Legislative Council

Tuesday, 27 September 1994

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

BILLS (2) - ASSENT

Message from the Governor received and read notifying assent to the following Bills -

1. Metropolitan Region Scheme (Fremantle) Bill 1993
2. Acts Amendment (Coal Mining Industry) Bill 1993

PETITION - LOGGING, SOUTH WEST

The following petition bearing the signatures of 6 752 persons was presented by Hon J.A. Scott -

> We the undersigned respectfully showeth that the remaining ancient and irreplaceable native forests in the South West of Western Australia are now in danger of extinction. Many plant and animal species in these forests are also in danger of extinction.
>
> We are also concerned at the lack of adequate management which has allowed logging for woodchipping and frequent prescribed burning to destroy the State's forests to this extent.
>
> We call on the State Government to immediately
>
> (a) halt all logging and frequent prescribed burning in the Hawke, Sharpe, Rocky and Giblett blocks and all other High Conservation Value and Old Growth forests;
>
> (b) require CALM to produce a series of options for the future of the wood products industry in WA which do not require the logging of native forests; and
>
> (c) examine the employment opportunities that can be created by transferring the WA wood products industry onto tree crops, plantations and agroforestry.

[See paper No 343.]

STATEMENT - PRESIDENT

Ayton, Leslie, Transcript of Evidence on Telephone Tapping, Tabling

THE PRESIDENT (Hon Clive Griffiths): Members, in response to an order of the House made on Tuesday, 13 September 1994 I table on the Clerk's behalf page 48 of the transcript of evidence of Mr Leslie Donald Ayton given as part of his evidence on 2 November 1992 to the Select Committee of Privilege on Hon Reg Davies' telephone tapping concerns.

[See paper No 309.]

MOTION - URGENCY

Drought, East Gascoyne Region

THE PRESIDENT (Hon Clive Griffiths): Again, members will be delighted to know that I have received the following letter -

> Dear Mr President
>
> Under SO 72 it is my intention at today's sitting to move that the House at its rising, adjourn until Saturday, December 24 1994 at 8.00am for the purpose of discussing the devastating drought gripping the East Gascoyne Region of Western

Australia and, in particular the effect the drought is having on the pastoral industry and the people residing in the area.

Yours faithfully

Hon P H Lockyer MLC
Member for the Mining and Pastoral Region

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

[At least four members rose in their places.]

HON P.H. LOCKYER (Mining and Pastoral) [3.42 pm]: I move -

That the House at its rising adjourn until 8.00 am on Saturday, 24 December.

I thank members and particularly my friends on the other side for their support. I was astonished to see them stand, but I was pleased that they did.

Hon Graham Edwards: We supported the last one you did on this matter when we were in government.

Hon P.H. LOCKYER: The member is right. This standing order should be used more often for something like this. I will not keep members for too long today. I have brought this matter to the attention of the Parliament because I have just returned from an extensive visit to the east Gascoyne region. All of us have seen the huge amount of publicity about the devastating drought that is gripping large areas of the Eastern States. Every time one turns on the television or reads the newspaper, one is informed of it and rightly so. The people affected are having a dreadful time. I saw on the Channel 9 "Sunday" program a couple of weeks ago an interview with farmers affected by the drought. Some of them cried and it was difficult to watch. However, it is just as bad in a section of this State and the people farming there have had little or no publicity. In the main, I am talking about the east Gascoyne area. For those who do not know it, that is the area north, east and west of Meekatharra. Many of those properties are entering their fifth year of no rain of any importance except for winter rain in 1989. Approximately 34 properties are involved and I have been informed by those property owners - they are all cattle properties - that they are down to the last 10 or 15 per cent of their stock. People who understand the pastoral scene know that if pastoralists do not have cattle to sell they have no income. Some of these people are desperate. Most of them have kids at boarding schools. Kids can do correspondence only to a certain level and there is no high school in the pastoral region. Therefore, it is necessary in most cases for people to send their children to school in Perth. Those of us in this Chamber who pay or have paid boarding school fees know that it costs close to $20 000 a year a child, which is a fairly strong draw on one's pocket if one has no income.

Some of those pastoralists have been in the area for three and four generations. They have not sought any publicity or assistance because they know that living there is harsh and tough. However, no-one thought it would be this tough. Most of them, because of the changes in farming arrangements and the costs of running properties, are family organisations involving mum, dad and the oldest boy or girl. They run huge properties, some of which are a million acres. In good times, some of those properties run 2 000 or 3 000 head of cattle, but they are run as very small operations.

Even though some of these people do not believe it will ever rain, the problem for them will be the heinous cost when the properties are able to restock. To his great credit the Minister for Primary Industry and my good friend, Hon Murray Criddle, accepted an invitation from the pastoralists to meet with them. Sixty or 70 of them travelled by various means to put their point of view to the Minister and to people from the Rural Adjustment and Finance Corporation. It was a constructive meeting and their concerns were heard. However, while the Minister can do many things, he cannot make it rain, otherwise he would be Lord House by now. The fact is, though, that something must be done for these people. I have been assured by the coalition Government that we need a pastoral industry and that we need a pastoral industry in the east Gascoyne region. It is

my view that there is no question about declaring the area drought affected or even a disaster area, because these people are at the end of their rope.

One fellow told me last night that he had arranged to agist his last 600 head on a farm at Wongan Hills at $2.50 a head a week. However, he said that the guy rang him last night and told him that, because it was so dry in his area, he could not take the cattle. That fellow is now having enormous difficulties placing his cattle elsewhere in this State. Farmers at Esperance and elsewhere are also in dire straits and they too need assistance. Those 600 head are that person's last lot of cattle. He hopes to preserve them so that, when the rains come, he has something to work off.

