

Legislative Council

Wednesday, 15 June 1994

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

MOTION - URGENCY

Building Industry, Residential

THE PRESIDENT: I have received the following letter -

The Hon Clive Griffiths MLC

President

Legislative Council

15th June, 1994

Dear Mr President,

At today's sitting, it is my intention to move under SO 72 that the House, at its rising adjourn until 9.00 am on December 25 1994 for the purpose of discussing the parlous state of the residential building industry in Western Australia, in particular

1. the erosion of payments and conditions for subcontractors to unacceptably low levels;
2. the action of building industry cartels to force subcontractors into partnerships or to form proprietary limited companies;
3. the action of building industry cartels to stifle competition and to block freedom of association and freedom of choice for subcontractors and consumers;
4. the intimidation and blackballing by certain operators within the building industry of subcontractors who speak against these developments within the industry;
5. the current and projected shortages of skilled tradespersons within the industry; and,
6. the effect of these developments on the quality of housing construction.

Yours sincerely

Alannah MacTiernan MLC

The mover of this motion will require the support of four members.

[At least four members rose in their places.]

HON A.J.G. MacTIERNAN (East Metropolitan) [2.34 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December 1994.

I have moved this urgency motion to draw the attention of the House to many alarming features of the Western Australian cottage building industry. Many operators within this industry are being exploited mercilessly by powerful cartels and oligopolies which undeniably dominate that industry.

The basic work horse of the cottage construction industry is the subcontracting tradesperson. These subbies find themselves forced to accept falling returns, and to work 60 to 80 hours a week to obtain any material quality of life. They are forced to accept appalling conditions on construction sites, without the provision of toilets or shelters, and they are treated poorly and with no respect by the builders with whom they must deal. In some trades, subbies can be cut out of the industry and denied a livelihood at the whim of the industry bosses. If a subcontractor has the audacity to protest about the conditions imposed on him, he is ruthlessly eliminated, along with any subbie who takes him on as

an employee. So much for freedom of choice and freedom of association under a Liberal government!

Anticompetitive practices are endemic in the industry, with subcontractors being forced to use certain business structures and particular products and to provide labour at rates determined by cartels. So much for competition under a Liberal government!

The final inequity experienced by the hardworking subbies is that some do not receive payment at all! Moving around the industry one hears many tales of financial devastation as tens of thousands of dollars are lost each year by subbies through defaulting builders. All business involves risk, but failures in the building industry are of such prevalence and magnitude that some intervention is required.

In the face of all this inequity, the Housing Industry Association - the most powerful lobby in the game - has spent hundreds of thousands of dollars to lobby against any rebalancing of interest within this sector. The association dresses up its undeniably self-serving position as being necessary to reduce housing costs for the benefit of the consumer. That is a conveniently short term perspective. The reality is that the quality of housing is being severely compromised by unrealistic rates of pay to subbies. Firstly, the failure to keep rates of pay in line with increased costs is causing operators to skimp on materials, labour and certainly training. Secondly, the appalling conditions are affecting the number of skilled tradespersons available to deliver the services by those who are trained in the industry. Thirdly, the cartels can fix prices often leading to fixed prices for materials and leading often to very much higher prices than would be the case under an open market situation.

Hon Max Evans: Will you name the cartels and how they operate?

Hon A.J.G. MacTIERNAN: I am prepared to go into more detail, and we have quite a bit of material here.

Hon B.K. Donaldson: Will you talk about "No Ticket No Start"?

Hon A.J.G. MacTIERNAN: It is all about inequality of bargaining power, a concept well known to the Minister's conservative forebears in this place, an understanding which seems to have been lost in the intervening 100 years. Before I begin developing these points, for the benefit of Messrs Evans and Donaldson et al, I will read a number of letters that have been sent to me. These are cries of help from building subcontractors and they are but a small sample of the letters we have received in this regard. I would like to read a letter from a ceiling fixer who says -

... I have upon reflection decided to stand up and be counted, as I feel very bitter about the way we tradesmen are now being treated in the housing industry. It seems to me that the builders are continually asking, nay, demanding more and more for less and less. As a ceiling fixer I do not deal directly with builders, I subcontract for various ceiling installation companies depending on which one I hate the least at any particular time.

This is a very interesting part -

When I first came into the industry almost thirty years ago the camaraderie and general feeling I had perceived amongst building workers was one that made me feel warm inside. Then I sprang out of bed in the mornings and went jauntily off to work knowing I could, if "I pulled my finger out" pardon me, make a good quid. Now, although still physically fit, I drag myself to work and go through the motions, just to stay alive.

Hon E.J. Charlton: This is what happens after 10 years of Labor government.

Hon Bob Thomas: It is more likely one year of conservative government.

Hon A.J.G. MacTIERNAN: The letter continues -

Approximately six month ago I went to work for Premier Ceilings. The conditions they imposed upon me were that, (a) I had to take out a business registration, (b) I had to take out my own insurance despite the fact that they

admitted they had to cover me for workers compensation, (c) They made me sign a contract which, despite my repeated requests, I have not received a copy of. I no longer work for them.

In years past pieceworkers (I emphasise pieceworkers) because that is what we are, would normally have one or two lads workings for ourselves. Certainly they were not paid a fortune, but they were learning a trade and when their training was complete they in turn did the same thing. That does not happen any more. Furthermore I myself actively discourage young people from entering the trade as I feel we have become second class citizens. The respect and admiration we had 20 years ago has all but disappeared in the eyes of the builders and it seems to me in the eyes of the public. To put it bluntly the whole industry sucks and stinks of exploitation. If the government of the day wants us to work like slaves and compete with the "tiger" economies of Asia then we are no longer the lucky country. I work to live, not the other way around.

That is a letter from a skilled tradesman. We have here a letter from a bricklayer who is talking about the circumstances and his contacts with the Housing Industry Association when he was forced by the contractors he worked with to attend HIA meetings. He said -

My first, and only, visit to an H.I.A. meeting was compulsory if I was to continue working with Homestyle. Mr Peter Maclear was in the chair. He came across first as aggressive and then proved himself a liar. It soon became obvious that he was a mouthpiece for Perth builders and that the H.I.A. was in fact the Builders' Union.

Under the domineering dictatorship of their Leader, Len Buckeridge, the builders "ring" subcontract prices so, no matter who you work for, they all pay basically the same rates. They are determined to keep the rates down and even employ psychologists to keep subbies at a mental (insecure), as well as a financial, low.

Hon Max Evans: Do you believe that?

Hon A.J.G. MacTIERNAN: Whether or not it happens, the important point is that this is how the subcontractors feel they are being treated in the industry. This is having a marked impact on their being able to maintain themselves within that industry and their preparedness to train young people. The subbie continues -

We were informed at this meeting that we were not subbies but "small business men" and as such we either joined the HIA or would not work again for a project builder.

I love the freedom of association involved in that.

Hon John Halden: I remember the Bills that came through here about freedom of choice.

Hon A.J.G. MacTIERNAN: Yes, and freedom of association. We have seen those nauseating industrial relations pamphlets.

Several members interjected.

The PRESIDENT: Order! I am trying to listen to this because I am very interested.

Hon Max Evans interjected.

Hon A.J.G. MacTIERNAN: Mr Evans, I will take great pleasure in relaying that to the subcontractors with whom I have much contact. I am sure they will not find any surprise in the fact Hon Max Evans is not interested in this topic.

Hon Max Evans: I did not say I was not interested, I am fascinated.

Hon A.J.G. MacTIERNAN: To continue -

We were also told our homes could be lost when the government foreclosed for non-payment of statutory fees - sole trading was out!

They are referring to the general requirement that has been placed by many of these project builders, and certainly by roof tiling companies and many other companies, upon the subcontractors to form proprietary limited companies.

Hon Max Evans: Could you explain that more?

Hon A.J.G. MacTIERNAN: Obviously these people have been very confused. They have been thrown all this at a meeting. They are saying there are statutory obligations - the Minister for Finance would know this as an accountant - that each year they must submit returns and provide updates of documents to the Australian Securities Commission. Failure to do so is a failure on the part of the directors. Part of a director's assets obviously is his home.

Hon Max Evans: You don't believe that, come on.

Hon A.J.G. MacTIERNAN: This is what they were told. I was not at the meeting, and this material is quite unsolicited. We do not have to whip up subbies, they are in a state of massive ferment. The subbie continues -

In disgust, my partner and I walked out. However, as we are excellent tradesmen the rules were bent and we continued to work for Homestyle. The HIA was not there to assist in upping the rates, only to keep us poor while they (the HIA) and the builders continued to prosper. Homestyle continued to indulge in their financial persecution of subbies not only by their ridiculous rates but also by robbing us on the measure. When we queried the quantities we were told "Do you want to work or not?". Not giving in to this blackmail, we decided to take our chances and leave - not knowing if we would be taken on elsewhere despite our reputation and if we would be able to pay the mortgage and feed our families. We needn't have worried - there were still independent builders who knew the value of good tradesmen.

The subbies may be getting a raw deal but the consumers are getting a worse one! Imagine a lifetime's struggle for that 'dream' home that will need demolishing or major structural repair within three years - if not sooner. We have heard of dozens of houses being bought back by project builders because of sub-standard workmanship and then being redecorated with heavy-duty wall coverings to hide structural faults and being sold to unsuspecting buyers through estate agents.

The amount of tradespeople leaving the industry is alarming. It saddens me to see such a vital industry in such despondency. No subbie expects to become a millionaire but we earn and expect to receive fair remuneration for our skills and effort.

It is important that government members understand the depth of feeling about this issue.

Hon B.K. Donaldson: Was the letter headed "Dear Comrade"?

Hon A.J.G. MacTIERNAN: These are people who are self-employed and want to remain self-employed. They should be part of the constituency of Hon Bruce Donaldson, unless he has completely -

Hon B.K. Donaldson: I thought we were having a housing boom.

Hon A.J.G. MacTIERNAN: There is a housing boom but there are housing cartels. The industry is dominated by certain groups, organisations and companies so that, notwithstanding the demand within the industry, the returns are not filtering through to the tradespeople. I am more than happy to organise a meeting for all of the blokes on the other side to meet the subcontractors and to hear this from them directly.

Hon T.G. Butler: That bunch of commies? Would you take that lot to meet those communists?

Hon A.J.G. MacTIERNAN: Many of those tradespeople live in the seats of Kingsley and Wanneroo, where we may soon have by-elections, the results of which may be very important in this place.

Hon Sam Piantadosi: What about the suppliers?

Hon A.J.G. MacTIERNAN: I will refer to a letter from the wife of a brick paver, which was not headed "Dear Comrade". She says -

We are a couple in our 20s with 2 young daughters, a mortgage and our own brick paving business. That is where our story stops sounding good.

We returned to Western Australia my husband's birthplace, 2-1/2 years ago after successfully running our business in Queensland for 6 years.

Does she sound like a communist? She goes on -

Since returning my husband has worked 6 days a week to support us but even with his hard work we struggle partly due to the fact Western Australia has the lowest rates in Australia. For example we earn \$6 square metre from our main employer "HomeStyle" a Buckeridge company which is below even this state's award.

The rates in other states are Queensland \$18 square metre, Tasmania \$25 square metre, Victoria \$34 square metre. These are figures I obtained from the "Aust Building Construction Employees & Builders Labourers Federation Union of Employees" in each of the above states.

That is the same Buckeridge as the one to whom the Minister for Planning gave his very attractive approval for the concrete batching plant. This non-communist lady goes on -

Because of the rates we receive and the strong hold our employer has over us we for the last 2 years, would of been better off on unemployment benefits. Just last month I was forced to apply for Family Supplement payments and a health care card, both of which I received because of our low income.

I question where the incentive is to work 6 or 7 days a week away from your family and be no better off than a family on the dole -

Hon E.J. Charlton: Like most other Australians.

Hon A.J.G. MacTIERNAN: She continues -

In fact the way the WA building industry and state government looks after subcontractors the dole would be more secure and the money more regular.

Hon E.J. Charlton: That is why more people are getting on the dole.

Hon B.K. Donaldson: Do they ask how much tax they are paying, that your federal colleagues are ripping off them every week?

Hon A.J.G. MacTIERNAN: It is very fortunate for them that there is a caring Federal Government. Without the policies of the Federal Government there would be no family supplement, and that family would not be able to survive at all. Those people would be in the poorhouse.

Hon I.D. MacLean: That was one of our initiatives.

Hon A.J.G. MacTIERNAN: It was not.

Hon B.K. Donaldson: Whose initiative were you?

Hon A.J.G. MacTIERNAN: This bloke is a complete dill. I do not know how long Hon Iain MacLean has been involved in politics -

The PRESIDENT: Order! Order! When I call order, the member who is speaking must sit down. Members do not have to like what the person is saying nor do they have to believe it; but they must listen to it. If members do not stop interjecting, they will not even be able to do that because they will not be in the House.

Hon A.J.G. MacTIERNAN: I will now give more detail of some of these examples of abuse that I set out at the beginning of my speech. Initially, I will talk about the rates of return. In most of the trade areas the returns, in real money terms, are far less than they were in 1987 and 1988 and less than they were in 1984 and 1985. With the assistance of an accountant who is experienced in building industry work, we have prepared a comparison for people within the bricklaying trade between 1984 and 1994. It shows that the rates in 1984 compared with those of 1994 have dropped, in real money terms, by more than 10 per cent. I will take members through that calculation. In 1984 the rates in

nominal figures for 1 000 bricks for residential and small scale commercial work was \$200; \$430 in 1988; and \$400 in 1994. Comparing the costs that were incurred in 1984 with those in 1994, taking into account vehicle running costs, costs for trade assistants, accountancy fees and the new compulsory insurance which was not previously applicable, we find the following outcome. In 1984 after paying the prescribed payment system tax a bricklayer was left with \$12 280 for an 40 hour week, 48 week year, with no time off other than four weeks' recreation leave. Although bricklayers often work more than 40 hours a week, this calculation is based on the 40 hour, 48 week year without taking into account sick days, wet days, industrial disputation or any other reason that a bricklayer could not work. We should be able to make some realistic assessments of returns on the basis of a 40 hour week over a 48 week year. In current real money terms that \$12 280 in 1994 dollars is \$20 790. In 1994 we did a similar exercise and calculated the return to the subbie at \$18 601, a drop of between 10 per cent and 12 per cent. While inflation and wage levels have been increasing, bricklayers and other subcontractors have experienced a substantial decline of between 10 per cent and 12 per cent in their return. We say that this estimate of the decline is conservative. Other than the vehicle purchase and running costs, it does not take into account the price differentials in equipment costs, nor the fact that jobs have become more complex, as have the housing designs, and the bricks and blocks are larger. Both those factors mean that much more effort is required for this work. Brickies may be laying 1 000 bricks but doing so is often a much tougher job now than it was in 1984. That has not been factored in to the calculation.

Hon Max Evans: You are 10 years older and you might find it harder to do more bricks.

Hon T.G. Butler: That went straight over everybody's head.

Hon A.J.G. MacTIERNAN: That interjection was far too subtle for us. We have not reached the intellectual heights of Mr Evans, but we can aspire to them.

There have been two reasons for this drop in return to subbies. Firstly, the piece rate work has not kept pace with the increased costs. That has been clearly stated in the letters I read out. It has been caused by collusion on the part of the large building companies, the project companies, often under the banner of the HIA. At the same time there would have been a massive increase in vehicle purchase costs and vehicle running costs.

A second and very important reason is that a lot more cost items are now being loaded off to the subbies. It is an important issue which has generated a lot of the hostility that we find in the subcontracting industry. A few years ago subcontractors and their employees were covered by employers under the state legislation for workers' compensation; that is, both the subbies and the people the subbies employed, whether tradespersons or trades assistants. The subbies' employees were also covered for superannuation by the builder; but now, in order to avoid that liability and make sure that subbies have no recourse to recently amended federal industrial relations legislation and also to thwart any prospect of unionisation, the Housing Industry Association started a campaign to force workers to form proprietary limited companies or, at the very least, business partnerships. It is pretty transparent at the best of times, but from time to time the HIA tried to dress this up by saying there would be tax advantages to the subbies.

However, the Australian Taxation Office takes a very different view from that and has indeed cautioned subbies about taking this course and made the following points: The incorporated subbie company must now pay pay as you earn tax payments to the Australian Tax Office for himself and his partner, fringe benefits tax must now be paid for any benefits and the ATO or court can strike down the arrangement if it was much the same as before incorporation. Therefore, these supposed benefits that the HIA were trying to flog to the subbies, that there would be the capacity for income splitting etc, really are a farce. It is certainly not the attitude taken by the Australian Tax Office. This quite outrageous insistence that subbies form and maintain a company structure has added approximately \$1 500 a year to the cost amortised in the basic structure fees and also the cost in simple accounting and compliance with the Australian Securities Commission. There is also of course the major additional cost to their cost structure of

workers' compensation both for their workers and themselves, and instead of receiving more they are now receiving less. The amount of increase of their payments has not been sufficient to cover the number of items that builders are now insisting that they take on.

Hon Max Evans: They are better off.

Hon A.J.G. MacTIERNAN: As the Minister will know, as soon as the company pays its individual employees it has to pay PAYE. That is what the tax office has made very clear, and with this sort of rort the HIA was trying to con these relatively unsophisticated blokes into believing that somehow or other they would be paying this lower company tax rate and would have the advantage of tax splitting. The ATO say quite clearly that they will be paying PAYE tax at the rate at which they would have done.

Hon Max Evans: You have to pay \$1 000 and PAYE is \$200. It is the same amount of money as you are paying with wages.

Hon A.J.G. MacTIERNAN: I am saying there is no tax advantage. I am not saying that they are paying more tax.

Hon Max Evans: On his own profit he pays 33 per cent tax and the company pays 49 per cent in its own name.

Hon A.J.G. MacTIERNAN: When he wants to use that profit he cannot use it until it actually goes to him, whether by way of a trust or by way of a personal distribution through a dividend. The point the Minister does not seem to have grasped is that we are not saying they are required to pay more tax. We are saying that on the face of it there is not a tax benefit at all, but there is at the same time this very real cost increase of some \$1 500 a year which, in the context of the sorts of incomes we are talking about, is a substantial amount of money. That arises from the compliance costs of maintaining a proprietary limited company. We are also saying that, on top of that, previously both the subbie and all the people who worked for him were covered for workers' compensation, but because they have now been forced into this structure they can no longer rely on the provisions of the Workers' Compensation and Rehabilitation Act. That is a huge burden that they have had to take on. If they do not do it it is very clear from our evidence that they are starved out of the industry. Again, so much for freedom of choice and freedom of association from a government which so deceitfully claims to have such freedoms at the heart of its industrial relations policy. As we have said before time and time again in this House, what we have here is a very eighteenth century notion, one which totally ignores the realities of the imbalance of power that makes the freedom of the market place a totally illusory concept.

Nowhere is the use and abuse of market dominance more evident than in the roof tiling industry. In 1991 the then Minister for industrial relations, Yvonne Henderson, became aware of the anti-competitive practices of the four company cartel in the roof tiling industry. These companies refused, and they still refuse, to sell tiles to the public other than in very small amounts that might be required for maintenance. They certainly refuse to sell a sufficient number of tiles for anyone to roof a house. These companies insist the consumers must get supply and installation through their companies, which enables them to control payments to subbies, the number of subbies in the industry and the ultimate price charged to consumers.

In 1988 the roof tilers were getting such a raw deal and their conditions were controlled to such an extent they took strike action. While there were some short gains, it did not seem to help very much because it galvanised the companies into tightening the control they had over the roof tilers. I have some interesting transcripts here showing just how these companies operate. A tiler, Mr Matthew York, who worked for many, many years for the company Bristle Clay Tiles, was confronting the company and saying, "Look, I do not want to be basically a Pty Ltd company." I will read a short interchange here which will give a flavour of the sort of relationship and the sorts of arrangements which exist in this industry. The subbie says, "So you won't be dealing with me cos I am not a Pty." The Bristle representative, Mr Stone, says, "Yep, that's right. You're not a Pty company." The subbie says, "But then again I've got builders that I am going to work for

if I can buy your tiles." Mr Stone says, "We are not selling you the tiles directly, and we're not changing the rules to suit you or half a dozen builders out there." The subbie says, "Well you've changed them enough to suit Bristile haven't you?" Mr Stone says, "Bloody oath, I work for Bristile." The transcript of that meeting goes on showing the extraordinarily cavalier attitude this company has shown to this worker, a supposedly self-employed subcontractor. I would read some other interesting pieces but by the time I took out all the expletives it would probably make it a bit hard to read. That shows how angry and how frustrated that tiler became at the way he was being treated and the power and market dominance that were being asserted over him.

There are many other tilers that could tell the same story. Indeed, they subsequently did when the then Minister, Yvonne Henderson, decided it was time to have some sort of inquiry into what was going on within the industry, so constant and so appalling were the stories that she was receiving and so manifestly unfair was this operation of the cartel where no subcontractor could buy his own tiles and set up and operate as a roof tiler on his own account. The then Minister set up an inquiry to examine the various aspects including the extent and nature of the control of the industry exercised by the manufacturers, the adequacy of the terms and conditions covering people working in the industry and the extent and nature of restrictions to the sale of roof tiles to consumers or organisations wanting to purchase tiles only. There were some fairly controversial reports on "The Investigators". One was about a church in the country that had sought quotations on the supply and fixing of roof tiles and found that it could do it \$10 000 cheaper by having the tiles brought over by container from the east.

I want to digress here and talk about the position adopted by the then shadow industrial relations Minister, Mr Graham Kierath. Mr Graham Kierath went to a meeting with Bristile representatives who clearly wanted the existing system maintained. Mr Kierath, the rabid free marketeer, explained he had a bit of a problem with that! He said that the Minister, Yvonne Henderson, was arguing for freedom of choice and that people should be able to obtain the goods if they wanted them. That seems a very logical position to adopt. However, the roof tilers, including Bristile, were not deterred by that. They said they wanted the situation to stay as it was. Mr Kierath had a great idea during that meeting. I can quote him verbatim because it was a taped session. In as much as it makes sense, he said -

I have said that to two companies and I have only spoken to the two companies so far, why don't you sell tiles to somebody who wants to buy them and put the cost of just the tile that it's not worthwhile somebody buying and fixing. At least then you could say there is competition, . . .

Is it not great that Mr Kierath is proposing a regime of supply and price fixing that would give the illusion of competition but which would retain rigid price control by the tile companies?

Hon B.K. Donaldson: Give us a dissertation on Julian Grill.

Hon P.R. Lightfoot: I am going to get onto that.

