

The ability for future expansion to meet the needs of the growing population would be extremely limited

(3) The development of the new facility will proceed once a suitable location and the appropriate health service model for Denmark are finalised.

ELECTORATE BOUNDARIES, ELECTORATE MANAGEMENT SYSTEM UPGRADE

2757. Ms K. Hodson-Thomas to the Premier

I refer to the changes in the electorate boundaries that will take effect as of 1 July2004 and ask will the Premier advise -

(a) has the Government made a commitment to upgrade the Electorate Management System (EMS) to provide data concerning the electors in the new electorate boundaries;

(b) when will the information be available to sitting Members of Parliament;

(c) if the Government has not made a commitment to upgrade the Electorate Management System (EMS) to provide data concerning the electors in the new electorate boundaries, and provide that information to sitting members, why not; and

(d) if a commitment to upgrade the Electorate Management System (EMS) to provide data concerning the electors in the new electorate boundaries for sitting Members of Parliament has not yet been made, when will this information upgrade be authorised, and when will it be available to sitting members?

Dr G.I. GALLOP replied:

(a)-(d) The Western Australian Electoral Commission will convert the electronic electoral roll data to the new State electoral boundaries as at close of business on Wednesday, 30 June 2004. The conversion process is expected to take two or three weeks, after which information will be available to Members.

I am advised that the Department of the Premier and Cabinet will shortly be asking Members who propose to contest the next State General Election to nominate the region/district for which they wish to receive electoral data.

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