I do not know what we can do for these people. I know my colleague, Hon Murray Criddle, will say something because he is involved in his own way. However, the time has come to do something. Hon Kim Chance well remembers discussing RAFCOR in this place when we were in Opposition. I do not want to criticise RAFCOR. It does the best it can with what it has. I was very impressed with the chairman of the board at that meeting. He listened patiently and made comments which I thought made great sense. However, the system must be simplified to make it easy for those people to access assistance. I do not believe we can give them anything at the moment. It is no good throwing cash at them. However, we can help them when it rains by assisting them to restock their properties. Whether that is by way of interest concessions or transporting their cattle at the right price, I do not know. I am not properly qualified to say. However, the Government should consider establishing, say, a three person assessment team to visit these 30 or 40 properties to assess their individual requirements. These people are far too proud and shy to tell others the extent of their troubles. However, I suspect that some are in terrible trouble, and that the banks and stock firms are at the point at which no more can be taken from the property.

These people will simply not be in a position to restock their properties when the drought ends. It is an important matter. For many years the top end of the Gascoyne River catchment area has been a great source of pastoral cattle for this State. This important industry deserves consideration of an assistance scheme like the one I have proposed. Sending these people 500 forms will do no good - they will go straight into the bin. These people are worried about whether they will have a windmill pump or something on the plate for their families the next day, not about filling in a pile of forms. RAFCOR money is taxpayers' money; although I concede that the money must be protected, we must make it easier for people in this plight to obtain that money.

I extend an invitation to the Press to visit the area. Apart from a young lady who visited the area in the aircraft with Hon Murray Criddle, not one television or newspaper reporter has visited the area. I have written this afternoon to the major news organisations inviting them to join me on a trip to the area. I also invite any member in this Chamber, on either side, to join me on this trip. November is a good time for such a trip as it contains a couple of non-sitting weeks. Members are more than welcome to join me on the trip for two or three days. The people in this area believe that they are the forgotten few; they honestly believe that no-one in this State knows how bad things are up there, and I am inclined to agree with them. Few in the Chamber would know how desperate the situation is: I am told that these people have faced five years without enough rain each year to put six inches of water in their rainwater tanks.

The worse part is that this crisis involves 34 stations, so probably fewer than 100 people are involved. They cannot afford to pay staff any more, and mums and dads are left keeping a few cattle alive in the vain hope that it will soon rain. Also, if it does not rain soon, problems will arise all down the line as the Gascoyne River will not flow into the Carnarvon horticulture industry. However, that is a separate issue. It is my duty to inform members of this situation, and I hope that some members will take up my invitation to have a look at the situation first hand. We will visit these properties to see the difficulties faced, and we will let these people know that this is not a party political issue; it is a matter of great seriousness to the State. We must visit and talk to these people. I invite any member who can, to visit the area and offer advice. I do not know what advice we can give them, except to have faith that it will rain. I know a couple of

doubters up there think it will never rain. This drought has a chain effect as it places enormous strain on marriages. Children left boarding school five years ago to return home to work on the property; however, mum and dad cannot give them one cent to buy the basic requirement of young men and ladies; that is, a utility in which to drive around the countryside. Nobody can afford that any more. It is simply a matter of survival.

Members, the invitation is made. I am happy for any member to see me after this debate and I will make the arrangements for the visit to the area. I sincerely hope that the Press will take up my offer. I can absolutely assure the media that this situation is not a pretty sight. Last week I was shown how weak the cattle have become, and they were falling over and dying in front of me; it was a terrible sight as they were only skin and bone. I thank members for listening to my comments.

HON MARK NEVILL (Mining and Pastoral) [3.55 pm]: The Opposition supports Hon Phil Lockyer's motion. In 1989 I visited the area north of Wiluna at the Carnarvon Range, visited Windich Spring on the Canning stock route, and that was the first time in living memory that the spring was dry. A month after I visited the area it rained, but from what Mr Lockyer said large areas from Wiluna through to west of Meekatharra have had no rain for five years. We know that occasionally a station misses out on rain for a number of years. The member has close ties with that area, and I accept his word that the drought in that area is widespread.

The fact that the drought has been going on for five years makes it different from the situation in Esperance, which is basically a one-year drought and cannot be compared with that sort of situation. My concern is that a large amount of money is being made available by the Federal Government - namely, $164m which can be increased to over $200m - and although that money is directed to the critical situation in Queensland and northern New South Wales, the State Government and the Minister for Primary Industry should make a case for tapping into those funds. I would be very surprised if the Government were not aware of the plight of these pastoralists to the east and west of Meekatharra. I have driven up through that area a few times in recent years, and it looks dry; however, one cannot really see from the main road the extent of the damage which might be occurring through that region. Just before the 1989 rains broke the two year drought, I was travelling off the highway in the area and the kangaroos were so weak that they could hardly hop away from my vehicle; they would take two or three steps away from the road, and then stop for a rest. The situation is critical, especially if the stock levels have dropped to 10 or 15 per cent of previous levels.

Hon Phil Lockyer made a valid point in that money is useless for a pastoralist in this situation unless it is for personal needs or a child's education. However, money will be needed to restock when the rain comes. As a member representing the area, and on behalf of the Opposition, I support the member's call for the Press, in particular, and the Government to take an interest in the area. Also, the State Government must put a case together for drought assistance for those pastoralists from the Federal Government.