Hon A.J.G. MacTIERNAN: It is a disgraceful proposition for any member, but even more galling from one who professes a free market ideology.

The roof tiling inquiry commenced in 1992 and sat for many months. It heard extraordinary tales from tilers. I have all of the transcripts here and I am quite happy to share them with any member opposite who would like to enlighten him or herself. I do not have time to go through them now, so I will give members a brief summary of the sorts of things that the inquiry was told. Tiler after tiler told of being starved of work after objecting to incorporation, after objecting to inadequate safety arrangements or after questioning the insurance arrangements. The policy was "You object to the system and you get no more work". Tiler after tiler told of being forced to accept unsafe work practices. They were expected to work in heavy rain on slippery concrete tiles; they were forced to work without regulation scaffolding in place; and they were told that they would accept work in those conditions or they would get no more work. Tiler after tiler

told of being sent to jobs, often in the country, only to find that the job was not ready and the company's refusing any recompense for lost time or expenses. The attitude was, "You complain and you get no more work; you cop it sweet."

Hon Sam Piantadosi: A free market.

Hon A.J.G. MacTIERNAN: That is right, if one is on the right side. The saga of what can only be called oppression and abuse of dominant position continued in the court hearings week after week. There were highly questionable deductions from pay without consent; the imposition of obligations to take over workers' compensation and other insurance which had always been the responsibility of tiling companies; unreasonable and unfair termination of subcontracts; deliberate allocation of difficult work such as steep pitch or long carry work for those who questioned the supervisors of the company; and deliberate and protracted delays in payment with delays in payment being used as punishment for dissent. In one case, payment was withheld because one of the partnership went to work for another tiling company. Finally, there was a unilateral reduction of rates without any negotiation. The roof tiling inquiry also showed that these tiling cartels were not content with simply knocking off the dissidents from the ranks of the subcontractors; the companies conspired to ensure that certain tilers would not work in the trade. On numerous occasions, non-dissident subbies were instructed to sack blackballed subbies that they had employed or face blackballing themselves. When one of their fellows had been denied the right to subcontract, some of the other subcontractors would take them on as employees because they were highly experienced, but they were told directly on the job, "If you want to work here, you sack him." That was not an isolated instance; it was a pattern of behaviour that had been established over a long time.

Hon Sam Piantadosi: It is called democracy.

Hon A.J.G. MacTIERNAN: It is called freedom to starve, Mr Piantadosi.

I could keep referring to the transcripts and demonstrate graphically those appalling conditions. However, I do not have time to do that. Unfortunately, the chief commissioner of the Industrial Relations Commission sat on this extraordinary evidence for over seven months and only two days before the 1993 state election, he handed a letter to the then Minister, Mrs Henderson, which said that he had some concerns and would be preparing a full report subsequently. When approached after the change of government, the chief commissioner said that he would prepare the report only if the new Minister wanted it. Quite clearly, the new Minister does not want it because, two years later and after the inquiry took tens of thousands of pages of evidence, there is no report. It is business as usual in the tiling industry.

I have gone into some detail about the tiling industry because we have had the benefit of that inquiry. However, from the anecdotal evidence that we have received, it is obvious that these stories can be told throughout the industry. The problem is the way the people are treated and the operations of the cartels in the building industry. We should also be aware that not only does the Housing Industry Association operate as a cartel, but also some 30 per cent of the home building industry is in the hands of one man and his companies - Mr Len Buckeridge.

Hon Max Evans: I think it is more than 30 per cent; it is more like 40 per cent.

Hon A.J.G. MacTIERNAN: I would be interested in evidence of that.

Hon E.J. Charlton: His people get paid too much, don't they? That has caused problems with the unions.

Hon A.J.G. MacTIERNAN: That is not what they tell us. As I said, I am more than happy to take members opposite to meet these subcontractors who will let them know what they think about Mr Buckeridge. I am not attacking Mr Buckeridge here. He is operating his company within the framework that is available to him and he has never made any secret of his control. Not only does he control we say 30 per cent - we are interested to hear the figure is more like 40 per cent - of building construction industry, but also it goes further than that. He also controls 25 per cent of building supplies, which gives him absolutely enormous control. When a subbie painter tenders for a job at a

Buckeridge company - not only does he control the construction site but also he has a 25 per cent share of the supply industry - he is told what paint he can use. He is told he has to use Wattyl paints. That is not based on the quality of the paint -

Hon T.G. Butler: And who he buys it from.

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

Hon E.J. Charlton interjected.

Hon Max Evans: Sicilian law is like that.

Hon Sam Piantadosi: It is just as well that I don't take offence at that.

Hon A.J.G. MacTIERNAN: No, the member is proud of being Sicilian.

Point of Order

Hon SAM PIANTADOSI: I asked Hon Alannah MacTiernan to withdraw that.

Hon A.J.G. MacTIERNAN: Mr President -

The PRESIDENT: Order! The member will withdraw the remark.

Hon A.J.G. MacTIERNAN: I have some difficulty doing so, Mr President, because it would imply -

The PRESIDENT: Then the member will have some difficulty continuing unless she does it.

Hon A.J.G. MacTIERNAN: I certainly withdraw that remark, but I would not want that to be interpreted in any way by any Sicilian that I think there is anything unparliamentary about being described in that way, even if one is Calabrian or whatever.

Hon SAM PIANTADOSI: I ask the member to withdraw that remark as I am not a Calabrian either. She should get her facts right or not mention it at all.

The PRESIDENT: Order! I do not believe that the member described Hon Sam Piantadosi as anything.

Debate Resumed

Hon E.J. Charlton: She got that right!

Hon A.J.G. MacTIERNAN: I would not want anything to reflect -

The PRESIDENT: Order! Honourable members will be quiet, and perhaps Hon Alannah MacTiernan will proceed with letting us know about the motion.

Hon A.J.G. MacTIERNAN: It is a very important matter and I would not like it to be trivialised.

Mr Len Buckeridge controls this large section of both the construction and supply industries. I referred to the floor tiler company cartel which dominates the tiling industry, and this applies to many other areas within the building industry. For example, two suppliers - Boral Limited and CSR Limited - are responsible for 80 to 90 per cent of the Western Australian plasterboard market. We are told that the smaller producers are being squeezed out of the market as operators are entering exclusive deals with companies for extended credit. Mr Evans and Mr Charlton have been chuckling about this matter, but any government should be concerned about the concentration of ownership and supply in the building industry.

This Government's counterpart in New South Wales was so concerned about its corresponding industry that in 1992 a royal commission was appointed to inquire into the building industry. One of its terms of reference was to investigate anti-competitive practices within the building supplies industry. To highlight the seriousness of the issue, an extract from that report indicates that "The manufacture and supply of building material is a major segment in the Australian economy. The companies which dominate are among the corporate giants in this country and dwarf other participants. In many segments of the industry there is monopoly, duopoly and oligopoly. Materials constitute a large part of the completed cost of buildings and the type and cost and availability of

materials has a significant influence on the method of construction." The commission found worrying evidence of anti-competitive behaviour. The situation in New South Wales may not be as bad as in the cottage industry in this state. We have strong links between dominators in the construction and supply areas, and some of these practices do not exist in New South Wales. For example, we have a common agreement in the tiling industry in this state which does not apply in New South Wales, where people are free to make tile purchases.

The problems in this industry are not simply to do with direct commercial links between major parties. They also relate to the role played by the Housing Industry Association. Evidence from subbies clearly indicates that this powerful industry union has galvanised the building companies to drive down rates of pay, conditions and standards within the industry. We hope that the fact that the Government is a major benefactor of the largesse of these companies will not obscure its duty to properly investigate the matter, as occurred in New South Wales. The market dominance and anti-competitive practices must be examined because this industry is a very important component of our economy.

The industry is also experiencing a major decline in skill levels. This is a major concern to the consumers in both the long and short term price structures. Also, this affects the quality of houses built. A major study of skills conducted by the Building Industry Training Council produced interesting results: Workers in the building industry are older than those in the general working population, and this concerned the council. This difference is even more significant when considering the physical nature of the activity, as one would expect to see a younger age profile. The profile indicates the fall in the number of apprentices employed in the industry.

Interestingly, the Australian Bureau of Statistics and the National Centre for Vocational Education conducted some joint research which indicated that 4.3 per cent of skilled workers are in proper training. This means that at the current rate it will take 60 years to replace the existing skilled work force, of which more than 50 per cent are already over the age of 35 years. Traditionally when the building industry is faced with a skills shortfall - it is not the first time that the industry has not accepted its training responsibilities - it has relied on -

Hon Sam Piantadosi: Skilled migration.

Hon A.J.G. MacTIERNAN: Indeed. That strategy will not work in the future for two reasons: First, immigration policy has changed with a move from skills-in-demand migration to family reunion. That arises from community concern regarding opportunities for our young people for training and unemployment. Second, the wages earned by construction workers in Australia are now the lowest in OECD countries. Therefore, people will not be flocking here to earn less than they can earn at home.

We should take this matter seriously, and I hope Hon Norman Moore will do something about using the building industry training fund more creatively so that it is not used to train people in competitive marketing but will provide basic trade skills.

Hon N.F. Moore: Do you think I should direct them in the use of their money?

Hon A.J.G. MacTIERNAN: The Minister may have to. It depends on the urgency of the situation; it may well be the case. It is an issue that we would like to take up with him subsequently.

Hon N.F. Moore: It was not long ago when I said that that fund should not be allocated before we conducted a review. I was criticised and was told that I should not be involved.

Hon A.J.G. MacTIERNAN: I am well aware that that was the line of defence, but the reality is that the building companies do not want anything or anyone associated with the Construction, Forestry, Mining and Energy Union involved in training, no matter how effective they are. These programs have led to many training programs for many apprentices, who are now highly skilled and self-employed.

Hon N.F. Moore: They did a good job at Glendalough, but not so good at Belmont.

Hon A.J.G. MacTIERNAN: It certainly did a good job. The calibre of training provided employment for individuals in categories in which they would not otherwise be engaged.

We must also address the issues of standards of construction. I spoke to a major supplier of plaster glass who indicated that plasterers are using 35 per cent less plaster a metre plastered in housing construction than was used four years ago. This is because rates of pay have been pegged and costs must be cut. Similar stories are repeated in other areas of the industry. This is a graphic example of the decline of standards. Also, no system ensures that subbies receive payment, and they are treated abysmally by many builders.

At the last election the Housing Industry Association made fatuous claims that the Labor Party was out to destroy subcontractors. We support subcontracting and want subbies to have incentive. The massive inequality of bargaining power in the housing industry must be recognised. Until we are prepared to act - as we do in many other instances - to give some balance back to that industry, the situation will not change. The Minister indicated during the second reading speech for the minimum conditions legislation that inequalities were inherent in the system and that protections had to be provided. We need this in the building industry. We need minimum rates to be established, and reviewed regularly by an industry panel, rates which reflect the new costs being borne by subcontractors. The rates must also reflect the workers' compensation costs.

[Debate adjourned, pursuant to Standing Order No 195.]

SELECT COMMITTEE ON WESTERN AUSTRALIAN POLICE SERVICE

Special Report on Police Service, Tabling

HON DERRICK TOMLINSON (East Metropolitan) [3.30 pm]: I am directed to present a special report of the Select Committee on Western Australian Police Service. The committee has planned to travel to both the south and north of the state to visit various police stations. The committee proposes that a subcommittee of two members and a member of staff travel to each region. One of these trips was planned to take place next week during the recess. However, as the House will now be sitting this report is made necessary. Accordingly, the committee recommends -

- (1) That Standing Order No 367 be incorporated as a power of the committee.
- (2) That the committee or a subcommittee have the power to sit and transact business on any day until 1 August 1994 on which the House itself may sit.

On motion by Hon Derrick Tomlinson, resolved -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 110.]

ADDRESS-IN-REPLY

Amendment to Motion

Resumed from 14 June.

HON MARK NEVILL (Mining and Pastoral) [3.32 pm]: I thank Hon Sam Piantadosi for moving this amendment to the Address-in-Reply on the issue of law and order. My comments certainly will not take long because I have already spoken on the motion.

One can come to the conclusion only that the performance of this Government on law and order leaves a lot to be desired, and falls well short of the Government's promises in the run-up to the last election. Law and order is very easily politicised and can be abused by politicians to tap into the fear in the community. The result of that politicking in law and order contributes very little to improving the administration of the law, and dealing out justice to the people. At the last state election the coalition made a clear commitment to increase the Police Force by 800 officers during this term of government. However, the real expense is not in increasing the Police Force by 800 officers; there is a hidden cost involved in providing accommodation. Will they stay in the metropolitan area or go

to the country? If only 300 of those new police officers were sent to country areas, the Government would need to provide at least an extra 100 accommodation units in those areas. At an average cost of \$100 000 for a three bedroom house, that involves \$10m in capital outlay to house a small percentage of police officers in the country. With those big increases, the Government must expand the size of police stations and put additional accommodation into those areas of the state. We have heard grandiose promises to build a new police station at Bunbury and, I think, in Innaloo, although I do not keep an eye on all the promises made for the metropolitan area.

Hon Derrick Tomlinson: A new one is budgeted for in Forrestfield.

Hon MARK NEVILL: That is good. I hope some of that money is also spent in my electorate. For many years we have tried to get a police station at Warburton, but initially there was a lot of resistance, particularly from the Police Force. A number of years ago a holding facility was built at Warburton with accommodation attached to it. That facility is not permanently manned. I understand that when it was built the police were grateful that the facility was available for their use. Certainly there has been a change of attitude to this police station at Warburton. Many people believe for some reason or another that Aborigines do not want police stations. I have been told in no uncertain terms by Aboriginal communities in my electorate that they certainly do want them. That message was loud and clear from Warburton and Warakurna, and also from the Balgo area. I can understand the reluctance of the Police Force to establish stations in those areas, and to which it must send officers. They are fairly isolated but those areas warrant police stations much more than many of the small rural communities that currently have police stations. Some of those communities have populations of less than 100, with two police officers stationed in the community, together with all the paraphernalia that entails. In the central desert area there are thousands of Aborigines and no permanent police presence. South of Halls Creek are thousands of Aborigines, again with no permanent police presence.

Hon Derrick Tomlinson: Perhaps you should look to the Northern Territory and the use of the community policing model.

Hon MARK NEVILL: I will refer to that later because some efforts have been made in that area. The Government has not made much of an attempt to implement its clear commitment to the electors to put an extra 800 officers into the Police Force in Western Australia. In the last couple of years the number of crimes against persons has increased a great deal, although the number of crimes against property has levelled out. I can recall reading in the most recent annual report of the Police Department tabled in this House about the urgent need for more police officers. I hope the Government does not betray the trust many people put into it at the last state election, and that it will increase the strength of the Police Force and fulfil its commitment.

We witnessed the rather crude use of law and order issues in the Glendalough by-election. The Government had obviously done some polling and found that law and order had popped up as an election issue in the minds of the people of Glendalough. People in that electorate were obviously feeling the effects of the increasing crime rate. What was the Government's response? Within a week it announced it was considering the reintroduction of the death penalty. That announcement was made in the same week the film *In the Name of the Father* was launched in Perth. I do not think the timing was good. Some people may not know that the film was about the Guildford Four. When those four men were convicted in the 1970s the judge said when sentencing them that if the death penalty were available to him, he would have used it. There was crude talk about bringing back the death penalty and having a referendum.

Hon Tom Stephens: One of the Ministers of this Government said that he would prefer to be executed rather than have to spend that time in prison.

Hon MARK NEVILL: I thought one of them actually offered to pull the lever. I hope I am wrong in that recollection.

Hon Tom Helm: It was Graham Kierath.

Hon MARK NEVILL: The second matter raised in that week before the Glendalough by-election was the announcement of military style boot camps. They have proved to be very ineffective where they have been used. Their only capacity is their ability to turn out a skinhead type youth who is more self-disciplined and probably better equipped in the trade of being a criminal, but I suppose it was grist for the mill for the election campaign. They also announced that week more severe penalties. It was a sort of hang 'em and flog 'em type approach to law and order. If the Government continues with that approach, and I very much doubt it will, it will need to build another prison in that short period. It would not solve that long term problem.

I want to comment on the Kimberley region, in particular, the Balgo area and the matter raised by Hon Derrick Tomlinson by interjection; that is, the special police aide scheme operating in Aboriginal communities. These people are referred to as wardens. I do not know where they get that statutory name from; it is certainly not in the Aboriginal Communities Act, but they are loosely referred to as wardens. These wardens have no power of arrest. All they can do is take notes and report to the police what has been going on in the community. Wardens are present in a number of communities, including six at Balgo and five in training. Although I have not gone into it in great detail some real effort is going into training those wardens by Corrective Services officers and other people. The effort in the Balgo area is very uncoordinated. Sometime last year there was national publicity associated with the launching of the warden scheme at Balgo. The Commissioner of Police and all sorts of dignitaries were there. There was a great brouhaha. The by-laws under the Aboriginal Communities Act for Balgo are 10 years old and are quite out of date. The by-laws contain no mention of petrol sniffing, and the use of alcohol in certain houses. Although these are dry communities, teachers and people like that are allowed to have alcohol on their premises, although, in effect, that is in breach of the by-laws. The other problem with the by-laws is that the maximum fine is \$100 or three months' imprisonment. If someone is apprehended bringing alcohol to an Aboriginal community, where taxi drivers have been known to sell a cask of wine for \$80, a \$100 fine pales into insignificance. A magistrate really has no option but to send someone to gaol for three months. Obviously, a fine might be more appropriate in a lot of cases, because all we are doing is filling up our prisons unnecessarily.

Sitting suspended from 3.45 to 4.00 pm

Hon MARK NEVILL: Balgo presently accommodates six wardens with another five in training. No permanent police presence is maintained at the Balgo community which has a number of satellite communities. Probably 1 500 Aboriginal people are living in that area. Approximately 12 or 18 months ago a new police station was built there at a cost of about \$280 000. It is quite an impressive establishment. Some of the money came from the Aboriginal and Torres Strait Islander Commission and other funds came from the State Government Aboriginal Affairs Planning Authority. I have been to Balgo three times in the past year. Last July when I drove from Lake MacKay a police vehicle was in the community. However, I am told that since then only two visits have been made from Halls Creek. One was in August 1993 when the police visited the community and a later visit was made in November 1993 when the police did not visit the community, but visited the school. Therefore, the community says it has had only the one visit in 10 months.

According to the community, that new police station has been used only three times in the past 12 months for a total of approximately four weeks. In my view that is not the sort of police presence those communities should have and it is certainly not the police presence they want. I am told the Argyle diamond mine has two permanent police officers, plus an armoury of security personnel. Yet its population is much smaller. I am also advised that the Halls Creek Police Station has a vehicle and three police allocated to service the outlying areas. These are the officers who, I presume, do the patrols to Balgo and those areas which are between 200 and 400 kilometres south of Balgo. I do not believe the people in those areas are getting the service that equity and fairness suggests they should have.

The wardens at Balgo have been kindly supplied with a Lada vehicle. I am told this is a

petrol vehicle; whereas the community has a policy of having only diesel vehicles because of petrol sniffing problems. Although petrol is available at Balgo, the community is restricting most of its fuel to diesel. I understand that the Lada has parts missing, there is no money for maintenance and the roads in that part of the world are not the best. It is used for taking people to court in Halls Creek which is a distance of just under 300 km.

The community pays for wardens out of the community development and employment program funding. Those wardens are obviously required to do patrol work at night in response to disturbances. However, there is no capacity under the CDEP scheme to pay overtime from surplus money. Therefore, the community has difficulty remunerating the wardens for the work they do during the night or during odd hours. Those are the ingredients in the law and order situation at Balgo and I believe it applies in many other Aboriginal communities. There is a lack of police presence and I have the feeling that part of the thrust to establish these warden schemes, which are intrinsically good value, is so that the police do not have to service these areas as much as they would otherwise be required to. Aboriginal people, just like anyone else, should have a presence of police officers in their community so that when trouble arises, the police are there to handle it and develop the cooperative relationships necessary in those communities.

The other issue I want to raise is policing at the Roebourne Police Station. Two people have spoken separately to me about problems they perceive at that station. Strangely enough, one of those problems is not as a result of too few police officers, but perhaps too many. Members who were here when Professor Christian Pfeifer addressed the Council Chamber a year or two ago, will recall that he gave a very telling example of a place in Germany where it was planned to build a nuclear reactor and consequently the number of police in that town was doubled or trebled. It transpired that the reactor was not built, but three times the normal number of police were retained in that town over a three year period. When the court records covering that period were examined they showed that the number of offences increased dramatically.

Hon Derrick Tomlinson interjected.

Hon MARK NEVILL: It is a problem when too many police are present. However, the records showed that the conviction rate was about the same as when there were fewer policemen in that town. In other words, the judges or magistrates threw out many of the charges which they did not consider to be substantial. I do not know whether the two people who spoke to me about the Roebourne Police Station know each other, but they spoke to me independently. They told me that the police patrol the town in the paddy wagon with the flash light. One person said he was kicking a football at the local youth centre at dusk one evening with some of the children when the police drove past twice in their paddy wagon.

He said it would have been nice to see the officers stop their vehicle and have a kick of the football with the kids and talk to them rather than the sort of policing syndrome which they claim occurs in that area at the moment. I am a bit reluctant to say much more than that. My own experience in country towns is that the way policing is done in the town often depends on how good the sergeant is. I remember people in Esperance having a dreadful time under a certain officer. Then there was a change in sergeant - Sergeant Harry Riseborough came to Esperance - and not one complaint was made to the police in three years. I attributed that to the quality of the leadership in that area. I would like to see the Commissioner of Police examine the Roebourne situation to see whether these problems are real, and if they are, to determine what can be done about more community policing.

I noticed in yesterday's Supplementary Notice Paper a response to a question about where Hon David Smith's wife works in government and at what level. If members are to ask questions in this place about other members' families they should have a good reason for doing so. My wife is a midwife. She works for the Government from time to time, but only because the Kalgoorlie Regional Hospital is in short supply of nursing staff. There is a great pressure on me also because one day she is telephoned at half an

hour's notice to work in the surgery ward; the next day she might be in the maternity ward; and the next day she might be in the geriatric ward. Many full time nurses will not shift from one ward to another because they are not confident in the different fields. I know that Hon Max Evans' wife works in a similar situation. Unless members have a good reason for asking those sorts of questions, members' families should be left out of the debate in Parliament. There are times when one may need to ask those questions, but they should not be asked frivolously.

Hon P.R. Lightfoot: That includes questions from your side.

Hon Mark NEVILL: I am talking about a principle here.

Hon I.D. MacLean: If you had not made a point about it, no-one would have noticed it.