HON M.J. CRIDDLE (Agricultural) [3.58 pm]: As chairman of the advisory committee on seasonal conditions, I accepted the invitation to visit the area, along with the Minister for Primary Industry. We landed at Milgun and drove across to Mulgul, and one does not need to be an expert to know that people in those areas are in dire circumstances. The cattle are in very poor condition, and the entire area is in need of a really good season of rain. The people there told me that there is no possibility of rain until at least February next year, which is upsetting to them and to anybody who visits the area.

Declaring an area drought affected means nothing regarding the provision of assistance; few people seem to understand that point. Assistance does not automatically follow the declaration of drought. We need to consider the assistance question from a Federal Government point of view. With the droughts in the south at Esperance, the cattle in the north have nowhere to go. Shifting them south will only be shifting them into trouble. We need to look at what we do for the people in the long term. RAFCOR, the present assistance mechanism, only provides an interest subsidy for an existing loan; one needs

to obtain a loan in the first place, on which interest rate assistance is provided. The household support assistance must be paid back after being available for two years under that scheme. That aspect must be looked at. Job Search is along the same lines. Therefore, the assistance that is available to these people is minimal at this stage. The State Government, through the committee, will look at relaxing pastoral lease rates and vermin control rates to see whether it can provide some assistance. We certainly need to work with the local people. I concur with Hon Phil Lockyer that it will be of assistance to talk to these people individually. We have been talking about doing just that, and I assure Hon Phil Lockyer that we will be taking an interest in these people individually.

The term "exceptional circumstances" under the Federal Government's assistance package is very difficult to apply. We are working with the Commonwealth to develop the criteria for declaring exceptional circumstances. At present, there must be a series of droughts applicable to an area. Unfortunately for these people, they have had a series of droughts in the 1960s and the early 1980s, so it is difficult for them to obtain that declaration. That declaration is available only in extreme circumstances, and a declaration of drought in the south has not been available for that reason. We are currently assessing all of the areas in Western Australia that may qualify for commonwealth assistance, and we will put that to the Commonwealth to see whether we can get it to agree to a package. Hon Mark Nevill referred to the drought relief package that is available now. That funding is available only for the Eastern States, so we would have to look at it from the point of view of a new package, which would involve a separate approach to the federal Minister and federal Cabinet and another set of funding. South Australia and Victoria are in a similar situation, so Western Australia and those two States will probably have to come to an arrangement about that matter. The assistance from the Federal Government removes the assets test in order to release to farmers Austudy and other social security benefits.

Restocking is a difficult situation. Pastoralists have told me that they need about 1 000 breeders per station to make restocking viable. Restocking is an expensive exercise, and some people say that it will probably be better to leave the breeders there than to bring them in from other areas. That is a difficult situation, and the cost of restocking will be prohibitive.

The committee will be looking at long-term tax incentives for water and fodder storage, and also for Landcare. We should take up those issues and try to institute them in the federal scene. The committee is developing this package to put to the federal Minister to see whether we can get some assistance for these people. I realise they are in a difficult situation, I have experienced it first hand, and we will do all we can to assist.

HON TOM STEPHENS (Mining and Pastoral) [4.04 pm]: I support the comments made in this debate, in particular by my colleague the Acting Leader of the Opposition in the Legislative Council, Hon Mark Nevill, who referred to the need for the State Government to liaise urgently with the Federal Government to ensure that the area of Western Australia which has been identified in this debate - the east Gascoyne - can tap into the federal funds made available to assist the farming community in the Eastern States in circumstances similar to those in the east Gascoyne. However, I differ slightly from some of my colleagues because I believe we should act now rather than when the rains come. If funds were made available immediately, by collaboration between the State and Commonwealth Governments, we could implement schemes that would reduce or almost completely cover the cost of the removal of stock from drought affected areas into areas of irrigated pasture on which the stock would survive. There are significant areas of irrigated pasture land in many electorates, including mine, that could provide fodder that would be of benefit to the stock affected by the current drought.

We should not delay. There is a need for an urgent response by the State Government, not the adoption of a process whereby a committee would have to work up an amalgamation of drought affected areas in Western Australia before an approach is made to the Federal Government. We need a more expeditious timetable for the Minister for Primary Industry to approach our federal colleague to ensure that attention is paid immediately to these questions, in collaboration with state resources. There is the

opportunity to relax the assets test for pastoral lease holders in order to make available Austudy and other social security benefits. In addition, the State Government has the power to speed up the vermin control programs that were referred to frequently by the former Opposition. That is very necessary in the east Gascoyne region. I have not driven recently in the east Gascoyne, but I have flown over it in a light aircraft and seen the goat population that is competing for the scarce grasses and fodder. Any funds allocated to the eradication of the goat population of the east Gascoyne would be tremendously beneficial to the pastoral lease holders of that region, particularly if that program assisted those pastoral lease holders to maintain their income.

Landcare programs, programs that would allow for assistance with water and fodder storage, and other property enhancement programs that could be made available by the State Government should be made available now in order to help maintain the income of those people who are affected so adversely by this severe drought. This urgent problem requires not discussion by a committee but action by the Government and the Minister for Primary Industry to move directly to ensure that there is a cooperative approach between the Commonwealth and State Governments to release funds for people in such dire need as these. Of course it is a tragedy. Hon Phil Lockyer stated in the regional media that his coalition colleagues were stripping the area of its parliamentary representation by submissions to the boundaries redistribution process.

Several members interjected.

Hon TOM STEPHENS: Hon Phil Lockyer has had to denounce his National and Liberal Party colleagues for their submissions to the Boundaries Commission which have led to property owners in the east Gascoyne being denied the strength of their parliamentary representation -

Hon N.F. Moore: You are a monumental hypocrite!

The PRESIDENT: Order!

Hon TOM STEPHENS: The Gascoyne has always had a representative in this Parliament -

The PRESIDENT: Order! When I call for order, members must come to order.

Hon TOM STEPHENS: I did not hear you, Mr President.

The PRESIDENT: That is because you were making too much noise. The member cannot talk about this matter when debating this motion. I refer the member to Standing Order No 72.

Hon TOM STEPHENS: Mr President, I will show you exactly how the matter contained in the motion relates to the subject that I was speaking about. The 34 pastoral properties are in the region that needs strong representation to ensure that issues and problems such as the current drought are strongly and vigorously put to the Government and to the Parliament. At the very time that those people are in desperate need of strong representation, the region is to be stripped of parliamentary representation in the lower House; and it will lose the representation from the Gascoyne that will ensure the plight of those people is identified to the Parliament. That representation will be lost as a result of action by both National Party and Liberal Party coalition members, from which Hon Phil Lockyer has dissociated himself -

Hon N.F. Moore: You are a monumental hypocrite.

The PRESIDENT: Order! I have told the member once that that matter is not the subject of this proposal. If he keeps using up his time by letting me speak, he will not get anywhere.

Hon TOM STEPHENS: Mr President, it is important that the drought affected people of regional Western Australia have strong representation so that in such circumstances they have a chance to be heard. They will soon have no clout to ensure that their arguments are heard, because their arguments will be bashed around in a committee run and chaired by people from the south west rather than by the people who understand their needs.

Hon N.F. Moore: You are the greatest hypocrite unhung.

Hon TOM STEPHENS: They should have parliamentary representation. It would be an ideal situation if the other member for the Mining and Pastoral Region, the Minister for Education, associated himself with the comments of Hon Phil Lockyer and his colleagues, and dissociated himself from his government coalition partners -

Hon N.F. Moore: You are the greatest hypocrite I have ever heard. What about one-vote-one-value? Tell us about that.

Hon TOM STEPHENS: He should dissociate himself from the efforts that would see the drought affected people stripped of their representation, and that representation being transferred to people in Mandurah -

Several members interjected.

The PRESIDENT: Order!

Hon TOM STEPHENS: I agree with Hon Phil Lockyer's comments. This is an important issue. An important point needs to be made: There is a way to ensure that these people are assisted, and that is by decisive action from the Minister for Primary Industry, which will receive bipartisan support in this place.

HON P.R. LIGHTFOOT (North Metropolitan) [4.14 pm]: It is a pity that there is not bipartisan support in this House for the real human tragedy in the east Gascoyne. I listened closely to Hon Tom Stephens, and it is clear he is all about making as much political capital as he can -

Several members interjected.

The PRESIDENT: Order! When I ask members to come to order, it means everyone. Hon Ross Lightfoot now has nine minutes and twenty-three seconds remaining. He will do better without the interjections.

Hon P.R. LIGHTFOOT: This subject is worthy of much more than the duplicitous and hypocritical contribution made by the last speaker. I will rebut what the member said and get on to the subject. When one considers the application to the High Court by the Labor Party to have one-vote-one-value in this State -

The PRESIDENT: Order! This motion has nothing to do with that, either. I suggest you get on and talk about the matter raised by Hon Phil Lockyer; that is, the drought problem that exists in the east Gascoyne.

Hon P.R. LIGHTFOOT: The drought problem will not be affected by one-vote-one-value; it will not help the people in the Gascoyne. I listened to the hypocritical rubbish from the previous speaker - and I will have more to say about that at another time.

Vast problems have been associated with the Gascoyne for many years. The people who live there have taken the brunt of the problem on every occasion. One of the problems that this State suffers is the ravaging demand that the federal system makes on this State, and the resulting limitations on the fiscal assistance that this State can give at times when a substantial amount of non-budgeted money is required urgently. Twenty-six per cent of export income earned by this nation comes from this State. If we were able to hold that money here, without question we could give short term and quick assistance to people in need, such as the hard working Australians in the east Gascoyne.

Hon Mark Nevill: What will you do about it?

Hon P.R. LIGHTFOOT: Socialism never did a jolly thing for people in the bush and that is why assistance is diminishing today.

Hon Kim Chance: How will you keep the money here?

Hon P.R. LIGHTFOOT: I emphasise that 84 per cent of people in Australia live in an urban environment, and the remainder are seen as practically irrelevant. In Western Australia 75 to 76 per cent of people live in and around Perth. The other areas such as Geraldton, Kalgoorlie, Esperance, Bunbury, Albany -

The PRESIDENT: Order! Both Hon Sam Piantadosi and the Minister for Education will come to order.

Hon P.R. LIGHTFOOT: I can understand that there is little time left for people in the bush, but having lived a great deal of my working life at least, if not my life, in areas of that nature I can say first-hand that there are big problems in the bush and they are getting worse. These people do not have a high profile or a loud voice, but they are a microcosm of Australia. They are the strong people of Australia. They are the contributors to Australia, but they ask for nothing. All they want is to be able to get on with their job and to do what they can in areas of land that many of us would not consider camping on for the weekend, let alone living there day in, day out -

Hon Mark Nevill: It is beautiful country!

Hon P.R. LIGHTFOOT: The member should not be stupid. That is the most hypocritical, misleading statement I have ever heard. This side of the House wants to keep the voice in the bush - for these reasons: In the 1970s when it was seen as necessary for the Gascoyne to be destocked, some stations went from being able to carry a minimum of 25 000 sheep down to less than 10 000, and that meant the stations were almost unviable. Today in the bush, unless a station can run 10 000 sheep, people will be living below the poverty line. Many of the stations have been carrying less than 10 000 sheep for some years - even for some decades. Viability is one of the problems for the bush today.