Hon MARK NEVILL: Being a member of Parliament is difficult enough without having to suffer that sort of indignity. For the *Hansard* record, I have not mentioned anyone's name.

HON T.G. BUTLER (East Metropolitan) [4.13 pm]: I support the amendment. I take a similar liberty to that taken by Hon Graham Edwards yesterday and pay my personal tribute to the retiring Commissioner of Police, Brian Bull. Brian Bull was an excellent commissioner and servant to Western Australia. Many reforms that he introduced into the Police Force in Western Australia will in time pay handsome dividends for us. He will always be remembered as a bipartisan officer. He would not involve himself in the political situation like some of his predecessors, but would work within his jurisdiction within the Police Force, and certainly within the jurisdiction of government policy.

I, like Hon Graham Edwards, also regret the way in which the decision to appoint his successor was drawn out and the stress and strains that must have been placed on the Police Force by that process. I regret that a Western Australian was not appointed to the position, although I do not wish to comment one way or the other on the new commissioner, Mr Falconer. I am sure he is a capable officer and will be of great benefit to the Western Australian Police Force. However, it surprises me to some extent that a government such as we have in Western Australia at this moment with its states' rights attitude would allow the most important position in the Police Force to be filled by somebody from a foreign land such as Victoria. I place on the record my appreciation of Brian Bull's services. I wish both Brian and his wife, Pat, success and happiness for the future.

The Governor's speech briefly sets out the policy of the Government to introduce a number of Bills designed to meet, in the words of the Governor, the unmistakable community concern about law and order issues, and the public perception of a general deterioration in safety and in respect for the law. We all share those concerns and all have our concerns about the level of crime in Western Australia at present. Members must look carefully at themselves because there exists some wide differences about how these problems can be best dealt with. A number of government members have flagged their intentions on the question of law and order, certainly as we have on this side of the House. The Government intends to introduce a number of Bills, including the Young Offenders Bill which, from a cursory glance and from briefings I have had, contains a great number of positives. Members on this side of the House will assist with the progress of the Bill to ensure that we get proper legislation to deal with the complex issue of law and order.

The intention of the Young Offenders Bill is not as specific as I would like. I realise that flexibility is required in these matters. I do not want it to include specific fines or mandatory sentences, but rather that it be a bit more specific in its intention. It will require a great deal of explanation, especially in the areas of intervention and deterrence. The Bill will be presented to this House in due course and the Opposition will then have the opportunity to raise its concerns. I have a major suspicion that the extreme right wing of the coalition - there is no doubt it is in total control of the Liberal Party - will ensure that underlined in any young offenders legislation will be the lock 'em up and hang 'em high mentality. This mentality has already been demonstrated by a number of members opposite.

Hon Sam Piantadosi: They will not hang their own - they will look after them.

Hon T.G. BUTLER: It appears that members opposite are very keen on caning and longer sentences.

Several members interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order! It is very difficult for the Hansard reporter if two or three members are holding forth at the same time.

Hon T.G. BUTLER: Members opposite make no secret of their intentions. However, they should be a damn sight more open about the legislation and explain to the Opposition the extent to which it intends to go. It is incumbent upon them to make their intentions very clear so that the community is aware of what it can expect from them.

The Governor's speech states that the Young Offenders Bill will provide a code for dealing with young offenders with the emphasis on reintegration into society. If that is the intention of the Bill, it has my utmost support providing the Opposition is given the full details of how it will be implemented. It is a new approach to this question by the Government. I am sure that the Government's attitude to lock up the youth, get them off the street and hang them so they do not commit the offence again leaves some of its backbenchers totally aghast. The Government has an inbuilt conviction that the penalty need not necessarily fit the crime and that in most cases it should be considerably higher. If it serves as a deterrent, that would probably be the correct action to take. However, it is yet to be proved that the higher penalties envisaged by the coalition will be a deterrent.

All members have their own views on how young offenders should be dealt with. I am not saying that penalties are not appropriate - they are in some cases - but they must be realistic and take into consideration the effect that they will have on young people. Consideration must be given to how much more difficult it will become to integrate young people into society and help them to become law abiding citizens.

The DEPUTY PRESIDENT: Order! I caution the member on his feet because the Bill to which he is alluding is an Order of the Day for debate in the other House.

Hon T.G. BUTLER: That is why I am not dealing with the specific clauses.

The DEPUTY PRESIDENT: Standing Order No 94 -

Hon T.G. BUTLER: I am aware of it, Sir. I have just been reminded by my colleague that the Bill was referred to in the Governor's speech and I am referring to his speech.

The DEPUTY PRESIDENT: The member is actually debating an amendment to the legislation.

Hon T.G. BUTLER: Penalties for offences are appropriate, but they must be realistic to ensure that a person can be integrated back into society without any problems.

Countries around the world are well aware that harsher penalties are not necessarily a deterrent to crime. If that were the case, California, which has the lock 'em up mentality, would not be confronted with its prisons being filled to overcapacity by 76 per cent. A ton of evidence is available to support the contention that penalties are not a deterrent to crime, and I suggest that members opposite take the trouble to read and understand it.

I was fascinated by Hon Reg Davies' contribution to the Address-in-Reply debate, especially when he read from a letter written by one of his supporters who had a fetish for bricks. In his letter he drew Mr Davies' attention to the training that could be instituted at a boot camp. I refer to the *Hansard* of 7 June in which Hon Reg Davies quoted from his supporter's letter as follows -

... the men were stripped of their cigarettes, rollies, tobacco money, photos, comb etc, then if they didn't follow a reasonable order they were introduced to the method, they were given a nice clean bright red house brick of the old solid type weight 9 lb or 4.085 kg - approx - 9" x 4" or 229 mm x 114 mm, a small teaspoon size trowel, they then had to dig a hole the exact size of the brick without a safety measure or rule to assist them.

I guess that was certainly appropriate at boot camp level when one was disciplining and training people to go to war.

Hon Graham Edwards: He was talking about military corrective establishments, and there is not a lot of difference between them and what I think the Government is talking about with its boot camps. That is what is so frightening.

Hon T.G. BUTLER: That is right. It may well be necessary to instil discipline into people if they are going to war, and I am sure that, as he went on to say, it did none of those people any harm and many of them drifted back into civilian life and became good citizens.

Hon Graham Edwards: Very few of the soldiers who went into those military corrective establishments came back into the mainstream units. They were usually discharged. Those establishments simply did not work. They were punishment, and not rehabilitation, orientated.

Hon T.G. BUTLER: That is the weakness of the intention to establish boot camps, as expressed in the Governor's speech. If we introduce any sort of corrective measure, we must ensure that rehabilitation is high on the agenda, because if rehabilitation is not available during the period of incarceration, or whatever, then all we will do is prepare more efficient criminals for the future. We must ensure that some post-release program is available to prisoners and that some guidance and assistance is provided by government so that those people can get back into society and lead a normal life.

The answer to the graffiti problem is not, as Hon Reg Davies' friend suggested, to make graffiti artists who are caught tagging a wall spray paint or disfigure the entire wall and then clean it off in order to ensure that they never vandalise again. That will not teach them anything other than how to clean a wall. People who are caught painting graffiti onto walls should be made to clean it off, and that will not do them any harm, but we must look deeper than that type of solution, because all that will do is teach offenders how not to get caught the next time they do it. We must, as Brian Burdekin is continually suggesting, introduce positive programs and projects before people enter the downward spiral and embark upon a life of crime. We could probably all combine our thoughts and make a list of what are the major factors that lead people to crime, but I would be surprised if we did not agree that the major factor, particularly for young offenders, is unemployment. We as politicians are expected to focus on that issue and do whatever we can to get unemployment under control, because unemployment is a social disaster. It is the cause of a great loss of self esteem by young people, and it brings with it a great deal of freedom, which encourages young people to engage in mischievous exploits which bring them before the courts. It worries me that the rationalisation of the Government's work force has meant the loss of some thousands of jobs in Western Australia in the last 15 months. The Government's justification for that rationalisation is that the private sector is the only sector capable of improving employment levels, and it has great concern for the unemployed. I do not know whether government members have read *The West Australian* of Friday, 20 May.

Hon Tom Stephens: They have probably given up reading *The West Australian*.

Hon T.G. BUTLER: The article headed "Record profits fail to lift job hopes", written by Brett Lane and Stephen Bevis, is an amazing commentary on the attitude of the public sector to the unemployed. Members opposite refer to us as communists, pinkos or trade union louts, while they sit there lauding the achievements of big business, as they did during the motion introduced by Hon Alannah MacTiernan, and conveniently forget what the real world is all about. The article states -

Australian company profits have surged to record levels for the eleventh straight quarter - but most firms say they are not obliged to create new jobs as a result.

Corporate Australia notched pre-tax earnings of almost \$6 billion in the March quarter - a 13 per cent rise on the December quarter.

But big WA employers insisted they must serve their shareholders first. They were not responsible for curing society's ills.

The DEPUTY PRESIDENT: Order! I remind the member that he has already spoken to the Address-in-Reply and his remarks at the moment must be confined to the amendment to that Address-in-Reply. I suggest that he relate his remarks to the wording of the amendment.

I was saying that one of the problems with crime is unemployment.

Hon John Halden: Indisputably.

Hon T.G. BUTLER: The amendment draws to our attention the Government's attitude to, and record on, law and order and crime. I suggest that I am drawing a reasonable conclusion. The newspaper article continues -

Most said that in the wake of the economic recession, they had excess capacity.

They pointed to the corporate bible, the Australian Corporations Law, which says nothing about helping unemployed people or the national interest.

There is no index listing for "morality" between "money lending agreements" and "mortgage debentures".

WA Chamber of Commerce and Industry chief executive Lyndon Rowe said most profit growth was the result of lower interest rates.

"Companies are keen to employ . . . but if you employ people for the sake of it, you go out the door backwards," he said.

In all of that, I see no suggestion that the big business people - for whom the Government is hell bent on paving the way to success - have an obligation to assist the unemployed. They do not have to worry about social conscience; they do not see that they have a responsibility to cure society's ills. However, if an unemployed person turned to crime and broke into one of their offices and did some pilfering, they would have a social conscience. They would want to bring down hell fire and damnation on the culprit. They would want to lock him up, put him away for all time, and forget about him.

Hon B.K. Donaldson: The article in *The West Australian* also stated that the federal industrial legislation had an impact on companies' ability to hire people. You should read a little further.

Hon T.G. BUTLER: Further on, it does say that they blame the Federal Government's industrial relations policy. Is the member trying to say that, because the Federal Government has an industrial relations policy which is contrary to his thinking, they should sit around and say they have no responsibility for curing society's ills; that there is no indexed listing for morality between money lending agreements and mortgage debentures; and that they do not see themselves as having a social conscience in regard to the unemployed? What the hell does the Federal Government's industrial relations policy have to do with that?

Hon B.K. Donaldson: I thought you would know. It does not matter. I am glad that you have drawn a balanced viewpoint from the *The West Australian*.

Hon Graham Edwards: Do you reckon we do not get a balanced viewpoint in *The West Australian*?

Hon B.K. Donaldson: Very seldom.

The DEPUTY PRESIDENT: Order!

Hon T.G. BUTLER: The outrage which would be displayed by members of the private sector if their offices were broken into by someone about whom they have no social conscience would be something to see! I do not in any way condone crime. My family experienced an attempted break-in when a window was broken and my 17 year old daughter was home alone. My car has been stolen on a couple of occasions. Frankly, I do not appreciate the actions of people who indulge in crime. I do not in any way condone crime, but my view goes deeper than that. It goes to the point of making sure we provide a system which will rehabilitate the people who must pay a penalty. We must provide rehabilitation, and corporate Australia must realise that it has a part to play in the

social reform of this country. Corporate Australia must have some responsibility for curing the ills of society.

The Government's record is not very good. It has not promoted any innovative methods by which it can justifiably and proudly say it is responsible for the rehabilitation of criminals. Until the Government takes action in this regard, it will be only tinkering around the edges of the problem. It is not good enough to introduce methods that have failed elsewhere, such as boot camps. I understand that the last camp in America closed down as a result of the formation of gangs. It faced the problem of the possibility of open gang warfare. That has happened in America, and it could happen here. Boot camps are not the answer. Such activities occur in adult prisons also. Gangs are formed in corrective institutions for young people, and the young people come away from those institutions without being rehabilitated. The present system does not provide sufficient rehabilitation. Unless appropriate rehabilitation is provided, the situation will not change. Unless the Government, through its legislative program on law and order, can provide some in-depth thinking about the problem the Government will remain guilty of inadequately addressing the concerns of the public. As a consequence, the public perception will not change either. I support the amendment.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [4.48 pm]: I have a considerable interest not specifically in law and order but more in imprisonment, which is a closely related issue. When considering the amendment to the motion, it is appropriate that we consider the Government's position on law and order prior to coming to office. Members might recall some of the notable policies promoted by the Government when in opposition. It was stated that during its first term in office it would increase the personnel of the Police Force by 800 officers; establish an independent complaints tribunal - comprising the Ombudsman, a retired judge and a community representative, to oversee complaints against police; and it would implement a new approach to imprisonment by providing alternative sentencing options for offenders who did not represent a danger to society. In italics, it boldly says, "Imprisonment should be the option of last resort".

Hon Sam Piantadosi: Do you know why? There is a good possibility that some of their own ranks will be there. That is why they have had a change of heart.

Hon JOHN HALDEN: It said that there had been a serious undermining of the Western Australian Police Force. There was an innuendo that that undermining had been by the government of the day, the Australian Labor Party. In 18 months the Government has not carried through its promises. We have seen some of the most outrageous, counterproductive statements imaginable with respect to law and order. We have had a remarkable contribution by the member for Geraldton, whose solution to the problem of law and order was caning. It may have been very popular in Geraldton.

Hon T.G. Butler: He has introduced a private member's Bill.

Hon JOHN HALDEN: I do not know whether I am entitled to speak about that then.

Hon T.G. Butler: If you cannot get it through the party room, you have to introduce it as a private member's Bill.

Hon JOHN HALDEN: That got the member for Geraldton onto page one of the newspapers. Hon Tom Butler provided some interesting statistics of the incidence of caning in Singapore.

Hon T.G. Butler: In Singapore about 20 people a week for the past 10 years have been caned.

Hon JOHN HALDEN: The fact that the number of people being caned has risen means that it is not terribly effective. I will use an example that I have used in this House before. It is particularly relevant. Those opposite who think that harsher penalties will work should think back to the founding of this country. At that time in England people could be hanged for any of 200 offences. Did it stop them committing crime? No; it did not. A whole range of circumstances demanded that people commit crime, but I will not go into that now. At a time when people could be hanged for any of 200 offences, people

continued to commit crime, at such a rate that the prisons were overflowing, with prisoners being held in holds in the Thames. It was decided that the prisoners would be sent here. The concept that harsher penalties will result in the reduction of crime -

Hon J.A. Scott: We are going back to those days.

Hon JOHN HALDEN: If anyone thinks that the imposition of harsher penalties will work, that person is wrong. I will refer to some statistics about imprisonment rates while we are talking about harsher penalties. If we believe the Government's view, the more people who are in prison, the lower should be the crime rate. We should look at the imprisonment rate. Some figures about international imprisonment rates show that at the lower end are countries like the Netherlands, Norway and Sweden and at the top end, by a significant stretch, is the United States of America.

Hon Graham Edwards: That was in the speech yesterday.

Hon JOHN HALDEN: I intend to say it again because it is a very salient point. The only figures I could find to highlight that were those - these are very old - from 1974 when the incarceration rate per 100 000 people for the Netherlands was 21 and for the United States 189.

Hon A.J.G. MacTiernan: It says a lot about that country's drug laws.

Hon JOHN HALDEN: I will get to that a little later.

Hon Kim Chance: It is nine times greater.

Hon JOHN HALDEN: That is right. Hon Graham Edwards was right when he said that presently the United States has a prison population of two million, which is rising rapidly. So stupid is that policy in the United States and so inane has been its implementation that, because there were so many people in the gaols, enormously long life sentences are being handed out.

Hon T.G. Butler: Would you agree that that is due inherently to the election of judges, rather than the appointment?

Hon JOHN HALDEN: It could be. I had not thought of that. People who get a five year sentence for assault, because of the enormous overloading of the prison system, serve on average just five months of that sentence. The United States has the highest incarceration rate. Which country in the Organisation for Economic Co-operation and Development countries has the highest crime rate? One guess: The United States of America, the home of the free. Those opposite who advocate harsher penalties and who think that policy direction will work need to think again. There is a litany of evidence to show that higher incarceration rates and longer imprisonment terms lead to only one thing - more crime. They do not lead to less. That concept may be a little difficult for those who, by way of deterrence, want to cane, hang and do whatever else to people who commit offences. That system just does not work. The evidence is overwhelming.

I will use another example to highlight this matter. In Western Australia the incarceration rate is approximately - I may be out by one or two - 126 per 100 000 people. The incarceration rate in Victoria is 64 per 100 000.

Hon A.J.G. MacTiernan: We have more Aborigines.

Hon JOHN HALDEN: Do people seriously suggest that it is twice as dangerous to live in Victoria as it is here? The crime rate statistics do not support that. This Government and the Premier have taken their stance on hanging as a penalty. They have said, "You need hanging as a deterrent; you need to be harsh on people; you need to do whatever else." In the past 30 years - it could be even longer - the rate of murder in our society per 100 000 people has not increased. The absolute numbers have increased because the population has grown, but the rate for murder - the most violent of offences - has not increased in spite of the fact that I am sure those opposite would proffer that there has been a libertarian, socialist do-gooder, welfare government - the Australian Labor Party - in office for considerable periods. The most serious offence has not increased per 100 000 people in that time while offences against property and a whole litany of minor offences which see people in gaol have increased.

Instead of looking at what it should do to circumvent those sorts of crimes, this Government - as is the case in policing per se - is not prepared to look at the front end of the problem, only at the back end. It somehow puts forward some illogical argument - I am not yet convinced or even sure how it is sustainable in even the Government's intellect - that the problem can be fixed after it has occurred. That cannot happen. We have to direct our energies to the front end of the problem and provide people with alternatives to crime. Once we do that we might start to look at this issue in a very different way.

Hon Alannah MacTiernan raised a very interesting point in relation to drugs.

[Questions without notice taken.]

The PRESIDENT: Before the honourable member resumes, I suggest to him and subsequent speakers that I am finding it difficult to relate many of the comments made to the amendment before the House. The comments must relate to the amendment. I give members that fatherly advice for their information.

Hon JOHN HALDEN: I do not want to disagree with your ruling, Mr President.

The PRESIDENT: I have not made a ruling.

Hon JOHN HALDEN: Your comment. The amendment basically says that, according to the Governor's speech, the Government is doing certain things with regard to law and order. I am suggesting that is not the case, and the actions it is taking are not appropriate. In my view that falls within the terms of the amendment.

Victoria has an incarceration rate half of that in Western Australia, but Victoria is not twice as dangerous to live in. The crime statistics clearly demonstrate that. During question time I was provided with some interesting comments made by the Minister for Transport with regard to the important matter of law and order, and some of the subsidiary matters dealing with incarceration. I thought the House should be acquainted with the enlightened views of the Minister for Transport. I thought the member for Geraldton, Bob Bloffwitch, was living in another age but Hon Eric Charlton has decided to exceed him in tact and in his views, by at least a country mile. Mr Charlton has called for the widespread reintroduction of capital punishment, and the return of provisions allowing courts to sentence felons to hard labour and, in extreme cases, to the birch. He further called for the throwing away of minimum penalties, in favour of maximum penalties.

Hon J.A. Scott: He must be the Minister for transportation!

Hon E.J. Charlton: Where are those comments reported?

Hon JOHN HALDEN: They were in the *Albany Advertiser* of 16 January 1992. Referring to the former department for community services, the Minister said it was "a burden on society when it comes to dealing with repeat offenders". He said the department was obsessed with a do-gooder approach, and its track record was dismal. He further said that "in addition to real and meaningful punishment for these offenders it is also an appropriate time for the reintroduction of the use of the cane in our schools".

Hon E.J. Charlton: Do you want me to confirm two years later that I said that, in case you think I was misquoted?

Hon JOHN HALDEN: I am sure the Minister would be happy to, because if the Minister held those attitudes at his age, I see no reason that anything would have changed in two years.

Hon Graham Edwards: Are you sticking up your hand for the Education portfolio?

The PRESIDENT: Order! If honourable members do not stop interjecting, I will get angry.

Hon JOHN HALDEN: That is the sort of law and order approach this Government believes will work. In my previous comments I pointed to the enormous amount of evidence suggesting that is not the case.

Hon P.R. Lightfoot: It has been deteriorating for 10 years under you lot.

Hon JOHN HALDEN: That is not true.

Hon P.R. Lightfoot: The statistics for the past 10 years are appalling.

Hon JOHN HALDEN: It is interesting that the member should say that, because it is not the case, except for incarceration rates. There has been a significant increase in a whole range of criminal offence categories, particularly offences against property, but that increase has not been concentrated in Western Australia or in Australia; it is a worldwide phenomenon. I know it is a bit difficult for Hon Ross Lightfoot to go beyond the narrow concepts that his brain can manage, but this is an international phenomenon and not something related to the socialist Labor government of the past 10 years. He might care to look at the large volume of statistics available on that. When one is talking about law and order there seems to be a clear correlation between the incarceration rate and the crime rate. No-one has come up with a spectacularly clear explanation of why that is the case, and I do not propose to proffer one, but the evidence and the correlation is quite clear. Having that information at hand, this Government decides to implement law and order policies which will increase the incarceration rate.

Hon T.G. Butler: It is already happening.

Hon JOHN HALDEN: Indeed, the latest figures reflect that. In more minor policy matters the Government is doing that. I understand the Government intends to remove the remission that a prisoner gets while on remand from the sentence; therefore, a person will be in prison longer. Prisoners will be in remand for a period and sentenced for an additional period. At the moment the period of remand is taken off the sentence. What eventuates from those significant, but not spectacular, policy decisions is to increase the incarceration rate and the period spent in gaol.

The theory is that the most consequential and long term effect of imprisonment is experienced the first time someone goes to gaol as a short sharp experience. If people are there too long, they start to be schooled in the university of the institution itself; that is, they become a better criminal. The proposition is that if we are going to incarcerate somebody, we gaol them for a short sharp period and hope that is the deterrent.

Hon P.R. Lightfoot: Would you put the Birnies in for a short sharp period?

Hon JOHN HALDEN: Hon Ross Lightfoot might want to suggest that, but I do not hold to that theory. The international view on people like the Birnies -

Hon B.K. Donaldson: Would you put a black cap on for them?