One way to assist is not to take away their vote - which the Labor Party is trying to do through the High Court - but to enhance their living standards. I trust we are to push through an amendment to the Land Act that will give people in the Gascoyne and other areas of the pastoral industry a perpetual lease, or a lease which does not expire. That will provide some sort of title or asset that these people can use. I know that in some cases it will be used as collateral, and the banks will foreclose and end up owning the stations. However, for other people that process will mean survival.

Someone mentioned goats. In six months on one property, I took away 25 600 goats. That was an appalling situation, but it is the problem of the pastoralist. Feral animals create an enormous problem for pastoralists. Whether they be wild horses, camels, goats, cats or foxes, they should be the problem of every Western Australian. Their existence is a problem facing the nation and their eradication should not be left on the shoulders of the pastoralists. If one goat is taken away room is made for two sheep; in the place of four goats a beast can be run. If the millions of feral goats in Western Australia were eliminated, many more cattle could be accommodated. Those pastoral areas would become more viable. I will give an example of the seriousness of a pastoralist's situation during a drought. I bought a place guaranteed to run 20 000 sheep. By the time I took it over and we mustered the sheep, the number had decreased to 12 000. The previous owner had to restock with 8 000 sheep. The next year I mustered only 11 000 sheep - we had lost another 9 000 sheep. That meant no lambs were produced. Almost half the flock had been depleted, making that place almost unviable as a result of two or three years' drought.

I do not know how people in the bush hang on. All I know is they need assistance. This place can offer some compassion and assistance to these people rather than take political advantage of the physical and mental degradation they suffer. We should have bipartisan support on this matter. I am ashamed of the previous speaker for bringing politics to such a low level when the only people who will suffer are the very people he purports to want to help. If this were the Eastern States a package for these people would be soon rounded up by Mr Keating. The approximately $160m was much more than they expected in the east. An election must be imminent! Mr Keating knows nothing about farming, apart from his investment in the pork industry in the east that made him a millionaire. He should give his formulae to the people in the East Gascoyne. They would love to be able to make as much money as that while sitting around in their imported Italian suits in an air-conditioned office in Canberra; but they will not. They would buy a suit only if it were made of pure wool.

Hon Tom Stephens: You will not play politics with this issue, will you Mr Lightfoot?

Hon P.R. LIGHTFOOT: As quickly as it can, this Government should seek federal assistance. It is not a problem solely for this State Government. Of course the State Government can use its offices to assist these people.

Hon Mark Nevill: You are behaving like Pontius Pilate.

Hon P.R. LIGHTFOOT: This State is being ravaged by Canberra which, as I clearly demonstrated, has taken away money from this State that could have been quickly turned around had it not flowed to the east. The paradox is that the money raised in this State - 26 per cent of our export income from minerals and other areas of primary production - is now being used to assist people in the Eastern States. If that is not the stuff of revolution I do not know what is. That money must come back to Western Australians where it is earned to assist people like this who are presently in dire need. It should not be a matter of when a disaster happens the Government will examine it. It should be laid down in a formula that we can quickly initiate in order to provide money and assistance to spend on roads, fodder, fences, restocking and water so that these people will survive. If only for a security reason we need these people in the bush. They are good Australians; they are the stuff that history is made of. I am not particularly proud of their treatment by the Federal Government and, from time to time, by other Governments in their neglect of these people. They deserve better and I will do everything I can to make sure they get better.

HON KIM CHANCE (Agricultural) [4.23 pm]: I certainly support the sentiments expressed by Hon Phil Lockyer, Hon Murray Criddle and speakers on my side of the House. Long term drought is something for which those people in the east Gascoyne, who are affected by it, have my deepest sympathy. Few things are more discouraging than drought. I was in a drought declared area for five years when I was farming. My experience with drought in the first year that I was farming resulted in my graduating from farming to being a builder's labourer in the first instance. It is the worst experience that any form of business could suffer.

Hon Phil Lockyer identified the assistance available from the Rural Adjustment and Finance Corporation through the rural adjustment scheme. Problems exist in the RAS guidelines when applied to farmers, but the deficiencies in that scheme are magnified several times when applied to pastoralists. Hon Phil Lockyer pointed out that pastoralists require the most assistance after the drought has broken when they enter the restocking and rebuilding phase. They certainly need assistance to get through the drought, but that effectively involves living costs and incidental expenses. The big expenses for pastoralists begin after the drought has broken. That is not the same situation for farmers and RAS does not effectively address that problem. I will be pleased to support any approach to the Federal Government and provide any assistance I can personally, and on behalf of the Opposition. I would also be pleased to accept Hon Phil Lockyer's invitation to visit that part of the world some time in November.

HON TOM HELM (Mining and Pastoral) [4.25 pm]: I congratulate Hon Phil Lockyer for bringing this to our attention. He will know I was in Wiluna and Meekatharra not so long ago. I share some of the frustrations he mentioned in this place about what can be done to help people in this situation. We have heard people talk about compassion. Hon Kim Chance referred to how people are affected when their livelihood has ended. I feel very strongly for those people because, as Hon Ross Lightfoot said, they are the backbone of Australia. They are the ones we rely on when the chips are down and when the ships are being sunk because we are at war with someone and cannot sell our minerals. That is how Australia gets fed; I suppose that is what made Australia. They need to be defended. Not only the State Government but also the Federal Government must make sure the infrastructure is maintained in those communities.