Hon JOHN HALDEN: I am not an advocate of capital punishment, and cases like the Birnies should go to gaol, and stay there. We have had an interesting discussion in this place about people who have been found guilty of a capital offence and hanged, and subsequently found innocent. I have expressed my abhorrence at that, and I do not think we should go into that in any great detail. It is those sorts of policies that this Government is advancing. We are dealing with not only caning, hanging, and increased incarceration for the more serious offences like murder, but also the less serious offences in not giving people remission for the time they serve while they cannot get bail. If one accepts the international evidence of a link between incarceration and increased criminal activity, and there is enormous evidence for that, then to place more people in gaol for longer periods will not work.

I read an article about the drug trade in the United States of America. Drugs are the biggest import industry in the United States. Drug dealing and drug related crime is the biggest single factor associated with crime in the United States. Drug related activities and health related problems are enormously significant. The article stated that the conviction rate for drug related crime in the past decade in the USA increased 527 per cent. Already they have the result of increased incarceration rates. Sentences in the United States have increased, but it has done nothing to stop the drug industry, the biggest import industry in the US. As I recall, the figure was \$50b per annum. Enormous efforts to stop that by way of penalties and incarceration are clearly not

working. The article contrasts that situation with the Netherlands, which some 20 years ago took a policy decision to decriminalise an array of drugs. Initially there were gloom and doom predictions that drug related offences and activities would skyrocket.

We cannot compare drug related convictions in the Netherlands with those in the United States because drugs are not illegal in the Netherlands, but we can compare drug related crime, such as assaults and those sorts of matters, and health related problems, such as AIDS. In the Netherlands the rate of drug related crime and health problems is one-quarter that of Europe, and many countries have the same sort or harsher penalties than in the United States; and it is one-quarter again of the rate in the United States. I am not advocating that sort of policy per se, but it is incumbent upon governments not just to go down the path of harsher penalties and look at the back end.

Some 20 years ago the Netherlands government looked at drug related crime from the front end. It made a bold move. Irrespective of whether one agrees with it on social or moral grounds, the impact on society of drugs and crime, and drugs and health, is considerably less than that experienced in the United States or in any European country which has not gone down the same path as the Netherlands with its drug laws.

I share this interesting quote with members: "Like chopping off hands for theft or barring homosexuality or abortion, we shall wonder what on earth drove us to do it, but how hard it will be to get back from here to there." The quote is very relevant in that we often legislate and do not think of the unforeseen consequences. What we need to do is legislate and be clear about where we think we are going. One cannot be too critical about some legislation because we legislated when the problem was not as significant as it is today. However, there is a need to explore new paths and to be bold in this matter. The problem of tackling crime from the back end by legislating for harsher penalties and more imprisonment is the same as the policing issue. It may be all very well for the Government to say it wants 800 police as it did in its pre-election promises, but it did little more than raise expectations.

Basically, what people want from their Police Force is not more police or cars with police in them roving around, but a feeling of safety. They want to be able to feel that they are safe in their homes and will not be burgled while they are there. Older people particularly want a sense of security in their own properties. That will not be achieved unless we have some front-end policies to address how the community perceives its Police Force and how regularly it sees its Police Force.

Security, as we all know, is an abstract concept. What often assists in that concept of security is to be able to see police and to feel that the community has some focus in commonality of security. The whole concept of community policing is one that fits into that particular strategy. However, it will not work in the long term unless it is appropriately developed and seriously funded. Community policing must be funded and delivered on the ground. That is what people want. If that is not done, people will lose faith with the system; not because the system has not worked, but purely because the system has not been resourced. It is unfortunate that 800 policemen may not necessarily be the panacea to the problem if they are not used in an appropriate way.

Chasing criminals may be all very well, but again, the issue is one of prevention is better than cure. If we have those involvements with police and if the community believes that police are visible in their community and that people are safe, in effect their quality of life will be much better. Whether, in reality, it is better, at least that will be the perception. To back up that comment, about 18 months ago a survey was undertaken in the City of South Perth. The community was asked what was the most significant thing they wanted in terms of police resources. Surprisingly, it was neither a police station nor necessarily more police. The community wanted mounted police; not because they were tougher or more mobile - obviously they were not as mobile as police in cars - and not because it meant there would be a mounted policeman in their street every day of the week; it was the concept of presence. In other words, they could see the mounted policemen. Como and South Perth are suburbs which have back lanes which create a problem for local government in relation to crime. The concept of seeing a mounted

policeman in a back lane once every two or three weeks gives people a sense of security. It makes them feel safer.

Hon Reg Davies: A false sense of security.

Hon JOHN HALDEN: It may well be. However, the concept of safety with respect to crime is abstract unless one is confronted with somebody when it becomes real.

Hon Reg Davies: Seeing police vehicles amounts to the same thing.

Hon JOHN HALDEN: Hon Reg Davies is right. It is interesting that the community said it preferred to have, not police vehicles, but mounted police. I think police are perceived as having more of a human touch when they can be seen on horses rather than in cars.

Hon Kim Chance: A similar survey result occurred in Geraldton.

Hon JOHN HALDEN: That is true. The point I am trying to make is that although people think there is security in back-end harshness by increasing penalties or recruiting more police and, therefore, being able to catch more crooks, when they think about it, what they want is front-end visual security by being able to see and relate to police. I will not go into a diatribe about the Government breaking its promise to recruit 800 police and how it will never be able to deliver it, and that it is just another lie and a broken promise.

Hon Kim Chance: You have done that.

Hon JOHN HALDEN: If there are 800 police, the place to put them is at the front end where they are visible to the community. If that is not done the Government will not get over the major problem.

Hon Kim Chance: Do not hide them behind Multanova cameras.

Hon Reg Davies: Not necessarily armed police.

Hon JOHN HALDEN: I think Hon Reg Davies and I agree on that matter. I have debated this many times with some of my colleagues and never had the majority. I agree; police should not be necessarily armed. Arming in certain instances causes greater distance between police and the community. It is important to use those police at the front end rather than the back end. They should be in the community working with people and have far greater involvement. I understand that the metropolitan area is much bigger than it once was and the idealistic concept of the neighbourhood policeman will not be achievable. However, in this day and age when there are more police for each 1 000 population than there has been before, when there are opportunities to make them more mobile than before and there is more opportunity to relieve them of much of their clerical and administrative duties than before, they should be on the streets where they are visible to people. When people see policemen they feel secure. It is true - Hon Reg Davies might disagree - that one of the great problems of law and order in this state is not just the reality of law and order, but more importantly the perception that the problem is bigger than it is in reality.

Hon Reg Davies: I agree entirely.

Hon JOHN HALDEN: Good. I do not think there is any originality in my ideas; they are basically plagiarised from every well known researcher of criminology and law and order throughout the world, or at least the OECD.

Sitting suspended from 6.00 to 7.30 pm

Hon JOHN HALDEN: I was making the point that one of the significant issues in crime has more to do with the perception rather than the reality. I had a discussion with Hon Kim Chance, a noted authority, who related some figures and reminded me of some experiences we both had in our doorknocking of places in this state. He referred to the example of Geraldton. We all know of the concern about crime in Geraldton. Hon Jeff Carr's political career was nearly ended because of those concerns in the 1989 election. The interesting fact is that crime statistics for Geraldton are significantly lower than for the vast majority of the metropolitan area. Hon Kim Chance then reminded me of our

doorknocking in Mirrabooka where the crime statistics are considerably higher. The most interesting thing was the difference in reception we received when we were doorknocking. In Geraldton the screen doors were locked and people spoke to us from behind the chain of that door.

Hon Max Evans: I would too if it were me.

Hon JOHN HALDEN: They probably would not open it for Hon Max Evans, unless they realised it was two well meaning lads! However, in Mirrabooka where clearly the crime rate is much higher, people opened the door. In a number of cases they invited us in to have a drink and to talk to them about the problem.

Hon Max Evans: They were probably Liberal voters.

Hon JOHN HALDEN: I know which way Geraldton voted at the subsequent by-election. Both areas at the time were Labor electorates, although the voting patterns were not the same. That noticeable difference between the two areas highlights the point I was trying to make about perception rather than reality.

I also draw to the attention of the House what I believe is a significant issue in the Government's failure to address the issue of crime in an up front way. A number of policy decisions and statements are causing problems. Those problems relate to the alienation of people within our community. I said by way of interjection in a recent debate that the alienation of young people, blacks and certain ethnic groups in our community is pronounced. That alienation is probably a result of such factors as isolation and the obvious difference that those groups have in a visual sense to the majority group in our community, people of Anglo Saxon descent. The remarks which are addressed to Aborigines, in particular, in our community about the Mabo issue and the funding of programs are not helpful in incorporating people within our society as an integral part of it. If we go down the path of perpetually isolating a significant community from the mainstream, at the end of the day they will not have the same sort of obligation or sense of duty which the majority of people hold to the community in which they live. That is tragic. The issues surrounding the Mabo debate and some references which have been made to particular ethnic minorities in our community have not assisted in that matter.

That is also exemplified by some of the remarks that have been made about the youth in our society. Hon Graham Edwards said that the vast majority of youth in our society are responsible, endeavour to achieve, and look forward to making a significant contribution in whatever desires they have in the various sectors of our society and economy. However, we do not get that perception from certain media comments in particular or, from time to time, from comments made by members of Parliament. It is not helpful to the issue of corporal punishment to suggest that young offenders should be caned in the same way as the young American in Singapore because it not only raises that issue, but also the issue of the worth of young people in our society and how we should deal with them.

Hon E.J. Charlton: Do you believe in restitution?

Hon JOHN HALDEN: Yes. However, I do not know whether I have the support of all of my colleagues on that matter.

Hon George Cash: You don't. We introduced a few Bills some years ago and the Labor Party rejected restitution on the ground that it would be locking away the parents.

Hon JOHN HALDEN: We must be careful with restitution. If a child from a middle class family runs off the rails, for example, and restitution by the parents is then ordered to the exact dollar value of the damage, enormous harm may be caused to the family and also to the family's relationship with that child. One must consider those factors. The graffiti example is one instance where one of the punishments of restitution is to clean up the damage which has been done. I do not have any problem with restitution at a level which inflicts some pain on the guilty party. The great danger in restitution is that pain is inflicted on those who have not perpetrated the crime. All sorts of dysfunctions could be caused within that family as a result of that. That is a problem we face in setting up such

a system. As I recall, the legislation at the time was not careful in addressing those matters. I support the principle of restitution, but it must be implemented carefully.

Hon George Cash: I look forward to your support when we bring something in.

Hon JOHN HALDEN: Indeed, in the normal way that we as an Opposition do.

I noted your comments during my speech, Mr President, that perhaps I had strayed from the substance of the amendment before the House. I hope that members will accept what I have said as being within those confines. I refer members to the wording of the motion. I have endeavoured to outline that the Government's focus on its policies for law and order and incarceration in prisons and juvenile detention centres is at the wrong end. It should be focusing at the front end - the end of prevention, not at the end of a cure. That is the substance of this amendment.

I am not being critical; I am trying to explain my position in this debate. It is important that the Government re-evaluates its policies because there is significant state, Australian and international evidence to prove that its focus is wrong. It may well be that the focus being espoused is for politically convenient reasons. The difficulty in that is that often governments become trapped when they make policy pronouncements to actually deliver. The delivery at this stage is wrong and the Government's focus is wrong. It does not mean that the Government should take it to the ludicrous extreme of releasing murderers after they have spent only six months in gaol or releasing the criminally insane into the community. Provision must be made to hospitalise or incarcerate these people for long periods of time. If there are to be new initiatives they should be at the front rather than at the back end. With those comments, I support the amendment.

HON J.A. SCOTT (South Metropolitan) [7.42 pm]: I support the amendment; however I believe that it should include the words "counterproductive and bordering on irresponsible".

Hon John Halden: Perhaps you could amend the amendment.

Hon J.A. SCOTT: To explain my reasons for the inclusion of those words I refer members to today's *The West Australian* and to an article in which Judge Jackson is critical of the way justice had been handled in this state. The article reads -

Judge Jackson accused the Court Government of running a highly emotive and totally false advertising campaign during the election blaming the Children's Court for a so-called revolving door in which juveniles on bail committed further offences.

The campaign ignored the fact that most juveniles were on bail given either by police or ministry officers.

That is the crux of the problem with crime in this state. Hon John Halden correctly pointed out that it is really not a crime problem that we have in this state but a fear of crime problem.

Hon E.J. Charlton: You have a fear of crime if it has been committed against you especially if your house has been broken into half a dozen times and your car has been stolen as many times.

Hon J.A. SCOTT: People beat up the level of crime in this state. Obviously there is a difference of opinion on this issue on the Government benches and it comes back to the fundamental ethos within the Government parties which I once labelled sublapsarianism; in other words, they believe some people are more worthy than others. This opinion leads to a pessimistic observation of a lot of people in society who are less well off than others. The pessimistic outlook leads to a situation where the worst is thought of some people within our society and that has been proved with juvenile justice in this state. The people who get the attention are young people under 20, but they are not the greatest offenders by a long stretch of the imagination.

What is happening to our youth is highlighted in another article in today's *The West Australian* about the suicide rate among our youth. Suicide points to some malaise in our

society, to a lack of acceptance in society or an inability to be part of society and be respected and honoured by it. The attitude of governments and media figures who beat up this negative image of young children is a disgrace.

A number of members have drawn to the attention of this House that apart from the Northern Territory, Western Australia has the highest incarceration rate of juveniles, particularly young Aboriginal people, in Australia. There is a better way to go than continuing with this pessimistic view towards young people and that is not to take the path the Government is taking. It is trying to treat the effect rather than the cause and its solution to the problem is more gaols, policemen and boot camps. We all know that does not work. It is not only ineffectual, but also uneconomical. It is much cheaper to rehabilitate people than to incarcerate them. For a government which prides itself on good management, this Government is going down the wrong track in this instance.

Some time ago I attended the decommissioning of Fremantle Prison. One of my heroes took part in the closing down ceremony and I refer to Father Brian Gore. He said that prisons were a place for the poor. How often does one find very rich people in a prison?

Hon E.J. Charlton: There could be a few more rich people there.

Several members interjected.

Hon J.A. SCOTT: One would not have found very many rich people in a prison like Fremantle Prison. They are usually sent to a more acceptable prison.

If the Government believes it is going down the track of controlling crime in this state, I advise it that it is going down the wrong track. We must look at curing the cause. Many social problems need to be solved and they include poverty, lack of proper education and lack of respect for community figures. Hon Derrick Tomlinson mentioned a famous business person in this community. We have seen a sense of avarice in this state which is almost beyond compare with other periods in our history. The glorification of the chase after money is almost beyond comprehension in this state. No other qualities are so respected or admired. We see people who strive in this community being treated as second rate citizens, but when they have a few dollars in their pockets they are highly sought after wherever they go. I believe people in this place could do much more to honour citizens who help the community. People at the bottom of the economic pile do not miss the fact that it is important to have money. That is the reason cars such as Porsches are sought after, because those people never have a chance to own these status symbols.

Hon E.J. Charlton: What about Commodores?

Hon J.A. SCOTT: They were easy to steal but if they could pick up Porsches every day, they would do that.

Hon I.D. MacLean: They were picking up 64 Commodores a day.

Hon J.A. SCOTT: The other thing we need to consider when attacking the cause rather than the effect is the behaviour of community leaders, such as politicians and business people, and what that behaviour signals to the rest of the community. Unfortunately, we seem to be getting a mixed message from the Police Force. For that reason, I am pleased that an outside person will be in charge of the Police Force in Western Australia. It is time for a change of direction, and time to get rid of the nepotism that has built up in the Police Force. It is time to get the best people in the best positions, and that did not happen with the existing people in charge.

Another area that needs to be looked into is, of course, the facilities provided for people in our community at a time of high unemployment. Certainly, not enough is done to provide facilities for the young people who are constantly maligned. Many people in the past, going back to Bertrand Russell and the like, have written on the subject of creative occupation for people and they point to the need for human beings to build and create. Otherwise, they move towards destructive behaviour patterns. Very little is done to ensure the youth of the day have creative pursuits in our outer suburbs. Apart from video machines, which become boring after a while, there is very little for them to do. The

beaches are being taken over by developers, everything costs money, and public transport is being priced out of their reach. Very little thought is given to the overall effects of those sorts of things. It is time this Government changed its attitude. The seeds are certainly there.

I believe some of the programs of intervention set up to stop people getting into the courts should help. I do not want to talk more about this because there is a Bill before the Parliament on this subject. That sort of program will be far more successful, as will programs which look to the optimistic side and people's potential rather than their bad side all the time. We should not seek to punish these people because they do not have what some other people in our society have, and they try to get it. I would like the amendment to be worded more strongly, but I support it in its present form.

Debate adjourned, on motion by Hon Muriel Patterson.

LAND DRAINAGE AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [7.56 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to remove from the Land Drainage Act 1925 provisions to levy land drainage rates in the six declared country drainage districts of Mundijong, Waroona, Harvey, Roelands, Busselton and Albany. All other aspects of the Land Drainage Act will remain in place to allow the Water Authority of Western Australia to continue the operation and maintenance of the country drainage systems in the six districts for the time being. Actions in progress to collect rates due prior to 1 July 1993 will also be unaffected.

In June last year the Government made a decision to abolish drainage rates for the 1993-94 financial year. This was achieved by applying section 96 of the existing Act which allows for rating exemptions for a specified time. This Bill will abolish the ability to rate from 1 July 1994 in line with coalition policy.

The issue of fair and equitable rating for the country drainage services provided by the Water Authority has been the subject of many reports and reviews over the last 20 years. Two of the more recent reports are the Lee report of 1987 and the report commissioned by the Western Australian Water Resources Council and the Soil and Land Conservation Council of 1992. The Lee report recommended that rating be abolished and that the Water Authority be responsible for major drains and local authorities be responsible for minor drains. It also recommended that drainage districts be abolished. Although this report received considerable community support, the government of the day did not implement the recommendations. The joint councils' report of 1992 included the following recommendations -

- (1) Drainage in rural areas be managed in the context of natural resources management.
- (2) Drainage districts be extended to surface water catchment boundaries.
- (3) Regional drainage committees be formed to oversee the development of management plans.
- (4) Drainage management plans be developed to incorporate land use, community, environmental and financial objectives, and priorities within the region.
- (5) The drainage management plans be implemented by either the Water Authority, local government or local drainage management committees.

Ownership and responsibility for drainage should remain with the Water Authority or local government.

The decision to abolish country drainage rates removes the concerns of many of the country drainage ratepayers about inequities and rating anomalies so that consultation with local government and community groups can proceed for the implementation of these recommendations. The project managed by the Water Authority to investigate alternative management and funding options for country drainage in the future and to follow up on the joint councils' recommendations is progressing, with local governments and community stakeholder groups throughout the south west being consulted. However, rating is not under consideration and this Bill removes the ability to rate from 1 July 1994. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

WATER AUTHORITY AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [8.02 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to amend the Water Authority Act 1984 to provide specifically for the Water Authority of Western Australia to make payment of the subsidy to local authorities for sewerage schemes owned and operated by them. All other aspects of the Water Authority Act will remain unchanged.

Sewerage schemes in country areas are operated by either the Water Authority or local authorities operating under the provisions of part IV of the Health Act. A scheme to subsidise the provision of sewerage to country areas was initiated in 1967 principally to ease the burden on the general loan fund by enabling local authority borrowing powers to be utilised to meet the capital costs of constructing small sewerage schemes. The arrangement also encouraged local authorities to accept a degree of responsibility for the improvement of living conditions in their towns.

The provision of sewerage in country areas is an expensive exercise and the local authorities required a level of subsidy until the ongoing cost of the sewerage service could reasonably be borne by the customers served. Under the scheme 20 towns were sewered. Currently 15 schemes receive a subsidy from the consolidated fund and they are in the towns of Calingiri, Dalwallinu, Dowerin, Goomalling, Jerramungup, Koorda, Lake Grace, Moora, Morawa, Nyabing, Pingrup, Ravensthorpe, Southern Cross, Wickipin and Williams. Revenue growth from Boulder, Brookton, Coolgardie and Dumbleyung has resulted in these towns no longer requiring a subsidy. The sewerage scheme in Carnarvon was taken over by the Water Authority from 1 July 1987.

Following the creation of the Water Authority in 1985 all new sewerage schemes in the state have been funded by the authority. The overall cost of subsidising these schemes has been reduced over time. The estimated cost of the subsidy scheme in 1993-94 is \$475 000 including \$30 000 for administration costs. The Water Authority currently administers payment of the subsidy in accordance with policy laid down by Treasury. The Water Authority operates 76 of its own country sewerage schemes. These schemes incurred a loss of \$11.142m in 1992-93.

Following a review of water services funding the Government has determined that the funding of the subsidy scheme should be transferred to the Water Authority, thus providing a consistent approach to the funding of all community service obligations related to water services. However, this funding arrangement is not possible under the current Water Authority Act as section 39(4) restricts the authority to spending money on

its own assets. This proposed amendment extends the provision of this section to allow the Water Authority to make the sewerage subsidy scheme payments to local authorities. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

STOCK (BRANDS AND MOVEMENT) AMENDMENT BILL

Report

Report of Committee adopted.

ACTS AMENDMENT (PERTH PASSENGER TRANSPORT) BILL

Committee

The Chairman of Committees (Hon Barry House) in the Chair; Hon E.J. Charlton (Minister for Transport) in charge of the Bill.

Clause 1: Short title -

Hon JOHN HALDEN: As I stated during the second reading debate, the Opposition will oppose this Bill. It has been clear since the change of government that there would be a policy change in this area. The Opposition does not agree with that, but it is prepared to deal with this matter as constructively as possible and to try, having now completed the second reading stage of the Bill, to set aside the ideology that may in some ways distract us from our task in Committee. There are a number of amendments on the Notice Paper in my name, the vast majority of which come from the thirty-sixth report of the Standing Committee on Government Agencies. Mr Chairman, I am sure you are well acquainted with that report. This is the first opportunity for this Chamber, when looking at a particular piece of legislation, to consider the draft state agencies Bill which is contained within that report. The Opposition has taken a number of clauses that are crucial to accountability, openness and public involvement in this significant issue. This is the first time we have had the opportunity to implement in a piece of legislation the recommendations of that committee. Our amendments are not outrageous. They are definitely not ideological amendments in any form. They are about the administration of this Bill. We should take this opportunity to allow that hard working committee to see the fruits of its labour in the form of the inclusion of these clauses. These amendments will open up a series of doors into a brave new world, and the Minister accepts that the legislation will do that.

I have an interest in this legislation because I was a member of the Government Agencies Committee which travelled to the United States, and worked particularly in California. For a long time state agencies with community service obligations have gone through a hearing process so that the people who may be affected by government decisions in regard to state agencies can have a say. It did not mean in the past, and it does not mean now, that the government of the day must accept the views of the interested parties, but it allows those who are interested enough to have a say, and the Government can consider those perspectives. If we are to adopt this approach to the Bill, it would be sensible government policy to allow at least some "from the bottom up" involvement by individuals in the community. That is because this is a new concept, which I am sure the Government wants to work, and the community wants to be assured that they will receive the services they require, but perhaps not what they demand.

In California the approach that I have suggested in this Bill is commonplace. When in the United States, we were informed that the energy department had conducted or was conducting a series of hearings. It had gone through the normal process, and there had been considerable interest. We did not attend a hearing, but hearings were attended by the public and by the media. I was impressed by that process, as were other members of that committee. The current Government Agencies Committee, of which I am not a member, was impressed enough to place those recommendations in its draft Bill. Here we have an opportunity to show people that the Government can be accountable and open in its considerations.

One of my concerns about this Bill is that it has the potential to be as dangerous as the classic WA Inc Bill. I hope we are not about to see the "WA Perth Passenger Transport Inc" Bill. I hope that we can include a series of mechanisms in the Bill which will ensure that does not happen. I have proposed an amendment which is infinitely reasonable, and which relates to the issue of directions by the Minister to the Government Railways Commission. This is not an outrageous recommendation. It does not in any way encumber the Minister's ability to give directions. It makes clear how the directions can be made, the boundaries in the process, and very little else. Other amendments are not necessarily related to the thirty-sixth report of the Government Agencies Committee. They are more to do with our concern that there seems to be a regulation power within the Bill that is not subject to the Interpretation Act. The Minister should not be able to make quasi regulations, and not have them subject to the Interpretation Act.

One of our amendments seeks to delete the words "in the Minister's opinion", for justifiable reasons. Proposed section 18C, containing those words, significantly reduces - if not obliterates - the community's ability to challenge a decision in the court. If we are to have an open and accountable government in this brave new world we cannot have those sorts of barriers. Any objective assessment of the amendments proposed by the Opposition would show that they do not have an ideological bent. They recognise that the Government has a mandate, in this case. It has clearly enunciated its policy and we wish to ensure that there is openness, accountability and honesty within the process, and no more.

We look forward to support by members of the Standing Committee on Government Agencies for our recommendations because this is the first testing ground of the Government's intention with this legislation; that is, the useability and acceptability within legislation for agencies as they change legislation or bring forward new legislation. I do not in any way concede the point that this is a premature move because the thirty-sixth report of that committee has not been debated in this Chamber. I do not know about the Independents, but all parties have had this report since April 1994. We are all aware of the many hours of effort and commitment by the Government Agencies Committee in trying to formulate this clear policy direction. It is now incumbent upon the Government to indicate in which direction it will go in an effort to address the views expressed in the report. We do not seek to incorporate the entire report in the Bill. At this stage, that would be testing the water too much. The amendments on the Notice Paper are in specific areas which deal with accountability and openness and should have the support of the entire Committee.

Hon KIM CHANCE: The Leader of the Opposition will be leading in this section of the Bill particularly because of his knowledge of and concern as a former shadow Minister for Transport with the Perth public transport system. Additionally, even though I am a member of the Standing Committee on Government Agencies, Mr Halden's experience of that committee far exceeds mine, since Mr Halden was a member of that committee at the time the committee undertook the tour of the United States.

The Bill requires some close scrutiny for two reasons. The second of those reasons which I will deal with tonight has been touched on by Hon John Halden, the first has probably not been. While in the second instance we are looking at how this Bill will affect the use of public transport and the correlations with the private sector through the contestability aspect, I want to look at the first stage now. First, it seems to be a deviation from what is now established government policy. I am referring to the part of the Bill which brings under the umbrella of the Department of Transport rather than the transport arms as we know them now, the whole process - I will use the words in the Bill - "to facilitate and promote the provision of reliable, efficient and economic passenger services". This is the whole gamut of future planning of all the modes of transport, right through from ferries to taxis. The Opposition said in the second reading stage that it is quite an enthusiastic supporter of that concept. We think it makes sense, but this is a different policy line than that which we have seen operating at other levels of government with this Government. If we take for example those arms of government which provide health services and education services, we have seen that there is within

those two key arms of government the devolutionary response of providing services and even to some extent planning services. This is so in health more than in education, where the provision of health services is being driven largely, but not entirely, from the ground up. I am not being critical of either form, but it is necessary to note at this early stage of our consideration of this Bill that there is a vast difference. On the one hand the Government has a devolutionary response and on the other hand it is bringing all the responsibilities under the umbrella of the Government.

Leaving that aside for the moment, I will touch on the introduction of contestability as the second key function of the Bill. Because we are entering into, to use the Leader of the Opposition's words, a brave new world in public transport, it underlines the necessity to look very seriously at the amendments which have been proposed. Because we are exposing to the private sector a public service that we have associated with government provision since the 1950s, we need not only to have the capacity to closely scrutinise the operations of the new system in its service and its financial aspects, but we need also to involve the public by way of public submissions on how the contracts will be put in place. This is an important element that we must pick up from the thirty-sixth report of the Standing Committee on Government Agencies and, in particular, that part of the report which is in the form of the state agencies Bill 1994, because it is in these provisions that we are able to say in those circumstances that there will be a public right to scrutinise and act not only to the extent of what the operation will cost but also to the extent of how that service is to be provided. On the other hand, we have also included in these amendments references back to the Interpretation Act, which will make the fiscal aspects of the operation of the new authorities open to Parliament. The reference to the Interpretation Act means that any changes, instead of happening behind closed doors, will have to be made by means of regulation, and regulations are disallowable when they are viewed here. Most important of all, it means they can be reviewed by Parliament.

Hon TOM STEPHENS: There is a tremendous opportunity for the Legislative Council to have before it now the fruits of the labour of the Standing Committee on Government Agencies. An enormous amount of hard work has been put in by a good number of members in this Chamber over a period of time working on the question of government agencies. A lot of effort was put into that work on the philosophy, the place, the role and the function of government agencies; when they come into being; how they should come into being; how they should be accountable to the Parliament by relating to the Minister; and how they should be open to the community in the decision making process, as has been ably argued by the Leader of the Opposition and Hon Kim Chance. A very important role for government agencies of the future is to be open and accountable, especially to the community. All that has just been said by Hon John Halden and Hon Kim Chance is true about the energy and effort of the Government Agencies Committee. This was a bipartisan committee with three members of the government parties and three members of the Labor Party who have served on this committee over the past 12 years. In the particular work of the committee - the much maligned work of the committee I might say - in reviewing the future of government agencies in this state -

Several members interjected.

Hon TOM STEPHENS: The results of the effort and energy of the members and staff of the committee have come forward in a report to this Chamber. Here is our first opportunity as a Chamber to put into effect the deliberations of that committee. Credit should be given where it is due. Hon Norman Moore should accept personal responsibility and credit -

Hon Mark Nevill: Careful!

Hon TOM STEPHENS: No, he does. It was he who persuaded members like me to go down this path.

Hon P.R. Lightfoot: You worry us when you say things like that.

Hon TOM STEPHENS: Not at all. The member persuaded me to go down this path of looking at government agencies. He was the driving force of this review of the role and

the future of government agencies in this state. I was a slow convert to the process, but I was eventually persuaded.

Hon Mark Nevill: Converts are always zealous.

Hon TOM STEPHENS: Indeed. I am a convert to this cause identified for us.

Hon P.R. Lightfoot: You are damning the Minister with faint praise.

Hon N.F. Moore: He is quite right. I was converted by Hon Norman Moore's persuasive argument. He will take pleasure in having this type of amendment before the Chamber which flows from -

Hon N.F. Moore: The report has not even been discussed by the Chamber.

Hon TOM STEPHENS: But it has certainly been discussed by the Minister and me and I am sure that he and I will be persuaded by argument in the report as will other members on both sides of the Chamber be persuaded by the logic.

Hon N.F. Moore: I am happy for wise counsel to do its work.

Hon TOM STEPHENS: Fortunately, the Minister is in the happy position of having wise counsel focused on this Bill and on the amendments that have found their origins in his own intellectual rigour and effort that he applied to the review of government agencies. He helped us deliver this report from which these amendments have been drawn. I think it is a great opportunity for the members of the Legislative Council to grab the amendments with both hands and with enthusiasm and include them in the Bill.

Hon George Cash: Perhaps you should distinguish between a policy decision and how it affects clause 42 of the Interpretations Act and an administrative decision. I think you should distinguish between the two as you are discussing them.

Hon TOM STEPHENS: Yes, it was discussed in the committee.

Hon George Cash: When I was a member - a diligent member.

Hon TOM STEPHENS: The Leader of the House was a very hard working member - much maligned also.

Hon Mark Nevill: Not by you though.

Hon TOM STEPHENS: No, not by me. This question was dealt with by the committee when it considered the role of government agencies. Interestingly, the report tackles those questions and we can now see the results that flow from that report. It is distilled in this process. Hon John Halden has quickly distilled it and produced on the Notice Paper amendments that will find great favour on the Government benches.

Hon N.D. GRIFFITHS: I will be supporting the amendments to which Hon John Halden referred in his opening remarks in the Committee stage of this Bill. I wish to draw one matter to the Minister's attention; that is, that in his second reading speech, he failed to address the specifics of how he would deal with the issue of subsidising private operators. The Minister may recall that I raised this issue with him during the sittings of the Estimates Committee on 20 October 1993. At page 273 of the Estimates Committee *Hansard* of 20 October 1993, I asked the Minister -

Is it Transperth's intention to subsidise any routes which may be privatised? If so, what criteria will be used in determining the subsidy?

My concern is that at this late stage in the legislative process and in determining whether we should proceed further with this Bill which amounts to a blueprint for privatisation - I note not necessarily, but clearly that is the substantive intent - the issue I raised in the Estimates Committee - a crucial issue for determining whether this Bill should be supported - has not yet been properly addressed. In responding immediately to what I raised, the Minister said at page 274 of *Hansard* -

The intention of the Government is to reduce the losses currently picked up by the taxpayers in this State.

The Minister has been consistent in referring to that intention. He went on to say - these

words are very appropriate in considering the future of this Bill when considering, if we get past the short title, how the Chamber will deal with the amendments provided by Hon John Halden -

It is not intended that every transport operation will run at a profit. The basic intention is that current services will be provided and that fares will be set. As a consequence of that, obviously all areas of the transport system cannot operate at a profit; that happens only in the odd place around the world. We plan to reduce the losses to and burdens on the taxpayer.

I thought it appropriate at that stage to press the point because I was very concerned about what the Minister had in mind for providing an efficient public service; namely, public transport. I asked the Minister -

Will the Minister explain in greater detail the criteria to be used in determining subsidies for future private operators?

He responded -

I mentioned earlier that Tony Middleton has a new responsibility of establishing procedures which will determine how this change will happen. I emphasise that changes have been made in other States in Australia, but we are not following those operations. We are following our own proposal, the implementation of which will be planned over the next six months.

Somewhat more than six months has passed since then. The Minister went on to say -

We will then be able to report specifically how it will be done.

I regret to say that that has not yet transpired. More than six months has past and the Minister or "we" have not reported specifically on how this subsidy will be done. The Minister said further -

We have an open mind on changes and their implementation, but as a starting point we will set out to reduce that loss.

At that stage in the proceedings of the Estimates Committee, the chairman said -

That question is on notice.

In the *Hansard* providing the supplementary information to the Estimates Committee - that is, the *Hansard* for the period 29 September 1993 to 20 October 1993 at page 367 - reference is made to the question that was placed on notice by the chairperson of the Estimates Committee. It was included in these terms by *Hansard* in its usual professional manner -

Will the Minister explain in greater detail the criteria to be used in determining subsidies for future private operators?

Then followed a longish paragraph. I wish to make a number of points here and so do not propose to read out all of the paragraph. I wish to read part of it because it involves what I consider to be crucial to the consideration of this Bill in the Committee stage. The Minister here foreshadows what is in the Bill, but fails to be specific in the area about which I am now very concerned. He said -

The Department of Transport will take over Transperth's current suburban rail role. These changes are expected to occur over a three year period commencing in 1993-94. The allocation of public transport services to the corporatised Transperth or future private operators will be subject to a competitive tendering process.

This is where the Minister gets very serious, and I think properly so. He said -

Although most public transport services will continue to operate at a loss -

It is not an issue which the Minister has addressed to date in his consideration of this Bill. It has not been addressed in a manner satisfactory to the Chamber which would enable us wholeheartedly or in any reasonable way to support the Bill at this stage. The Minister went on to say -

- the introduction of private sector competition through competitive tendering is expected to significantly reduce the cost of public transport to government.

That is the Government's view and, as Hon John Halden said, in a sense the Government has a mandate for it. I do not think it is the appropriate policy regime for Western Australia, but that is the Government's view. However, the Government has not got to the kernel of the problem of public transport. That is a matter which I will discuss in more detail later in this Committee stage. The Minister went on to say -

With the appointment of Tony Middleton to the position of Executive Director Metropolitan Transport only recently being made, work on planning the implementation of these changes is at a very early stage and specific details of how public transport contracts will be specified or let are yet to be determined.

Hon J.A. SCOTT: I too am pleased that we have a Bill which puts all our transport modes under one umbrella, as are Hon Kim Chance and the Opposition. I can now say the crossbenches are fully in agreement with that proposition. I foreshadow that I will move an amendment to the clause relating to the functions of the Minister. It is a small insertion which will pick up a few areas that may have been missed in the Minister's functions, and which should be highlighted.

Hon N.D. GRIFFITHS: I wish to raise some other matters which were not dealt with when the policy of the Bill was decided, and they are rather crucial in respect of how the Committee will deal with the amendments foreshadowed by Hon John Halden and, dare I say it, Hon Jim Scott. In dealing with public transport, this perennial loss making body by some measures of accounting, it is important to note that the Minister is on record as being in favour of public transport being championed. He is in favour of promoting public transport's benefits and influencing the behaviour of the public in using public transport.

I say the Minister is on record as holding that view by reference to his second reading speech, wherein he refers to one of the dimensions of the three dimensional role of a public transport coordination unit within the Department of Transport. He mentions it in glowing terms, which I see as him endorsing that role. He should be congratulated for endorsing that crucial role of public transport. However, I am very concerned that the Bill as it stands is not capable of enhancing that aspect of championing public transport by promoting its benefits and influencing patrons.

Last week the Treasurer introduced the Budget in another place while in this place the Minister for Finance tabled and explained the Budget papers. The Budget has been criticised by members of Parliament and other people in the media for being short on detail. The detail the subject of that criticism is the detail that is ordinarily found in the Program Statements. I very much regret that I cannot refer to the 1994-95 Program Statements as they have yet to be provided. Instead, I must refer to the Program Statements for the 1993-94 financial year, the financial year we are currently in; the Program Statements not for the Budget brought down last week but for that of the current, one-term only, Court-Cowan Government. At page 333 of Budget paper No 3, volume 1 of the Program Statements for 1993-94, under the heading "Minister for Transport - Metropolitan (Perth) Passenger Transport Trust" a number of comments are made about the role of the MTT, as I have known it for many years. The Program Statements of 1993-94 set out the Metropolitan (Perth) Passenger Transport Trust's mission statement, yet the Bill before the Chair does not appear to guarantee a fulfilling of those proper purposes. These purposes have much to do with the role of public transport. Perhaps I am being a little harsh, but the Program Statements for 1994-95 are not available and it is appropriate that I raise these matters. The statement reads -

The agency's mission is working to secure recognition as one of the world's great public transport systems . . .

We often hear about international best practice. Given Perth's nature and lack of population density compared with other cities, I am not sure we can achieve so-called international best practice. However, it is appropriate to attempt to achieve that goal. It then lists ways in which the organisation would attempt to achieve that goal as follows -

Customers - always listening and responding to the mobility needs of the people of Perth.

Quality - recognising that our passengers have the right to expect and receive quality service every time.

The Bill before the Chair appears to be a long way from achieving these important objectives. It continues -

Value - ensuring that our passengers and the general community receive maximum benefits for their contribution.

People - recognising that our people are the critical factor in achieving success. Developing and maintaining a highly motivated team of appropriately skilled people, dedicated to excellence in service. Treating passengers, the general community and each other with friendliness, courtesy and dignity.

Those words are very important in identifying the appropriate task properly set by Transperth, and the measure under consideration does not deal with that in any way. The list continues -

Style - understanding that the responsibility to achieve this mission is ours and will best be achieved by our being visionary, innovative and competitive in our business style.

The Minister could argue that the Bill under consideration can achieve those goals, but it does not seem to guarantee that in any meaningful way. This matter should be appropriately dealt with because public transport is fundamental to the standard of living of most Western Australians.

I regret that many Western Australians do not have the same access to public transport as that available to most people in the metropolitan area, and we should do all we can to provide that access to those in isolated areas. Members who represent the isolated areas - namely, those in the Agricultural and Mining and Pastoral Regions - would be concerned about this, as is the Australian Labor Party, yet I can see no reference in the Bill specifically to compensate people in a meaningful way for their isolation. That is a great disappointment.

Hon Kim Chance referred to this measure during the second reading debate as a WA Inc-type Bill. However, as we are discussing the short title, it may be appropriate to refer to this Bill as "The WA Transport Inc Bill". The Bill contains many references to a particular beast, and I do not use that word in a derogatory sense. The beast to which I refer is the office of Minister. The Bill refers to the Minister on many occasions regarding what can, should and may be done on certain matters.

It is important to note that part 2 of the Bill deals with, among other things, the Transport Co-ordination Act 1966. In the short title it is proposed that we deal with this general point of "the Minister". When the Committee looks at what is involved in the Bill, as it goes into it clause by clause, it should bear in mind what "the Minister" means with respect to the particular measures proposed. I regret that it seems the Minister handling the Bill in this Chamber has not addressed himself to what is an important point, to the ramifications of what "the Minister" means in the context of the Transport Co-ordination Act. Section 7(1) of the principal Act under the heading "Minister a body corporate" leads into the relevance of my comment on the "WA Transport Inc Bill". It is not just a Minister of the Crown per se, it is a Minister with a particular role, a particular set of powers as defined by the Transport Co-ordination Act. For the Committee to understand the ramifications of the Bill it is important that I read out in its entirety section 7 of the Transport Co-ordination Act. It states -

7. (1) The Minister administering this Act shall for the purposes of this Act be a body corporate and shall be known by such designation as is conferred on him by the Governor under the Constitution Acts Amendment Act 1899 and -

(a) shall have a seal; and

- (b) is capable of acquiring, holding, giving security over and disposing of real and personal property and of suing and being sued in his corporate name.

This leads into the WA Transport Inc regime which we suspect this Minister is setting up. We will deal with the question of slush funds if we get past the short title, and as we progress through the clauses. Section 7(2) continues -

All courts and judges and persons acting judicially shall take judicial notice of the seal of the Minister affixed to any document and shall presume that it was duly affixed.

It reads like a 1966 measure.

[The member's time expired.]

Hon N.D. GRIFFITHS: I will continue to deal with this Act because if I do not members will not understand the WA Transport Inc ramifications of this measure which will be foisted on the Western Australian community by the ideological zeal the Government has shown over the past year or so. Subsection (3) states -

An alteration of the designation of the Minister does not affect the corporate identity of the Minister and by force of this section the corporate identity of the Minister is continued under such designation as applies to him from time to time.

I find most interesting, when we are dealing with this beast - and again, I am not referring to the Minister for Transport in a personal sense, but the beast of the Minister, the body corporate, the WA transport Inc beast - that section 7A of the Transport Co-ordination Act refers to a number of roles that the beast may play. I am very concerned that, given the Bill as it is now, the activities may turn out to be very beastly indeed. I am sure that thinking members in the Chamber will agree with me, unless they find they are wearing their ideological blinkers. Section 7A of the Act states -

(1) Subject to this Act the Minister may-

- (a) become a member of or shareholder in;
- (b) contribute funds to,
any body whether incorporated or not (in this section referred to as "the body")
which
- (c) has its principal office within the Commonwealth; and
- (d) has among its principal objects the carrying out of research, investigations, inquiries or studies into the improvement of transport or transport safety, or both, within the Commonwealth.

Let us face it, that is innocuous enough, but we must bear in mind the nature of the beast that I am describing. Subsection (2) states -

The Minister may be represented on the body by the Minister himself or by any officer of the Department authorized in that behalf in writing by the Minister.

(3) The Minister may -

- (a) take part in any activities of the body;
- (b) carry out any function, investigation and research for or on behalf of the body either alone or in association with any other person appointed by the body.

At face value, what I have just been reading out is noble, but I am concerned about the context of the deficiencies which to a substantial extent would be remedied if the amendments proposed by Hon John Halden were carried. I am concerned about paragraph (c) and its potential for abuse. I am not suggesting for one moment that this Minister would do that advertently, but there is something to be said about the pathways to hell, and certainly that is something that can occur when one sees public policy as administered by different political regimes over the years. I say with respect that even noble people make mistakes - in this case I am not referring to the Minister, although I

am concerned with the Minister, but not unduly because I know he means well. I am concerned with paragraph (c), which is, "Contribute to the cost of any activity carried on by the body or by any person on its behalf."

The overall deficiencies of the Bill can be summarised by reference to four areas of policy. Firstly, its treatment of public money in terms of accountability. Secondly, how it relates to the components of the process involved in dealing with commercial matters raised in the Bill; questions of fairness, such as whether the Bill properly addresses issues of fairness between tenderers. When one considers fairness it is a matter of looking at not only what is fair but also what is perceived to be fair. We want our public transport system to be very good. If it is to be privatised, let us get it right and have everybody satisfied that no rorts have been undertaken and that we do not have a WA Transport Inc. Thirdly, the next area of public policy - this is the most important area when one deals with questions of public transport - is a realistic guarantee of servicing the needs of public transport. That is not addressed in the provisions of the Bill. It may turn out that way, but it may not. That is just not good enough. Fourthly, we must revisit the point raised by the Minister in his second reading speech which he endorsed; namely, being the champion of public transport and promoting its benefits and influencing behaviour.