Hon Tom Stephens: Hear, hear!

Hon TOM HELM: Those people have borne the brunt of this drought; they always bear the worst of what this country can offer. Sometimes they benefit from the best of it, but the worst is the worst possible; it is similar to Somalia. We must consider giving those

people assistance in supporting each other. Nobody else can possibly share what they have shared and are sharing today. We should not consider giving financial assistance that some people think is required at this time. As Hon Kim Chance said, that will come when the drought has broken. This time the assistance will be in the form of physical support and both State and Federal Government agencies and non-government agencies providing financial support to help support groups get into the bush to talk to the people on the stations and show them, firstly, that they are not alone and, secondly, how to support each other. We should not take away facilities from those towns. The Labor Government is not without guilt in this regard. You could not have understood, Mr President, what it was like in Wiluna when the high school was taken away as a result of the diminishing number of students. Hon Phil Lockyer mentioned the possibility of people receiving Austudy because the assets test had been markedly reduced. Perhaps we should not be considering Austudy, but whether we can provide education that is adequate for those children in the place they live, rather than see them move away. Perhaps we should consider providing facilities in the bush for people who come from the city to work for a short time, to provide education and other support services. They are more in need of a package of facilities.

I am glad Hon Phil Lockyer brought this to our attention. As he said, it is not just a state or federal matter; it involves the whole community. A bipartisan approach must be taken. It is not just about seeing a problem and throwing money at it. Judging from the people I have spoken to and the history I have read about Australia, those people will not thank us for giving them charity. They do not want handouts; they want the ability to know they can support each other. As Hon Phil Lockyer pointed out, they want something that is tangible, that will ensure the community stays together and that will show that we as Australians understand what they have done for this nation and what they will be called on to do in the future. We ignore them at the nation's peril.

HON P.H. LOCKYER (Mining and Pastoral) [4.30 pm]: I thank members for their contributions. This debate has had the desired effect of bringing the matter to the attention of Parliament.

[Leave granted for the debate to be continued.]

Hon P.H. LOCKYER: Hon Murray Criddle expressed the difficulty of defining "exceptional circumstances". There are exceptional circumstances in the east Gascoyne. If I were setting up a three person assessment team it would comprise a person from the Commonwealth Department of Primary Industries and Energy, a person from the Rural Adjustment and Finance Corporation, and a pastoralist.

Hon Tom Stephens brought attention to the fact that affected pastoralists should have some funds now. If they are available now by all means apply them, but, I repeat, the problem, as Hon Murray Criddle made clear, is that when it rains they will have to restock. He mentioned seeing off the goats. Not too many goats exist up there either, because it is too dry for them - and they will live on the smell of an oily rag. They are just about dead. Even the old pastoralists look forward to getting hold of a goat now, because it is about the only fat thing left to eat. There are not many of them. As soon as the Minister for Primary Industry was invited he went to the area; that was important and I was pleased that he acted quickly and that Hon Murray Criddle went with him. As regards parliamentary representation, I do not want to enter into that debate, because it would not matter if 100 members of Parliament were there - it would still not make it rain. It is as simple as that. I have set aside the third week in November. I seek leave to withdraw my motion.

Motion, by leave, withdrawn.

MINING AMENDMENT BILL

Second Reading

Resumed from 13 September.

HON MARK NEVILL (Mining and Pastoral) [4.35 pm]: The Opposition supports this Bill, which amends both the Mining Act 1978 and the Mining Amendment Act 1990. It

brings in a number of mainly administrative changes to improve the operation of the Mining Act.

Examining this Bill brought home to me the difficulty of the current Mining Act with the extensive amendments made last year and the amendments made in 1990. The Act is particularly cumbersome and is in urgent need of reprint. It is difficult to be certain that one has all the amendments pasted into the Act in their correct positions so one can read the amending Bill with the current Act. The Bill before the House includes some 44 pages of amendments, so I hope they will be incorporated in the reprinted Act. I suggest to the Minister the need for a reprinted Act with a little apprehension, because proceedings in the High Court in the early part of this month make it fairly probable, if not certain, that the State's native title legislation will be declared invalid, and the extensive amendments to the Mining Act that resulted from that legislation will also need to be incorporated in a reprinted Act. As soon as the High Court judgment is delivered, the Minister must make a quick decision as to whether a reprint is made immediately. It is probably better to wait until after the outcome of the High Court judgment. In its present form the Act is certainly very difficult to work with. As the Minister said when launching the Tengraph system in Kalgoorlie the other day, the mining industry is probably the most important industry in this State, and because of the contribution it makes to the community and state revenue the least it can ask for is an Act in a form which people can use with facility.

I will leave to the Committee stage most of the detailed comments I will make on the Bill, but I want to run through some of the changes to the current Act to indicate our support. The reporting requirements are being changed to ensure that a more streamlined system is in place for reporting exploration activities and programs to the department. This Bill contains a clear obligation for tenement holders to lodge detailed mineral reports. A provision in the Bill allows the grouping of tenements together, so that one report is lodged. As a practical exploration geologist working in the Paterson Basin, I had six or seven exploration licences as part of one project and had to lodge separate reports for every licence. Therefore, that amendment is supported very strongly.