When we deal with public transport, sometimes Ministers - of various political colours - think there is some form of conflict between the provision of roads and the provision of public transport. Quite often that is the case; but it need not be. I regret that so far in this session and in the first session of this Parliament we have heard the Minister on a number of occasions in this Chamber espousing the cause of road building. When he has done that he has given the impression that he was denigrating public transport. That gives rise to a very real concern that he falls far short of being what he should be; namely, the champion of public transport in Western Australia. This Minister should be, in here and also - I hate using this phrase - out there, promoting the benefits of public transport. In doing so, he should be seeking to influence people's behaviour so that they will use public transport more. I note in that context that recent policy measures of the Government for the raising of fares have brought about a counterproductive effect. We should note that public transport will always run at a loss, save for the odd occasion. Unless the matters I have raised are dealt with adequately, the short title of the Bill should be defeated.

Hon E.J. CHARLTON: I am glad that Hon Nick Griffiths has an obsession about WA Inc. I hope he never forgets it.

Several members interjected.

The CHAIRMAN: Order!

Hon E.J. CHARLTON: The points raised by the Leader of the Opposition regarding the process and the implementation of the recommendations made in the Government Agencies Committee's report about how such government enterprises should be administered is a worthy application. It is an appropriate time to mention the contents of that report. It would be tremendously important if the Parliament could have the opportunity to debate that report properly and analyse it in the form in which it has been handed down and tabled in this place so that we could get a proper perspective of what is intended and how it fits into government operations and parliamentary procedure in connection with the legislation that has been brought before the Parliament. I look forward to that debate taking place at the earliest opportunity.

There is a fundamental difference between how we perceive that report and how the Opposition perceives it. The important factor is that, since the second reading debate and since the Opposition has moved its amendments, we have treated the recommendations very seriously. We have looked at them with the drafting people, with those with the responsibility to administer the legislation, with those who have the responsibility to administer the public transport system and those with the responsibility of going into this process of calling tenders and inviting the public sector to participate in that process. The basic point on which we probably need to agree to disagree is that with this Bill the Opposition, in its promotion of the Government Agencies Committee's report, is talking

about a policy while we are talking about the ground rules for a commercial contract, a commercial operation, using government money to ensure an effective public transport system in Western Australia, whether it is carried out by the government railways, by a government or private ferry operator or by a private or government sponsored bus operation. Currently it is totally a government operation.

As a Parliament we have the opportunity each year to see how much of the state's funds have been directed towards providing that public transport service. In this case the fundamental change that we are making is to rearrange what is in the three Acts, to provide an opportunity for the Department of Transport to coordinate matters so that whatever funds are required to be made available, as is the case now to Transperth, and as has been shown in the Budget documents in past years - that will not be shown in the Transperth budget this year because the funds have been transferred to the Department of Transport -

Hon John Halden: The Department of Transport has a role to coordinate the transfer of functions.

Hon E.J. CHARLTON: I am saying the Department of Transport will receive the funds from the consolidated fund and will have the responsibility of administering those funds as does Transperth as coordinator of the public transport system in the metropolitan area. Transperth pays for the operations of the ferries, the buses and rail. That will be transferred over to the Department of Transport under these amendments. The difference will be that, if any private operators are successful in the tender process, they will have the authority and the responsibility, through me, as Minister under the provisions in the Bill, to ensure provision of that public transport system. If they require funds from the Government, they will be directed to them under a contractual arrangement.

Hon John Halden indicated that the recommendations of the report of the Standing Committee on Government Agencies should be incorporated in this Bill. I respect what he is saying and agree that it is not a philosophical position; it is an accounting policy. However, we are not talking about a policy, we are talking about a set of procedures to allow the Department of Transport to manage a commercial operation. We want to ensure that that commercial operation will be done, not only in a businesslike way but also in an accountable way to the people of Western Australia, through the Parliament. On an annual basis the allocation of funds will be made available to the Department of Transport as they are now to the different bodies to provide for that public transport system. That amount of funds will be a calculated, projected amount that is budgeted for. If, during the year there is an upturn or downturn in patronage or a requirement to put on more services or to extend the metropolitan area as defined in this Bill, it will cost more, and the consolidated fund must make more funds available to carry out that responsibility.

Successive governments have decided that they will provide a public transport service which they deemed to be necessary from time to time for the people of the Perth metropolitan area as defined in this Bill. That service is provided so that people can travel from one part of the metropolitan area to another and to assist children going to school, and so that we can ensure that we maximise a particular type of system rather than people riding their bikes, driving their cars or using whatever other method they would have to use if no public transport system were provided. It is a socially accepted method of moving people around in high density areas.

Obviously, many people around the state would like a similar system. However, that cannot be implemented because it would be too costly. Nobody is suggesting we should have the same system in every other part of the state. Nonetheless, it exists in Bunbury, Kalgoorlie, Albany and a number of other places. The very important point is that in some cases, they are private operators and the government subsidises those operations. In that scenario, the Minister is the person responsible for providing the funds to them. They are not disclosed as part of some tendering system, but in the case of Bunbury, as members know, the amount is reviewed and agreed on as part of the total allocation of the Department of Transport. Some air transport services in the state are subsidised and

are not subject to tender, but are negotiated. That again, is provided by the allocation of funds from the consolidated fund through the Department of Transport.

Hon John Halden: I am not quite sure what you are trying to say.

Hon E.J. CHARLTON: We will deal with the amendments more specifically shortly. However, I am referring to the determination by the Leader of the Opposition to use the report of the Standing Committee on Government Agencies as an overall philosophy and policy implementation regarding this legislation. The Government differs from the point put across - it is a debatable point - and is of the opinion that it is a policy objective, an overview and a parameter in which a body should operate. It is not appropriate to apply it to a totally commercial operation. That is why Hon John Halden has correctly stated there are not specifics in this Bill covering a range of policy objectives. This Bill is not about policy; it is about provisions for tendering for certain public transport services on the one hand, and about how we will negotiate for the railways operation to carry out its responsibilities on the other hand.

Hon Nick Griffiths talked about privatisation and obviously believes very strongly that this legislation provides opportunities to deal with private operators. This is not about privatisation. We have gone out of our way to ensure that we advised everybody that this is not about privatising the public transport system of Western Australia. This Bill will allow competition into the system. We have a quality system - quality buses, trains and ferries - and we want to maintain, or improve, that quality. We want to encourage more people to use the public transport system. That will not be done only by providing quality transportation vehicles in operation, but by parking policy; the provision of other modes of transport interacting with this operation; ensuring security for people who park their cars; and encouraging people to carry their bikes on the train, for example. A range of things must be done in this state which have not been done before if we are to get more people using the public transport system. A massive increase would not occur in the use of public transport even if people were given the option not to pay fares. It would make some difference, but not a great deal.

That has been confirmed in this state over recent years. This state's public transport fares were way below the national average. That had no bearing as the years went on, as our fees got further out of kilter with the other states. While that continued the cost to the rest of the people in the state - those who did and those who did not use it - of providing that extra funding increased. The Government wants to maintain and improve the quality of the public transport system and attract more people to it at less cost to the people of this state. It is the role of the Department of Transport, the MTT and Westrail to provide that operation.

Hon Nick Griffiths said that he did not think international best practice was something in which the Government should get caught up.

Hon N.D. Griffiths: I didn't say that; you are misquoting me.

Hon E.J. CHARLTON: This state will be involved in international best practice. The Government will go all out to try to encourage the best operation possible. I met today people who are involved in the live sheep industry out of Western Australia. They said that things were going pretty well in that area. When one asks the stevedores why they stop loading three times a day for a long period when it means they will load less, the union people, the operators, say that they are happy to operate 12 hours a day continuously. Why do we not do these things if they are being done in other countries? That is one example relating to international best practice. We need to be as good as or better than everybody else. Why should we accept being half or three-quarters as good? It is not wrong to try to be the best. A range of public transport systems around the world are trying to make changes towards international best practice for obvious reasons - to get their costs down and their service up, and to attract more people.

The Government will carry out the commercial operations in a simple, uncomplicated manner. Last year Hon Nick Griffiths mentioned in the Budget Estimates Committee that the Government was not being specific - I still am not being specific - about how this

would operate. As announced in the second reading speech, it is intended that the procedure - which is subject to change as time goes by - will be that tenders are called for various areas of the metropolitan region. The number of buses required to service that area will be identified.

Hon John Halden: As a minimum?

Hon E.J. CHARLTON: Yes. The routes that need to be used will be identified as a minimum. The fares that will be set as a maximum will be identified. The tenderer - whether the MTT or a private operator - will tender to provide that service in that region. When those tenders come forward for, say, a 10 bus contract, the average age and a maximum age of the buses will be stated, and the integration of the ticketing system and the section of the metropolitan area in which they will operate will be specified. They will be told what the current patronage is in that area and they will tender accordingly. They will then be paid by the Government for whatever the tendered price is. When it is costing around \$100m to operate the bus service in the metropolitan area, the Government does not expect anyone to pay for the privilege of running the transport service and keeping the fares. Depending on the sections in the metropolitan area, a variable amount will be tendered to carry out this operation, which the operators will put forward for the Government to pay. The operators will be required to maintain specific service levels on the types of buses involved. However, they will also have the flexibility to negotiate with other people for certain times of the day to provide some additional aspect to that service.

I am happy to answer any questions on this matter and to be specific about all of those areas. I have been prepared to respond directly on all of those aspects over a long period. I thought everybody would understand that that is what the Government intended. It is not intending to do the whole metropolitan area forthwith nor even in a couple of years. It will be carried out in small lots because it has not been done this way before. The Government wants to ensure when tenders are called the people who tender will know for what they are tendering and that there are no anomalies in the system. Any fine tuning necessary will be done as we go along. As Hon John Halden said, we are breaking new ground. We are not copying anyone else. We have looked at a range of other operations in Australia, New Zealand, and other parts of the world, and we believe Perth is different. We will not try to implement a system in Perth that may be working all right somewhere else, in the hope that it may work here.

After much research and a lot of time spent in considering the way in which this system will be implemented, the Government is confident - it would not be doing it otherwise - that we will get equal or better service at a lesser cost for Western Australia. The Government will be able to use the money it saves in a number of ways, which will need to be decided in the future. We may be able to attract more people onto the public transport system by a range of the other matters I mentioned previously.

Hon John Halden introduced a Bill with which I agree about Perth parking. I advised him at the time that I supported the concepts contained in that Bill. We are working through that now and are close to a final agreement about the great benefits of that. Times have changed, and what was successfully in place 20 years ago has outgrown its usefulness.

The fares will be fixed by the Government in the same way as they have been in recent years. An operator can charge less if he wants to, but he certainly will not be able to charge more. He will be required to comply with a minimum operational standard which will be applicable to the defined routes, but there will be some flexibility available to him. For example, if he wants to provide an extra service in a given area, the Government will encourage him to do that.

Under the existing relevant Acts the Minister is responsible; therefore, he or she is accountable. Under this Bill the responsibility is given to the Minister and he must be accountable. On the one hand he cannot be made responsible and then, on the other hand, have his accountability taken away.

Hon John Halden: I do not understand what you mean by taking away your accountability.

Hon E.J. CHARLTON: I will come to that in debate on further amendments. However, it is the reason that this Bill has been drafted in this manner.

I encourage members to concentrate on the fact that this piece of legislation contains a number of amendments to three Acts to enable the Government to change the operational and management procedures of this state's public transport system. It will not give additional power to anyone, nor will it take away any scrutiny from the Parliament and place it in the hands of the Minister. The Bill will provide for competition within the transport system and by doing that the cost burden placed on the people of Western Australia will be reduced. Private operators may be involved and they will be subjected to the Financial Administration and Audit Act and the other accountable procedures under which the existing agency is required to operate.

Hon TOM STEPHENS: I have been talking with my colleague, Hon Kim Chance, and we are both conscious that we, together with other members of the Standing Committee on Government Agencies, are the beneficiaries from deliberations on the question of policy and policy making. The committee wrestled with this question and it appreciates that the Minister is disadvantaged because he has not had the benefit of those weekly discussions on policy making which were rather like tutorials. In the end we came up with a report which forms part of the thirty-sixth report of the Government Agencies Committee. It does not surprise me that the Minister's view on policy making is not in line with the processes the committee went through. Page 16 of that report deals with agency operations and it considers the question of policy and decision making. Members recognised that agencies under the control of a Minister do from time to time enter into agreements which are inevitably the result of the perpetration of a policy decision.

My following comments will be familiar to Hon Murray Criddle, Hon Norman Moore and you, Mr Chairman. The definition of "policy" is rules of general or indifferent application. In adopting that definition the committee understood where it was heading with regard to policy making for and by agencies. Irrespective of the process the Minister or the Government chooses to adopt - for example, setting up an opportunity as this Bill does for agreements to be reached with private contractors to conduct transport operations or to enter into the tendering process to allow people to call for and submit tenders - having reached the point where an agreement has been arrived at between the agency, the Minister, the Government and another party, it is certainly a policy matter. That agreement will impact upon ordinary Western Australians in such a way that will govern the provision of services for people of this state.

Hon E.J. Charlton: That is the responsibility of the Minister and that is what applies now.

Hon TOM STEPHENS: Indeed, but what the Government has done in establishing an agency like this -

Hon E.J. Charlton: The agency already exists.

Hon TOM STEPHENS: I accept that, but in setting up an agency which has a relationship with the Minister -

Hon E.J. Charlton: As it does now.

Hon TOM STEPHENS: Yes, and the Minister talks about a clearing house -

Hon E.J. Charlton: As it is now.

Hon TOM STEPHENS: The difference between the agency as it is now and as it will be in the future is that we are the beneficiaries of evolving thought processes of what should be the template to structure the operation of that relationship. The committee arrived at the view which it put to this place; that is, when it comes to a proposal to make policy like that proposed in this Bill - an agreement between the Government and an operator - it is important that the community and the interested parties, as defined by the proposed amendment, should have the opportunity of knowing that the policy is being considered.

Hon E.J. Charlton: That is a wonderful philosophical belief of accountability.

Hon TOM STEPHENS: Not philosophical, practical.

Hon E.J. Charlton: Totally impracticable. What the member has forgotten while he has been dreaming away about this - and I am not being critical of him - is that we are talking about a commercial business. People will not do this because they want to provide a bus service for the people of Perth. Like bus drivers today they want to make a living. The member wants to ensure that there will be no competitiveness at all because no-one would be tendering.

Hon TOM STEPHENS: Yes and no. The Minister has already heard that we object to his proposals.

Hon E.J. Charlton: I accept that.

Hon TOM STEPHENS: We have accepted that we differ. However, now that the Government will press on with its proposals, let them be in such a form as to fit in with the template the Government Agencies Committee has proposed to the Parliament and the Government of Western Australia as a result of its deliberations. All of that effort was not simply for young men like me and older men, like other members of the committee, to have dreams. It was to come up with a practical application. It was a real effort to focus on practical ways of changing the process for the operation of government agencies in Western Australia. This is our first chance, having recognised that an agreement such as that which is countenanced in this legislation is subject to the rule making process envisaged by that committee report. It recognises that at a point prior to which the agreement is entered into, an opportunity should be provided for the community and interested parties to have their say. What better way of doing that than by agreeing to the amendments proposed by the Leader of the Opposition? If I have made the explanations too complex, perhaps Hon Kim Chance will add to them. I have endeavoured to take the Minister through the process.

Hon E.J. Charlton: I have no problem understanding what you said.

Hon TOM STEPHENS: In the Minister's earlier response he said it was not about policy making.

Hon E.J. Charlton: It is not.

Hon TOM STEPHENS: It is. That is what I am saying.

Hon E.J. Charlton: If we want legislation to develop a policy and have that enshrined in it, that is fine. However, we are now talking about commercial, hard-nosed agreements.

Hon TOM STEPHENS: Nothing could be a clearer example of policy.

Hon KIM CHANCE: I simply want to spell out the way in which the Opposition sees the situation in the simplest terms I can, because I must understand things simply before I can impart them. I do so at this stage because of the concentration the Minister has had - and the Leader of the House by interjection much earlier - in trying to draw a definition between policy and an administrative function. I want the Minister to understand where the Opposition is coming from in stating that we are dealing with policy in this agreement.

It was thoroughly established by Hon Nick Griffiths that the Minister is a body corporate, and it is contained in the legislation. By the definition encompassed in the draft Bill, there is no doubt that the department administered by the Minister is an agency. I do not think there is any dispute about that. It is made clear by the definition in clause 3 of the draft Bill that we are talking about a state agency. One of the functions of the agency is to negotiate or allocate, as a result of tender with the private corporations, a service provided by the private sector, which is a contract that leads to an agreement. I do not think we disagree on anything so far. An agreement has been reached as an outcome of a commercial process, either by negotiation or tender. The Opposition's view is that the outcome of that agreement is policy, and I believe the Minister is saying that the outcome of the agreement is not policy.

Hon E.J. Charlton: The policy is the vehicle by which you got there and the rest is a commercial agreement.

Hon KIM CHANCE: The Opposition will argue that policy is formed at various levels; it is not simply formed at the ministerial level. In circumstances where the Government might negotiate a joint venture agreement or some other kind of agreement, it occurs at various levels.

Hon E.J. Charlton: Policy can be about the type of service provided.

Hon KIM CHANCE: Indeed, if that is part of the agreement, it is precisely our point.

Hon E.J. Charlton: That can be changed from time to time.

Hon KIM CHANCE: Yes, it can be. The outcome of the agreement is policy because when finally agreement is reached, expressed in that agreement are all those community service obligations which are a result of the intention created by the policy at the top level. That must be expressed in one way or another. Therefore, it is possible to form an agreement which does or does not satisfactorily express the obligations the community is looking for in community service obligations. That is why we must have the public submission stage. That is all the Opposition seeks. It is not saying that because policy is formed at that level, there must be that stage.

Hon N.F. MOORE: I did not intend to become involved in this debate until I heard the glowing comments of Hon Tom Stephens about the membership of the Standing Committee on Government Agencies, and for the first time in a long time I find myself in agreement with him.

Hon Kim Chance: That is a worry.

Hon N.F. MOORE: It worries me, too, and I had to think long and hard about whether I would admit to it! Members will be aware that the Standing Committee on Government Agencies, largely at my instigation, undertook a major inquiry into the role, establishment and scrutiny of government agencies in Western Australia. It was a very long and laborious task undertaken by the committee, which eventually made a report. That report is quite radical and contains many ideas which are quite unusual for the type of jurisdiction we have in Western Australia. Those ideas need to be considered and assessed by government and, if there is sufficient community support for the ideas expressed in the report, I hope governments - of whatever persuasion - will adopt those ideas.

For some reason the Opposition has grabbed that report and converted it into a holy doctrine. I want to make the point clearly that the Government Agencies Committee had reached the stage of releasing its report and a draft Bill for public consultation, through a series of seminars, to assess public support or otherwise for the ideas in the report. For the Opposition to suggest that Hon Eric Charlton should adopt the recommendations of the report virtually sight unseen, because the report has only just been released, is asking too much.

Hon Kim Chance: It is a legitimate, debatable point.

Hon N.F. MOORE: Yes, but sitting here all night arguing that the Government should adopt certain aspects of the Government Agencies Committee report at this time, is asking too much. I was happy for this process to take as long as necessary, and I am happy that the next stage of the process - although I am not involved because I am not now a member of that committee - will seek community input to the findings of the report. They are significant and radical changes to the way in which we carry out public administration in Western Australia. Because I have my name on the report, I think those ideas are well worth putting to the community; but to expect that a week or two after it comes to this place in that stage of its final determination, the Minister for Transport should accept amendments to a Bill based on the report, is premature. It may be that the only people who agree with the report are members of the committee. It may be roundly rejected by the Opposition when it has a chance to consider the detail. It may be rejected by the Government and the community when they have an opportunity to look at the detail, because they do not accept those changes.

The point is that it is unfair and premature to expect the Minister for Transport to accept the recommendations of that report at this time. If it happens, in due course, that the Government accepts the state agencies Bill as being legislation that should be implemented, it will automatically happen that current agencies will come under the jurisdiction of that legislation, and the issues raised tonight will begin to apply to government agencies in Western Australia. So, for the sake of the time of this place and this debate, I suggest to Opposition members that they are premature in expecting these changes to be made now. They should allow the process of consultation to continue in respect of the government agencies report, knowing full well that at the end of the day, in the event the report is accepted by the Government, the overarching state agencies Act - as it would become - would apply to all agencies in Western Australia including those we are talking about in this debate.

For the sake of the argument, and for the sake of trying to explain where I stand on this matter, the ultimate decision about whether the Government Agencies Committee recommendations should be accepted, has not been made. When we reach that stage I will stand up and defend it.

Hon JOHN HALDEN: I do not object to the Minister for Education's comments, but I must put the debate into some context. The Opposition has proposed two significant amendments based on the proposed state agencies Bill contained in the thirty-sixth report of the Government Agencies Committee. The amendments are to do with ministerial directives and the issue of hearings in regard to contracts and negotiations. A request for clarity in relation to ministerial directives is not unreasonable. It is not unfair or premature. Members should not be blocked by their conservatism or unfamiliarity with something new, when considering these matters. These proposed amendments are not outrageous. Some, if not all, of these requirements already exist in current legislation. The amendment contains the words "A direction given under subsection (2) shall be in writing and is incapable of (a) authorizing anything unlawful; (b) suspending the application to the Government Railways Commission of any written law; (c) enabling the Government Railways Commission to do that which it may resolve to do of its own motion without the direction; (d) conferring additional functions on, or rescinding existing functions possessed by, the Government Railways Commission." The amendment is not unfair or premature. It is not an unwarranted request.

The other amendment relates to public hearings. I made a lengthy contribution on this point during the second reading debate. I spoke about negotiations and tendering. I said that I thought the Minister should not be able to negotiate without tenders applying. The Minister can act either way. However, the terms of the contract - whether negotiated or tendered - should be subject to public comment. Even then, if no interested party wishes to comment, or if the Minister does not want to have a public inquiry, he does not need to have one. We are not making onerous demands either on the Minister or the Government. They are the only two issues addressed in the thirty-sixth report of the Government Agencies Committee that we want to consider. This is a debate of significant public interest. We ask the Government to consider our two straightforward amendments. Members who travelled overseas with the Government Agencies Committee some time ago, will appreciate the implications of these amendments. The amendments will allow the Government to be informed by the community in a better way; it will allow the community to be informed, and to express its views to the Minister. The amendments do not relate to policy matters; they are procedural matters. We do not suggest that the Minister contract out - to use his words. Any policy decision should include two additional factors; first, a clear definition of what a ministerial direction can be and, second, with new services, provision for hearings and the associated issues relating to witnesses, and so on. We do not wish to include anything that is unwarranted or unfair. Our suggestions are not premature. The Minister has suggested that this is a commercial operation and, in some way, it should not be subject to these two provisions. The Minister may have been referring to the proposed state agencies Bill, but this Bill is very clear about its purpose.

Paragraph 3(a) refers to the Government or a Minister of the Crown, for the purposes of

developing, implementing or administering any program or policy with a public purpose, etc. This matter is encompassed in that paragraph. Even more so, it defines an operational agency. It states that it is an agency whose sole or principal function is to carry on any business or commercial activity. The report focused on commercial activity.

Hon N.F. Moore: Of government agencies.

Hon JOHN HALDEN: This is a government agency. I am glad Hon Norman Moore raised that because it is a problem for the Minister for Transport. Section 7 of the Transport Co-ordination Act is not amended by this Bill. It is headed "Minister a body corporate". It is an agency and, as such, comes within the provisions of the report.

Hon N.F. Moore: It is not the provisions of an Act; it is a draft Bill which is not necessarily being accepted.

Hon JOHN HALDEN: I know that.

Hon Kim Chance: The Minister is a body corporate as part of the substantive Act.

Hon N.F. Moore: I understand what you are saying.

Hon JOHN HALDEN: We are not suggesting that the Government accepts the totality of everything in the report. I have attempted to go to one particularly noncontroversial point - ministerial discretion - and to say that we should add in some reasonable terms of reference. I cannot see why that is a problem. Because the Minister is an agency, because under the definition in a proposed Bill an agency can have corporate responsibilities and obligations, we can take the part which refers to public hearings - that is appropriate in terms of this community service that is proposed to be changed - and institute that bid. I am not suggesting in any way, shape or form that the Minister is bound by any outcome of that agency. I am not suggesting that the Minister cannot negotiate or go to tender, all I am suggesting is that there is a relationship between the Government and the community in this new area.

As the Minister for Transport has left the Chamber momentarily, I will address my comments to Hon Norman Moore. I am not posing a hurdle for the Government's policy here. All I am saying is that in terms of the sale by the Government of its ideological commitment to contracting out, we should provide some security for members of the community. They would be advised of the terms of any contract being entered into and could have a say about it. If they do not choose to ask to have a say, they do not have to be provided with that opportunity. That is the sum total of my request. It is not an outrageous request. In terms of the Government going into the brave new world - I do not mean this to be disrespectful - the Government should take the opportunity to see that this provision will assist it. I do not agree with what the Government is doing but this provision gives me some security in that at least the terms of the contract will be known to the public and members of the public can have a say. My position - I am a left winger in this place, as everybody knows - is that I am completely opposed to this concept.

Hon E.J. Charlton: Why?

Hon JOHN HALDEN: Let us not go into this. We do not have that much time allocated in this debate. All I am requesting as a safeguard in this process is that members of the public be told the terms of the contract and be able to have a public discussion about them, if it is required.

Hon Kim Chance: Which can have no effect.

Hon E.J. Charlton: On what?

Hon JOHN HALDEN: It can have no effect on the Minister's decision. It does not bind the Minister at all.

Hon Kim Chance: Community consultation can have no effect.

Hon JOHN HALDEN: Exactly. If I can be moved, in one of my rarer moments, to shift my position from being totally opposed to the concept to merely asking for the inclusion

of this provision, I am sure that an enormous sector of the community will say there is some comfort and security in an open process. All I am asking for is some openness in the process - nothing more. I am not asking to change decisions or policy direction. I do not think it is unfair, or premature, to put these two amendments on the Notice Paper.

Hon BARRY HOUSE: As the recently reinstated chairman of the Standing Committee on Government Agencies, it is appropriate that I leave the Chair of this Committee to make a few comments.

Hon Graham Edwards: The Minister is thrilled!

Hon BARRY HOUSE: I am delighted that the contents of the thirty-sixth report is being discussed in so much detail.

Hon Kim Chance: So is the Minister.

Hon BARRY HOUSE: I can see by the smile on the face of Hon Kim Chance that he, too, is delighted. As a member of the Standing Committee on Government Agencies for the past three years I am very proud of our report. Together with Hon Norman Moore, Hon George Cash, Hon John Halden, Hon Tom Stephens, Hon Kim Chance, Hon Doug Wenn and a few others, I put a lot of work into producing that report. As has already been mentioned, it is a report with very far-reaching proposals and is quite radical, most people would agree. Because I have been part of the construction of that report I am attracted to some of the amendments being put forward by the Leader of the Opposition. However, the status of the report must be acknowledged and explained to the Chamber before any amendment is accepted.

The report was tabled only about four weeks ago. It was presented to the President before the Parliament was prorogued and then merely tabled in the House when the Parliament resumed about three weeks ago. In that time the government agencies committee has not met even once to discuss the report subsequent to its tabling because of lack of quorums and a few other problems. We have not met to deliberate upon it.

Hon John Halden: You have deliberated on this report.

Hon BARRY HOUSE: Yes, but not as a follow-up.

Hon John Halden: What do you disagree with in it?

Hon BARRY HOUSE: The report puts forward a series of proposals about administrative review, about a blueprint for government agencies' establishment and operation in this state, and various other matters. It is not a report that we said was set in concrete; it is one that we will put to the Parliament, to the public and to the Government. That must be the first step. In our report we have invited submissions and I know that some submissions have already come in to our committee, although they have not been considered. One of the actions that we will probably take is to seek an audience with the Cabinet so we can explain the report to executive government. The Minister is already in receipt of a copy, but that was only a couple of weeks ago and I do not expect radical changes to have been made to legislation in that short time.

Hon John Halden: I put to you about ministerial directions that my amendment is not radical and is not in essence really any great part of that.

Hon E.J. Charlton: Let us get it specifically.

The DEPUTY CHAIRMAN: Order! Let us have Hon Barry House complete his comments.

Hon BARRY HOUSE: The report contains many proposals, and they are merely proposals at the moment. Some of us have a lot of sympathy with them and some of us have reservations about certain parts of them. I know that once the report is put to the various sections of government they will not agree with all parts of it. I can hear the squeals from some sections of the bureaucracy now about certain parts of the report. I am not sure what response will come back from the Government, from the bureaucrats or from the community at large. Our job as a committee is not yet done. We have produced a major piece of work but it is not yet finished. That point must be made. Therefore, I

am inclined to agree with members who have said that it is a bit premature to be accepting these amendments at this stage.

Hon Tom Stephens: You could place this in the Bill until you are ready.

Hon BARRY HOUSE: We do not know how long it will take for these submissions, how long it will take for the response to come back to the committee, and how long it will take for us to finalise our position. There may be some parts of the report on which we disagree. Therefore, I do not think it is valid for us to entertain that idea at this stage. It is a very important debate tonight, because I hope from here the Government will take on board what is in the thirty-sixth report, analyse it very thoroughly and respond in a very constructive way. I am very keen to receive the response from government. Nevertheless, I am satisfied the Government has a mandate to enact this legislation now and get on with the job.

Hon Graham Edwards: It is really a report to Parliament.

Hon BARRY HOUSE: The member is right. Parliament has a duty to respond as well as the Government and the wider community. Therefore, I am happy to support the Government on this occasion. Let us give the Government a bit of credit too. One part of this legislation actually agrees with and puts into legislation part of our proposal that the operational and regulatory functions of agencies should be separated. We have seen from our work in the committee over the years that that is a very important direction and one with which we are all in agreement.

Hon John Halden: You just need to go another couple of steps.

Hon BARRY HOUSE: If we were to adopt these amendments now, it would be seen purely as experimental, because the proposals in the report are from the Government Agencies Committee, which consists of six members of this Parliament, and there is by no means universal acceptance of these proposals. I am hopeful that the great bulk of the report will be accepted by the Parliament and by the general community, but to adopt the amendments now would be seen as too experimental.

Hon John Halden: You have just said the Government has adopted one proposal.

Hon BARRY HOUSE: Yes, and I am pleased that the Government's thinking is in line with the committee's thinking on at least one aspect of the report.

Hon J.A. Scott: Isn't that an experimental amendment?

Hon BARRY HOUSE: I have made my position clear in the debate tonight because it is very important for the future of government agencies in this state and it may be seen as a bit of a watershed in future years. A lot more time must be allowed to the Government to take on board the recommendations of the report, and to insist that it adopt this amendment tonight would be seen as putting the cart before the horse.

Hon E.J. CHARLTON: I said when we started this debate that one thing I would like to see is the Parliament debate the report. I agree with everybody who has spoken who was part of that committee that this is no ordinary report but a report with far-reaching and beneficial consequences that should have a great bearing on future governments and on this Government. It is a tragedy that in all the time I have been in this place a great number of committee reports have never had their importance and credibility acknowledged, which they have deserved, by being debated in this place in a meaningful way. This is the best debate I have heard on any report, whether from the Government Agencies Committee or any other committee. There have never been any such debates to my knowledge. There has been a bit of sparring for political reasons but no talking about meaningful, accountable changes. I welcome that and I am pleased to have had the opportunity to listen to what has been said.

The problem I have with what has been said and with the intent of the amendments on the Notice Paper is that I have the responsibility of implementing changes to the present legislation to provide a public transport service in the Perth metropolitan area in a way that will attract commercial activity and competition into the system; that will provide the service that we want, and on which we will be judged, and will provide the commercial

competition by the prospective responses to the advertisements to go out calling for tenders. When I sat on the other side, as I did until 18 months ago, we often talked about the role and power of Ministers and we took every opportunity when we were in opposition to try to restrict the power of Ministers, to make them accountable and responsible and to ensure that the decisions made were made public and so forth. That should be the role of every opposition and it should be the role of every Minister and member of the Government to ensure that when they have been given the privilege to participate in the government of the state they carry out that responsibility in the best interests of the people of the state. We are all keen for very good reason to ensure that when we make decisions now we do not leave open any loopholes that could result in good, honest people's money being wasted to the benefit of a select few. Nobody agrees with that any more than I do.

What I was faced with as Minister for Transport was a very good and credible public transport service that was simply inefficient and cost the people of Western Australia far too much, particularly the people who never had an opportunity to take advantage of it. The Government wants to ensure that it can maintain a quality and more efficient service and therefore at less cost for the people of Western Australia. For that to happen, we have to attract individuals, and organisations - the people the New Zealanders call Ma and Pa Kettle - to put up their expertise and run their three or four buses or more in the case of larger bus operators. They should be encouraged to provide a service in a given area of Perth at a cost which will encourage others, perhaps the MTT, to provide a service at a cost that is no more than it takes to run it. In talking to people in the depots, I have not come across anybody, including drivers, maintenance people, or people in head office, who has not told me that they can provide a better service more efficiently. That is why I was overwhelmed with confidence that there were a number of options that would bring about those changes.

The points raised tonight about inserting into the Bill public participation in assessing those decisions -

Hon John Halden: It was only a comment.

Hon E.J. CHARLTON: Yes, but comments on decisions about the public having access to that information and ensuring that the Minister directs that the information be made public otherwise it will be void, will involve a risk without evidence of the consequences at this eleventh hour of the Bill's passage through the Chamber. That will affect the procedure of calling for tenders, as was identified in the second reading speech.

Hon Graham Edwards: When do you expect this legislation will go through the Assembly?

Hon E.J. CHARLTON: When we come back. We wanted to get it through this week. However, like all governments trying to get legislation through this Parliament, we did not organise ourselves and we will not be successful in achieving that. It would have been of great benefit to have the process in place for the new financial year because the funding structure is changing and therefore the MTT would have a full year to improve the accounting procedures.

As I said at the beginning, I was not involved in the Standing Committee on Government Agencies which developed amendments. However, having discussed them and having talked to tenderers around Australia and in New Zealand, many of these people would not tender if they believed their tender would be made public or that the rate would be made public. That would be enough to make them pull back and not become involved.

Hon John Halden: There is some difference about what we perceive would be public knowledge and what you are saying. We are not suggesting that the tender document be public knowledge. All we are suggesting is that what you propose as the route, the frequency and other bits and pieces become public knowledge. We are not suggesting that you breach commercial confidentiality.

Hon E.J. CHARLTON: That is public knowledge now and will be public knowledge in the new contracts.

Hon John Halden: It is difficult sometimes, Minister. You are still wrong.

Hon E.J. CHARLTON: About what?

Hon John Halden: The issue of specifications.

Hon E.J. CHARLTON: I accept that the views members have expressed have been expressed in good faith. However, since the amendments were put on the Notice Paper, we have decided they are capable of jeopardising the success of the legislation. We will not entertain them until such time as more evidence on their ramifications is known.

Hon N.F. MOORE: Clause 4 of the State Agencies Bill states -

After the commencement of this Act each agency must be created by Act or by regulation under section 5. Agencies in existence when this Act comes into operation that are not so created are deemed to have been created by or under, and are subject to, this Act.

Therefore, in the event that the world believes that that Bill should become an Act after all the public consultation we will go through and that clause becomes part of that Act, the proposed amendments will become law. Therefore, let us go through that process properly. What the Opposition is seeking to achieve tonight will be achieved in the proper fullness of time.

Hon JOHN HALDEN: I made a significant tactical mistake when I made the stupid assumption that, by suggesting what I believed were reasonable amendments, one about ministerial direction the other about public hearings, I would get support by referring to the findings in the Standing Committee on Government Agencies' report. To be honest, I do not care what it says. I was only using it in the hope that, in proffering these two reasonable amendments, people might see that there has already been some bipartisanship on the issue.

Hon A.J.G. MacTiernan: You are a very reasonable man, Mr Halden.

Hon JOHN HALDEN: It has been said before. I was going to say that the comments by the member for South West Region were a bit astray. However, as he changed his position, I will not be so harsh. The positions that I have put forward are only substantiated by what the Government Agencies Committee recommended, nothing more. I do not care whether the Government accepts its report. I hope it does. I want two additions to the legislation. I do not care about the standing committee's report - I throw it away. The Minister indicated that he did not want these amendments encumbering his operations under the amended Act. I am sorry, Minister, but we will have a discussion on this matter, and the amendments do not encumber in a way that is unreasonable. If the Minister wants to suggest that the amendments are unreasonable, my suspicion outlined during the second reading debate may have a little more weight than I originally thought. The proposed amendments are particularly reasonable.

Hon GRAHAM EDWARDS: I am not noted for agreeing with left-wingers but the Leader of the Opposition's argument has well and truly convinced me on this matter. I accept that this is the Minister's legislation, as he is not handling the legislation in an acting capacity. He should give some serious consideration to the Leader of the Opposition's proposition. I take it one step further: I understand the Minister's need to have his legislation passed, as he has worked on this legislation and he has a driving need to get the legislation down to the Legislative Assembly so that he can implement it. However, the Minister would not lose a great deal if he reported progress on the Bill and dealt with it when we return from the break. In fact, as the Leader of the Opposition indicated, the Minister would gain a fair amount directly from the proposal and the processes of this Committee would be enhanced.

The Minister said that we would be taking a risk if we accepted the Opposition's proposals without proper evaluation. I suggest a process which will enable the Minister to properly evaluate the proposal. The standing committee would have more time to reinforce the validity of its report, and the Chamber would have more time to evaluate that outlined in the report. The Minister should not fall into the trap in which some

previous Ministers fell in being hell-bent on getting legislation through. Such Ministers have been deaf to opposition argument. I am sure that the Minister is genuine in saying that this is one of the best debates in which he has been involved, but the Minister should not throw out the value of debate through his understandable desire to have the legislation pass to the Assembly so that it can be implemented. The Minister should give serious consideration to the tenor of the debate today. Here is an opportunity to stamp some important ministerial directions on this legislation.

Hon E.J. CHARLTON: The good debate to which I referred was that regarding the Standing Committee on Government Agencies report.

Hon John Halden: I said throw it away.

Hon E.J. CHARLTON: I accept what the member said. I made that point to answer Hon Graham Edwards' comments. I wish that we had the opportunity to debate the report tomorrow or next week - I hope it happens. However, I want to deal with this Bill, which I have been working on with the department and a range of people for a long time.

Hon Graham Edwards: I am sympathetic.

Hon E.J. CHARLTON: We took into account everything a government could and should consider before arriving at the form of the Bill. We had draft forms before reaching this point.

Hon Graham Edwards: The final thing to be taken into consideration is the view of Parliament.

Hon E.J. CHARLTON: Absolutely. I do not want people to think that we must pass the legislation tonight or tomorrow to meet some deadline. I said that it would be preferable to have the legislation through both Houses of Parliament before 30 June, but that will not happen. I will not leave the Bill on the Notice Paper at this stage to evaluate the amendments. We have done that over a number days, and nothing said tonight has changed my mind about the influence of the amendments on the Bill. I have not had a closed mind on arguments put forward.

Hon John Halden: Will you clarify what it is to which you object about the amendments?

Hon E.J. CHARLTON: I would like to deal with the amendments specifically when we reach them. The procedure we want to follow would be hindered by the public process encompassed in those amendments. The amendments would be an impediment to commercial operations. Westrail tenders for jobs in the private sector, and there is no way in the world that it could successfully operate if it were subject to these amendments. Westrail calls for tenders for the supply of goods and services to run its operations. This process could not happen with such provisions. If some other process were implemented which would ensure that across government every agency would be subject to the provisions, it would create a level playing field. However, to put these amendments into the legislation is unacceptable as it would be the downfall of our efforts to achieve our goals.

Hon TOM STEPHENS: I thought somebody would have pointed out the obvious flaw in the Minister for Education's earlier comments.

Hon N.F. Moore: I hope you will.

Hon TOM STEPHENS: It is all very well that some time down the track the Government may eventually agree to proceed with the thirty-sixth report of the Standing Committee on Government Agencies and introduce template legislation for government agencies. That would have a retroactive impact upon all of the Statutes of the state and set up for all state agencies a template whereby this regime would come into effect. However, the problem is that after tonight, we will see go through this Chamber, probably never to come back, a Bill which becomes an Act which effectively leaves us in a situation where a whole range of new agreements is struck that cannot be dealt with retroactively in the way at which the Government might eventually arrive; that is, where a whole raft of new policy is implemented across the transport sector of government agencies.

Hon E.J. Charlton: Why not deal with the amendments when we come to them?

Hon TOM STEPHENS: The problem is that what Hon Norman Moore said is self-evidently wrong.

Hon N.F. Moore: It is not wrong. You are talking about implementing policy formation as a principle that should be introduced into this legislation. I have said that you should wait until such time as people accept the concept of policy formation; and, if they do ultimately, and if this Bill becomes an Act, then it will be retrospective on state agencies that in future they must carry out policy formation according to this Bill.

Hon TOM STEPHENS: That is right, for new policies, but that -

The CHAIRMAN: Order! The debate is taking on a very general nature, and it is time to focus on the Bill.

Hon TOM STEPHENS: It is self-evident that the passage of this Bill will put in place a new policy regime which will impact upon the public transport system in Western Australia in a way that will leave us without the opportunity for the regime that is contemplated in the report of the Standing Committee on Government Agencies.

Hon N.F. Moore: But only on a template basis. It has not been agreed to overall, as much as I support it ultimately.

Hon TOM STEPHENS: That is a good point. Hon Norman Moore is asking me in this debate to somehow work on the basis that I have not spent four years grappling with the questions with which I have had to deal in the Standing Committee on Government Agencies. I cannot do that as a parliamentarian. Had I not been asked to grapple with those issues, I would not have, and I would not -

Hon N.F. Moore: If I thought that you and I contained within our minds all of the wisdom of the world and that what we thought was a good idea everyone else would agree with always, then I would not be arguing with you.

Hon TOM STEPHENS: I understand that point, and let me extrapolate from that point back to this Bill. We are saying, through the amendments on the Notice Paper, let us not work on the basis that all of the wisdom in regard to agreements somehow lies in the hands of the Department of Transport or the Minister for Transport, but rather let us work on the basis that with the opportunity for public input -

Hon N.F. Moore: But it is a different concept of public policy making; we both know that. You are asking this Minister to accept a different way of determining policy, without the public having had the opportunity to give its view about whether that is a good way to go.

Hon TOM STEPHENS: That is correct.

Progress

Progress reported and leave given to sit again, pursuant to Standing Order No 61(c).

House adjourned at 10.55 pm

QUESTIONS ON NOTICE

ALCOHOL ABUSE PROGRAMS

371. Hon TOM STEPHENS to the Minister for Health:

What is the 1993-94 allocation to -

- (a) alcohol abuse programs in Western Australia; and
- (b) targeted programs for alcohol abuse in the Aboriginal communities of Western Australia?

Hon PETER FOSS replied:

- (a) \$10.229m.
- (b) \$2.994m.

MINING INDUSTRY - ACCIDENTS OR FATALITIES

408. Hon MARK NEVILL to the Minister for Mines:

Will the Minister investigate and advise the House of any serious accidents or fatalities since 1 January 1993 involving workers travelling to or from minesites before or after working 12 hour shifts?

Hon GEORGE CASH replied:

I have requested my department to advise me of the extent of knowledge or information available to it in relation to serious accidents or fatalities resulting from journey deaths to and from work involving persons who have been working 12 hour shifts. I am advised that notification to the department's Mining Inspectorate of journey accidents to employees is not required in the legislative provisions. All journey accidents off minesites are investigated and dealt with by the police. The only information available to the department is that which derives from the media, or from informal sources. I am not able to provide Hon Mark Nevill with any reliable data on the issue which he has raised.

QUESTIONS WITHOUT NOTICE

WANNEROO CITY COUNCIL - SPLITTING

City Manager and Mayor, Meeting with Department of Local Government

172. Hon GRAHAM EDWARDS to the Minister for Transport representing the Minister for Local Government:

Some notice of this question has been given. Can the Minister confirm that the City Manager and the Mayor of the City of Wanneroo were called to a meeting by the Department of Local Government to initiate the process of the splitting of the City of Wanneroo as recommended in the Kyle report?

Hon E.J. CHARLTON replied:

I thank the member for some notice of the question. The Minister for Local Government has provided the following reply -

The City Manager and the Mayor of the City of Wanneroo have not met with the Department of Local Government to discuss the possible splitting of the City of Wanneroo. The Minister has however recently met with the mayor and city manager at their request. At that meeting the Minister outlined the current status of moves initiated under petition, details of which have previously been given to this House.

POLICE - MINISTER, RESPONSIBLE TO PARLIAMENT
New Commissioner, Appointment Announcement

173. Hon N.D. GRIFFITHS to the Minister for Mines representing the Minister for Police:

Some notice has been given of this question.

- (1) Does the Minister accept that he is responsible to Parliament?
- (2) If he does, why did he not first announce the appointment of the new Commissioner of Police to Parliament when the appointment was announced at the commencement of a sitting week?