This Bill has penalties of a fine or forfeiture for breach of those reporting requirements. In the regulations is a power which allows the public release of information contained in the mineral reports. Hopefully they will be made available as soon as possible after the tenements are relinquished. In the regulations is also a power requiring explorers to provide to the Department of Minerals and Energy details of aerial photographs taken in exploration programs, in order to establish a register of aerial photographs. The processing of mining tenement applications is being changed, so that only disputed matters will be heard before the warden. The trend where matters are not disputed has been for many years to shift the workload away from the warden, particularly operating in open court, to the mining registrar. The data gathered by aerial surveys is not restricted or prevented under this Bill. I refer members to a case in Queensland involving the Ernest Henry deposit where Western Mining Corporation illegally trespassed on another tenement. It certainly brought some uncertainty to Western Australia as to whether it was legal to fly over people's tenements and undertake aerial survey work. This Bill provides that any aerial survey work done over existing mining tenements will not constitute a trespass.

The Opposition supports the provision in the Bill for a shorter term for special prospecting licences than the statutory four year period. This will give prospectors the ability to gain access to ground for alluvial gold operations. It is understood that the primary owners of the tenement will be more agreeable to a shorter term licence as outlined in this Bill than to the current longer term special prospecting licence.

The Bill also provides for the extension of exploration licences. When I read the heading of this part of the Bill I was a little apprehensive, but after reading the provision I agree to the proposed change. Exploration licences are granted for five years and there is a requirement to compulsorily relinquish parts of these leases after three, four or five years. Under this Bill two extensions of terms will be allowed on an exploration licence and each will be for a period of two years. The extension will be granted only where the

expenditure requirements have been substantially complied with, a satisfactory exploration program has been completed and it can be shown that further exploration is justified. In the sixth and seventh years - that is, for the first two-year extension - the minimum expenditure requirements will increase from $20 000 a year to $50 000 a year and for the two years after that, if the extension is granted, there will be a requirement to expend $100 000 a year on that exploration licence. A person must have a very good reason for wanting to extend an exploration licence; he cannot hold on to the tenement for purposes other than to evaluate its prospects.

The Bill proposes to change the method by which mineral tenement applications are dealt with. A new set of procedures will be put in place to deal with situations where ground becomes available following the compulsory relinquishment of portion of an exploration licence or the forfeiture of a mining tenement. The details of the ground that becomes available will be posted on the notice boards at the Department of Minerals and Energy in Perth and the relevant mining registrar's office. All the applications will be kept together in the mining registrar's office and will be deemed to have been lodged at a time determined pursuant to the regulations. The applicants will agree on the order of priority for the ground and if there is any dispute a warden will conduct a ballot to determine which applicant receives priority. Previously, a number of difficulties have been experienced in deciding who lodged an application first and hopefully the proposal in this Bill will eliminate the problems that have arisen in this area.

This Bill provides that where a mining tenement is relinquished and reverts to Crown land it automatically becomes part of the underlying tenement. Provision is also made for regulations to deal with the way in which drill cores obtained from mining tenements are stored and dealt with. For a number of years proposals have been put forward to set up a core farm at Kalgoorlie and possibly at Meekatharra. That is a sensible idea but it is a question of finding and allocating funds for that purpose. Now that provision has been made in the legislation for that purpose perhaps we will see the establishment of core farms sooner than we expected.

I have covered most of the provisions in the Bill which have been before the mining industry liaison committee, which comprises lawyers representing the Australian Mining and Petroleum Law Association and the Amalgamated Prospectors and Leaseholders Association, and also representatives from the Chamber of Mines and Energy and the Association of Mining and Exploration Companies. The Bill has had a thorough going over.

During the Committee stage I will raise questions concerning some of the clauses - most of them will be seeking clarification. The Opposition will put forward one amendment for consideration by the Government, which has been circulated. The Opposition supports the Bill and will raise specific matters during the Committee debate.

HON TOM HELM (Mining and Pastoral) [4.49 pm]: The reason I take part in the second reading debate on this Bill is that I will not be able to raise some of my concerns during the Committee debate because they do not relate directly to the Bill. I note with interest that consultation, which has been very extensive, has taken place . However, my concerns are greater than those of Hon Mark Nevill in regard to traditional land uses and this Government's challenge to the Federal Government's legislation.

On the face of it, from reading the second reading speech and the Bill, it seems there is no provision for the effects these amendments might have on native title. I may be corrected, but it seems from my reading of the Bill that we are proceeding down the traditional path; that is, assuming there are no native title holders in the places where these leases are and will be located. I certainly support the Minister's and the industry's view these matters should be fast tracked and that in some areas there is unnecessary delay. I acknowledge that that delay means dollars, and I take the view that we should always strive for efficiency. If we can keep down the costs of our minerals by using more efficient and effective methods, we should use them. We are in the twentieth century and should use twentieth century methods of doing business. However, I would expect this Bill to reflect the attitude of the Government towards traditional landholders

and their rights. Current legislation - the Heritage of Western Australia Act - gives some protection to sacred sites and sites of significance. I am concerned that this amending Bill contains no mention of those issues.

I am aware, of course, that we are amending the principal Act rather than introducing new legislation, but we have a different view of the responsibilities society has for traditional owners of our land. That seems to be reflected even by the State Government's legislation, which members on this side opposed because of their different point of view. Nonetheless, it was always said by members opposite that it was a cause of concern that it was necessary to put this legislation together, apart from the fact that it disagreed with the Federal Government's view of the matter. It seems rather strange that members opposite, having placed their concerns on record, do not reflect those concerns in this Bill.