Hon GEORGE CASH replied:

Mr President, the question that has been read out is not the question that I discussed with the Minister for Police. I want to make that clear. Additional words have been added. I had a question yesterday which I happened to discuss with the Minister for Police, and until such time as I have discussed the member's current question I regret I cannot provide him with a reply. Where notice is given of a question it is obviously appreciated and the Ministers here will do their best to take advice and provide replies. It concerns me that when questions of which notice is given are then read out as something different, quite clearly some difficulty arises. The member's question is different and I am sorry that I cannot answer it at this stage of the game.

SCHOOL BUSES - PORT HEDLAND
Fares Decision; Parents, Meeting with Minister

174. Hon JOHN HALDEN to the Minister for Education:

- (1) Is the Minister prepared to meet with parents in Port Hedland to discuss his proposal for the introduction of school bus fares?
- (2) If not, why not?
- (3) If so, is the Minister prepared to meet with parents when the Cabinet meets in Port Hedland on 4 July?

Hon N.F. MOORE replied:

(1)-(3)

I am happy to meet with the parents in Port Hedland at any time, but I say quite clearly that the decision to charge a fare for students using buses in South Hedland and Port Hedland was made by Dr Lawrence when she was the Minister for Education. Some time was given to overcome some of the issues raised by the member for Pilbara, and the decision not to proceed with the charging or that a moratorium would be applied was made when there was a Cabinet meeting in Port Hedland.

Hon Graham Edwards: By whom?

Hon N.F. MOORE: By the then Premier, who was perhaps Dr Lawrence.

Hon John Halden: She was smarter than you. She learnt to back off.

Hon N.F. MOORE: If every Minister in every government backs off because somebody does not like a decision he has made we would have a situation like the Opposition created for this state where it left us in diabolical financial circumstances because it was not prepared to make any hard decisions about any of the issues of the day.

Hon Kim Chance: You were not left in dire financial circumstances.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: I am happy to meet with the parents in Port Hedland, but we have made a decision that the students who use the bus service at Port Hedland ought to pay, because that is the situation that applies across Western Australia. It is a system which was brought in, I might add, by the previous government when it introduced RPT services in regional areas. I have also made the decision that those students who live in the Koombana cell will not have to pay if they attend either the Baler or South Hedland primary schools, because they are not their local schools. We have also made exempt the students from Wedgefield, because I consider that walking along Great Northern Highway is a dangerous practice. I also make the point for the information of the House that during the period of the picket line on the buses a number of primary school students were encountered in the South Hedland shopping centre by a school welfare officer during school time. They were asked to explain why they were not at school. They said, "We cannot go to school because there are no buses running." Further investigation showed they were in a shopping centre which was further away from their homes than was their local school. There is no doubt that some people have used this -

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: Those students, whose parents thought they should go to school on a bus because of safety factors, had in fact used the same footpaths and the same roadways to go the shopping centre, as they do on weekends and school holidays and any other time of the year when school is not on. The decision has been made, but if meeting with parents will allay their fears I am happy to meet with them.

AUDITOR GENERAL'S REPORT - PUBLIC SECTOR, MAGNITUDE OF CHANGE CONCERN

175. Hon JOHN HALDEN to the Minister for Fisheries:

- (1) Is the Minister aware that the Auditor General has expressed concern that "the magnitude of change occurring in the public sector is exposing the state to greater risks of losses and reduced capability to deliver community services"?
- (2) If so, what measures is the Government putting in place to identify and control these risks?

Hon MAX EVANS replied:

I would have thought that asked for an opinion. The question should be put on notice.

BETTER GOVERNMENT AGREEMENT - BETWEEN STATE AND LOCAL GOVERNMENT AUTHORITIES *Unit, Location and Resourcing*

176. Hon A.J.G. MacTIERNAN to the Minister for Transport representing the Minister for Local Government:

With regard to the Better Government agreement between the State Government and local government authorities -

- (1) Is the unit established to coordinate this process still functioning?
- (2) If yes, where is it located?

- (3) Will this unit be relocated to another department during 1994-95?
- (4) If yes, to question (3), to which department?
- (5) How many full time equivalents will be allocated to this unit in 1994-95?
- (6) What is the allocation for this unit in the 1994-95 Budget?

Hon E.J. CHARLTON replied:

I thank the member for some notice of the question. The Minister for Local Government has provided the following reply -

(1)-(6)

Responsibility for the Better Government agreement currently rests with the Public Sector Management office. However, the agreement is being renegotiated between the parties, and its location and resourcing will be addressed as part of this process.

AUDITOR GENERAL'S REPORT - PUBLIC SECTOR REFORMS, IMPACT ON PUBLIC EVALUATION

177. Hon JOHN HALDEN to the Minister for Finance:

As a result of the Auditor General's report today, it is now clear that the rationalisation and downsizing of the public sector is starting to affect service deliveries to the Western Australian public. What mechanism or mechanisms have been put in place to evaluate the impact of these ill thought out reforms on the public?

Hon MAX EVANS replied:

We have something like 120 to 130 agencies, every one of them giving a service to the public. If the member would name specific agencies that have been down scaled and what the effect has been, I will answer the question.

AUDITOR GENERAL'S REPORT - PROPERTY TRANSFERS BETWEEN AGENCIES PROBLEMS, ACCOUNTING POLICIES AND PRACTICES

178. Hon JOHN HALDEN to the Minister for Finance:

I await with anxiety any answer to a question of any Minister at the moment. I ask this again of the Minister for Finance: In the light of the Auditor General's comments on the Public Trustee, Sir Charles Gairdner Hospital, the Building Management Authority and property transfers between government agencies, what accounting policies and practices will the Government be putting in place to resolve these problems?

Hon MAX EVANS replied:

With regard to Sir Charles Gairdner Hospital, I am not sure what transfers the member is talking about.

Hon John Halden: Property.

Hon MAX EVANS: Transfers of property go on a lot of the time between agencies. I am not too certain about what Sir Charles Gairdner Hospital will transfer. Where it holds freehold property, a valuation is put on it. It is a statutory body which has a balance sheet. One can put a value on an item, transfer that value and money changes hands between the two items. The Public Trustee rents premises. I am not certain what it owns, but it has a lot of property in its name which it looks after on behalf of the state. There is no property transfer in this.

Hon John Halden: I don't think you have read the Auditor General's report.

Hon MAX EVANS: No, I have not.

Hon John Halden: You need to.

Hon MAX EVANS: I am giving the Leader of the Opposition the facts about transferring and what needs to be put into place.

Hon John Halden: If you have not read the report you do not need to answer my question further. Are you generally filibustering?

Hon MAX EVANS: No. I want to answer the question.

WORK CAMPS - \$1.8m ALLOCATION

Costings; Consultant Employment

179. Hon N.D. GRIFFITHS to the Minister for Finance representing the Attorney General:

With regard to the \$1.8m allocated in the state Budget for the establishment of a boot camp -

- (1) As no sites or other aspects of the boot camp have been released to the public or to Parliament, will the Minister provide details on how the Budget figure was derived?
- (2) Has a consultant been employed to assist the Attorney in the development of the boot camp?
- (3) If yes, what is the name of the consultant and what are the conditions of employment?

Hon MAX EVANS replied:

- (1) Costings were undertaken in response to the broad model for the work camp, not boot camp, to be piloted. These are being finetuned as operational policy and program details are finalised.
- (2) No.
- (3) Not applicable.

WANNEROO CITY COUNCIL - EDWARDES, COLIN, AND SMITH, WAYDE

Confidential Police Records on Arnold Dammers, Police Inquiry

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

As a week has now elapsed since I asked question 114 which the Minister asked me to put on notice last Wednesday, 8 June, when can I expect an answer from the Minister?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

As advised in my response to question 114 on Wednesday, 8 June, the examination of police records is still proceeding in order to provide an adequate and accurate response. Therefore, it is the Minister's intention to respond at the earliest opportunity when the advice has been received.

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE

Maintenance Section, Termination Notices; Work Privatisation

181. Hon SAM PIANTADOSI to the Minister for Finance representing the Minister for Water Resources:

Will the Minister confirm -

- (1) That training and safety officers in the sewerage maintenance section of the Water Authority of Western Australia have been given termination notices?
- (2) That the sewerage maintenance section of the Water Authority has

been told that its operations will be wound down with the intention of privatising that work?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following reply -

- (1) There is no basis for this claim.
- (2) There are no such proposals.

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE
Perth Main Sewer, Condition; Claisebrook, Holding Tanks

182. Hon SAM PIANTADOSI to the Minister for Finance representing the Minister for Water Resources:

- (1) Are the holding tanks at Claisebrook sufficient to hold the sewage should the Hordern Street pump station break down?
- (2) What is the volume of sewage flowing through the Perth main sewer?
- (3) How old is the Perth main sewer?
- (4) What funds have been allocated to the repair and maintenance of that line?
- (5) When was the last major overhaul of the sewer completed?
- (6) What is the present condition of that line?

Hon MAX EVANS replied:

The information sought will take some time to collate and I ask the member to place the question on notice.

WORKING PARTY - CHAIRED BY HON ROSS LIGHTFOOT ON SUBVERSIVE INFLUENCE WOMEN ETC HAVE ON POLITICAL CULTURE

183. Hon TOM HELM to the Leader of the House:

Is it true that the Government is considering setting up a working party chaired by Mr Ross Lightfoot to investigate the subversive influence which women, migrants, gays, blacks, young people, the disabled, soccer players, eastern staters and redheads are having on the political culture of Western Australia?

Hon E.J. Charlton: And poms.

Hon GEORGE CASH replied:

I am not aware of any such committee. However, is Hon Tom Helm indicating that he wishes to serve on such a committee if it is established?

Hon B.M. Scott: And which category will he represent?

SCHOOLS - RATIONALISATION
Draft Document

184. Hon JOHN HALDEN to the Minister for Education:

Yesterday, the Minister went to great lengths to tell the House that the document circulated by the Director General of Education titled "Staffing, Personnel and Industrial Issues arising from the School Rationalisation Process" was a draft document. Is this consistent with the words of the director general, who said in his covering letter that the document was only "subject to minor editorial changes prior to publication"? Does the department always apply a two week embargo on so-called "draft" documents circulated to numerous staff?

Hon N.F. MOORE replied:

The copy of the document that I have has the word "draft" on it. I advised

the House of that yesterday when I spelt the word for the benefit of the Leader of the Opposition. The copy I have has "draft" on it.

Hon John Halden: So what? That is your policy?

Hon N.F. MOORE: I beg the Leader of the Opposition's pardon, could I finish what I am saying?

Hon John Halden: Why? I do not get answers anyway.

Hon N.F. MOORE: The Leader of the Opposition is never happy. If I go on for half an hour he says I take too long to answer and then he says he never gets an answer. The question asked yesterday was whether I saw a document to which Hon John Halden referred in the House last week and I said I had not. The next day I asked for a copy and I was given a copy of a draft document which is the document I referred to yesterday. That is the only document that I have seen. If that document has been subsequently redrafted and is now in final form, I have not seen it. The document is a draft document prepared by the Education Department to assist schools in responding to a situation where the school might close or be amalgamated under the school rationalisation process. That is a perfectly legitimate way for a business to prepare people in advance of things happening. I guess the embargo -

Hon John Halden: It appears under the word "draft".

Hon N.F. MOORE: Yes, I am looking at it now. It says "Embargoed until the close of business 15 June 1994". I have version .02 and I guess there is another version. I have no idea why that date was chosen other than that the document was put out for consultation with the various teacher organisations, the teachers' union and personnel within the Education Department. I guess it was hoped that it would be made public by 15 June or to have the whole process of consultation finished by then. I suggest the Leader of the Opposition ask Mr Black; he will tell him.

WATER AUTHORITY OF WESTERN AUSTRALIA - SEWERAGE *Control; Private Main Lines*

185. Hon SAM PIANTADOSI to the Minister for Finance representing the Minister for Water Resources:

- (1) Does the Water Authority control all of the sewerage in Western Australia?
- (2) If not, will the Minister confirm how many private main lines exist in Western Australia?
- (3) When will the Water Authority take responsibility for those lines?

Hon MAX EVANS replied:

- (1) No.
- (2) This information is not available.
- (3) It is not proposed that the Water Authority take over schemes run by local government and private companies.

Hon Sam Piantadosi: I know it might be difficult for the Minister to answer because he is not the Minister directly involved. Did he say that the answer to the first part of the question was no?

Hon MAX EVANS: That is right.

Hon Sam Piantadosi: You talked about local government in part (3). What about private household sewerage lines?

Hon MAX EVANS: People could have put in main lines which no-one knows about.

COURTS - ROWE, WILL, RESIGNATION
Administration Concerns, Attorney General's Action

186. Hon A.J.G. MacTIERNAN to the Minister for Finance representing the Attorney General:

What action is the Attorney General proposing to take to address the grave concerns expressed by the departing executive director of courts development and management, Mr Will Rowe, over the improper administration of courts in Western Australia?

Hon MAX EVANS replied:

Mr Rowe decided not to seek renewal of his contract on the basis that he felt unable to address the emerging issues for courts administration "in the resource competitive context of an omnibus department". The Director General of the Ministry of Justice informed the Attorney General that Mr Rowe was made well aware that the calls for the establishment of an independent courts administration were not consistent with government policy at this time. The Ministry of Justice was established to enhance policy development and service delivery across the justice system.

The Attorney General is further informed by the director general that resourcing and administrative requirements of the courts are being examined in consultation with members of the judiciary, and a range of initiatives, such as the District Court lists, as announced in the Budget, are being pursued. The position of executive director, court development and management, was readvertised in the Press on 11 June 1994 to ensure that future applicants for the position have experience in the particular kind of management environment that the Ministry of Justice provides.

WATER AUTHORITY OF WESTERN AUSTRALIA - RETICULATED WATER MAINS SYSTEMS, GUILDFORD, BASSENDEAN, MIDLAND, PLANS

187. Hon SAM PIANTADOSI to the Minister for Finance representing the Minister for Water Resources:

- (1) Can the Minister confirm that the Water Authority of Western Australia has plans for all the reticulated water mains systems for the Guildford, Bassendean, Midland and surrounding areas?
- (2) If yes to the above, where can these plans be inspected?

Hon MAX EVANS replied:

- (1) Yes, in digital format and hard copy.
- (2) At the Water Authority's Leederville office.

STATE TENNIS CENTRE - BURSWOOD LOCATION

188. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

I preface the question by congratulating the Government for making funds available necessary for the construction of a State Tennis Centre.

- (1) Can the Minister confirm that the centre will be constructed at Burswood?
- (2) If not, where will it be located?

Hon N.F. MOORE replied:

(1)-(2)

I thank the member for his congratulations on the decision to proceed with the State Tennis Centre. The very good proposal has been around for a long time, and it is about time that it had its turn.

Hon Graham Edwards: You recognise that we got it going.

Hon N.F. MOORE: A great deal of funds were put in place before we could provide funding at a state level. Nevertheless, I thank the member for his congratulations; it is a rather pleasant change.

The plan is that it will be located at Burswood, but the State Planning Commission has an inquiry in train by one of its officers on the location of major sporting facilities in the metropolitan area. That study will be completed in the next couple of weeks. Therefore, I would prefer to wait until that report is available before we proceed with locating the State Tennis Centre at Burswood. In that way, we can see whether any other issues need to be considered as a result of the study.

**AUDITOR GENERAL'S REPORT - GOVERNMENT'S COMPUTER
DISASTER RECOVERY PLAN, DEFICIENT, URGENT INQUIRY**

189. Hon JOHN HALDEN to the Minister for Finance:

The Auditor General's report released today indicates that the Government's computer disaster recovery plan is deficient because the privately-owned backup facility has insufficient capacity to cover all agency computer operations, and that no guarantee could be given that it would be available in an emergency, despite costing the state over half a million dollars a year.

- (1) Will the Minister institute an urgent inquiry into this matter?
- (2) Is this another example of this Government's better management practices?

Hon MAX EVANS replied:

(1)-(2)

A while ago I indicated to the papers clerk that it appeared that I was the only person who had not been given a copy of the Auditor General's report to read.

Hon John Halden: This is outrageous! It is half a million dollars.

Hon N.F. Moore: You just blew a billion of them.

Several members interjected.

The PRESIDENT: Order!

Hon MAX EVANS: Most computers have a life of 10 years or more, and this problem did not arrive only in the last six or 12 months. We will consider these matters and the necessary replacement of many computers. Many of the computers installed by the previous government are applicable only to the year 2000. Many computers will be remodelled and will operate on a better system than before. Upon coming to government, we found the system to be completely inadequate. I do not doubt the member's comments; nor do I query the Auditor General's report, as I do not know its basis. However, we have problems with computers and we will remedy the situation before the year 2000. It will cost many millions of dollars, but we cannot run with computers that cannot cope with the work.

ROCKINGHAM CITY SOCCER CLUB - RELOCATION DECISION

190. Hon SAM PIANTADOSI to the Minister for Education:

When the university is established at Rockingham, the Rockingham City Soccer Club will lose its ground. What process has the Minister put in place to relocate the club?

Hon N.F. MOORE replied:

The final decision about the university location at Rockingham has not been made. I am awaiting some advice on the revesting of that land, and

until that process is completed, no decision on that site can be made. The question of the soccer club does not arise until that decision is made. Discussions with the Rockingham City Council have indicated that an alternative site will be made available, although I am not sure where that will be.

SUBIACO OVAL - RESURFACING, GOVERNMENT FUNDING

191. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

Has the Government decided whether it will assist the WA Football Commission to finance the upgrade of the ground at Subiaco Oval?

Hon N.F. MOORE replied:

The Government does not intend to support the request for \$1m to resurface Subiaco Oval. The member is aware that significant amounts of money are being spent by the WA Football Commission to rebuild the south side -

Hon E.J. Charlton: And \$8m came from roads.

Hon N.F. MOORE: Indeed.

Hon Graham Edwards: That is rubbish.

Hon N.F. MOORE: It is believed that the contribution made to football in Western Australia - the \$2m a year, which was started by my predecessor, for which he should be congratulated - is such that any further contribution at a time of limited funds cannot be afforded. I am not sure whether resurfacing the ground at Subiaco Oval would be regarded as capital expenditure. The capital works fund used for sport and recreation was spent in advance over three years before I became Minister.

COMMUNITY SPORTING AND RECREATION FACILITIES FUND - MAINTENANCE

192. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

(1) Does the Government intend to continue with the good initiatives started by the previous government of triennial funding from the community sporting and recreation facilities fund?

(2) If not, why not?

Hon N.F. MOORE replied:

(1)-(2)

That was a wonderful initiative! In the last Budget of the previous government funds from the community sporting and recreation facilities fund for capital works were allocated for the following three years.

Hon Graham Edwards: At the request of local government.

Hon N.F. MOORE: I do not much care who made the request. Hon Graham Edwards, as the then Minister for Sport and Recreation, made the decision that the funding would be spent for the next three years, including during a time of a government of a different persuasion. Therefore, upon becoming Minister, I had a choice of either paying the money on the basis of the commitments the former Minister had made, or reneging on the commitments. I chose to honour the commitments. It crosses my mind that we should put in place a system - once the triennial allocation is complete - to forward fund sport for 10 years. I know who would be howling the loudest then!

Hon Graham Edwards: The important thing is that the money is spent properly.

**SPORT AND RECREATION - GRANTS TO SPORTING BODIES,
EXPENDITURE**

193. Hon KIM CHANCE to the Minister for Sport and Recreation:

- (1) Is the Minister aware of the amount of money that has been expended in grants to sporting bodies by the Government since its election?
- (2) If the Minister is aware of that amount, why is he unable to answer my question on notice which came back with the answer that the Government did not know?

Hon N.F. MOORE replied:

(1)-(2)

I do not carry around in my head all the questions on notice sent to me, so I do not know to which question the member is referring.

Hon Kim Chance: I refer the Minister to the first part of my question asking whether the Government is aware of how much money it has expended in grants to sporting bodies since its election.

Hon N.F. MOORE: The Government is aware of the amount that has been spent. However, money was committed in advance by the former government, and that money is committed to expenditure in association with other organisations. It may well be that some money that has been committed has not been spent because funds were not raised by, say, the local authority or the other third party in a deal. Some projects may not have proceeded in the way intended because the funding to be raised three years down the track did not eventuate. It is hard to say at a particular time how much will be needed, but I know how much has been spent at any time. I will need to check the question to see why it was suggested that the Government did not know.

Hon John Halden: Because that is your stock standard answer.

Hon N.F. MOORE: The Leader of the Opposition has suggested I do not answer his questions. He has 87 questions on the Notice Paper asking whether X number of dollars have been spent on a particular project to the end of the financial year. He obviously has it on a computer and has changed the name 87 times -

The PRESIDENT: Order! That has nothing to do with the answer to Hon Kim Chance.

Hon N.F. MOORE: It has, because the Leader of the Opposition is suggesting that I am not providing the answers to questions about what has been spent.

The PRESIDENT: I think the Minister has answered the question. There is a rule in this place, which I keep pointing out every now and again, that members cannot ask the same question twice. If a question has been placed on notice, a member cannot then ask that question without notice. As I have indicated, there is a rule that members cannot ask the same question; unfortunately, there is no rule that the same answer cannot be given twice. Perhaps we should look at that.

**LAND - JOONDALUP, BOAS AVENUE-REID PROMENADE, CENTRAL
PEDESTRIAN MALLS, NAMING DELAY**

194. Hon GRAHAM EDWARDS to the Minister for Lands:

- (1) I refer the Minister to the area in Joondalup, bounded by Boas Avenue and Reid Promenade, and ask whether he is aware of the delay in naming the central pedestrian malls within that area.
- (2) If so, will the Minister advise why such a delay has occurred?

- (3) If not, will the Minister undertake to raise the question when he meets members of the board to see whether the matter can be expedited?

Hon GEORGE CASH replied:

- (1) No, I am not aware of any delay in naming the malls.

Hon John Halden: Cash mall sounds nice.

Hon GEORGE CASH: No, it would confuse people. I also advise the member that I met this morning with the Chairman of the Western Australian Land Authority and raised the issues Hon Graham Edwards brought to my attention in Parliament yesterday. The chairman of the board intends to discuss the matter at board level and will come back to me with further information. However, I advise Hon Graham Edwards that both the chairman and the chief executive officer have said they will be pleased to deal with any specific matters, if the member cares to raise them directly with them.

Hon Graham Edwards: I understood they had been raised with them.

Hon GEORGE CASH: That may be the case, but if the member wants to raise any other issues, they are happy to deal with them. As soon as information comes to hand in respect of the matters raised yesterday, I will pass it on.

(2)-(3)

Having met the chairman of the board this morning, but not being aware that the malls had not been named, this question was not raised. However, I will take this up with the board and provide a response to the member.