I reiterate the statement by Hon Mark Nevill that in normal circumstances he would encourage the Government to put together a proper Bill. He has already spent much time putting Bills together - both in government and in opposition - that reflect a more modern industry and a more efficient approach to exploration and mining. He said he did not think it would be a good idea because if traditional owners and their rights were not recognised and if no reference were made to the responsibilities this State Government indicates it has with regard to traditional owners, bearing in mind the challenge by the State Government to the legislation of the Federal Government, another Bill would need to be introduced. Perhaps this Bill does not reflect the Government's views for that reason. Some explanation should be given and I would like an indication of that part of the Bill which reflects the State Government's earlier indication of the issues that are important to it. I cannot raise this at the Committee stage because no clause of the Bill refers to it.

HON GEORGE CASH (North Metropolitan - Minister for Mines) [4.55 pm]: I thank Hon Mark Nevill for the indication of the Opposition's support for this Bill, and Hon Tom Helm for his comments. It is true that the Bill proposes a number of changes to the Mining Act 1978, and most of those changes have been sought by the various industry groups that have been consulted during the process of putting this Bill before the House. Hon Mark Nevill raised the question of whether the Mining Act 1978 should be reprinted. I agree that with continuing amendments, it is difficult to maintain a complete and accurate record of any Act. I make an informal offer which may be of some assistance to Hon Mark Nevill. I have a printed version of the most current edition of the Act; it is not an official copy because it has not been authorised or printed by the Government Printer. However, it could fairly be described as accurate, current guidelines to the Act and I would be pleased to provide him with a copy.

Hon Mark Nevill: I would be most grateful to receive it.

Hon GEORGE CASH: Hon Mark Nevill can check it against his copy and the amendments he has made. The other matters raised by Hon Mark Nevill can be properly discussed at the Committee stage.

Hon Tom Helm's comments do not relate specifically to a particular clause, so it is important that they be raised now. With regard to the need to amend the current Mining Act or this Bill because of the current challenge to the Federal Government's Native Title Act, it would not be appropriate to make any amendments at this stage. The procedures under the Mining Act are subject to state legislation, as is the case at the moment. In the case of federal laws that are recognised by the State Government, those procedures are also recognised. We are in need of a decision by the High Court about the validity of the state legislation and the federal legislation before any changes can be considered to the current process. Irrespective of the decision of the High Court, there may be no need to change the Mining Act. It may be affected by changes to other Acts which will impact on that process. If I need to amplify that answer, I can do so at the Committee stage. I am sure there will be an opportunity to comment further in that regard.

Hon Mark Nevill provided a copy of an amendment he intends to move to section 111A. That matter should properly be dealt with at the Committee stage, but I thank him for

providing notice of that proposed amendment. I thank the Opposition for its support and commend the Bill to the House.

Question put and passed.

Bill read a second time.

LAND TAX ASSESSMENT AMENDMENT BILL

Second Reading

Resumed from 13 September.

HON MARK NEVILL (Mining and Pastoral) [5.00 pm]: The Opposition supports this Bill.

[Questions without notice taken.]

Hon MARK NEVILL: I will outline the main provisions of the Bill and deal with them in the order they are dealt with in the second reading speech. The Bill will provide a number of exemptions. It will exempt land owned by sporting associations which is used to provide facilities for members engaged in sport; land owned by non-profit organisations where that land is used exclusively to provide facilities to members of the association for a non-profitable purpose; and land used for retirement village purposes which does not qualify for an exemption at present under the Act. It will also provide an exemption where an owner's residence is being refurbished and is vacant at 30 June.

Land owned by a private company which comprises only two shareholders, where one shareholder holds the other share only in trust, will also be exempted. I think that is the provision about which Hon Alannah MacTiernan, who is not present, has some concern. I appreciate that the Minister wants to get these assessments out. We have a recess at the end of this week; I am not sure whether an opportunity will be given to Hon Alannah MacTiernan to consider that provision.

The Bill also clarifies the situation of the Government Employees Superannuation Board for past land tax liability and its liability into the future. At the broad level of taxation policy it is appropriate that the GESB be subject to land tax. The base of land tax should be as broad as possible, because the more exemptions are created, the more complexities are put into the Act and the more distortions eventually accumulate. The Opposition supports making the GESB subject to land tax. These exemptions are often created on the basis of differing policy objectives. It is always difficult to design the optimal tax which raises revenue and does not have too many negative effects. The Opposition does not believe there is a sufficiently powerful policy imperative in favour of subsidising a particular group's superannuation arrangements, which the Government would be doing if it exempted the GESB from land tax. The superannuation industry already receives an enormous tax subsidisation at the federal level. If the exemption for the GESB were not subject to land tax, it would be a piecemeal way of dealing with the incentives because it would benefit only those who are dealt with by the board at present. The board has been paying land tax since 1987. Like all good Oppositions, we frown on retrospectivity. However, in this case the tax has been paid, and it is only the validity of that payment which is being ensured in this Bill. The Opposition appreciates that the costs of repaying that tax would be substantial. Any tenants of GESB properties would be liable for land tax payments as well. That is a further complicating factor. We can live with the provisions as they relate to the GESB.

Yesterday I raised with the Acting Commissioner of State Taxation a couple of matters about the exemption for sporting associations. I thank the Minister for providing that briefing by Mr Alastair Bryant and his colleague. The non-profit sporting associations are already exempt for land leased from local authorities and the State Government. The fact that they must satisfy the local authority that they are bona fide sporting organisations probably puts a brake on people seeking to exploit any loopholes in that for possible tax exemption. The Opposition is a little concerned that under this proposed amendment the exemptions could become widespread. At the moment persons owning non-residential land for recreational purposes pay tax. The Minister probably recalls the

example a number of years ago of land around Whitfords Beach being originally held by a company owned by a small group of people who used the land for recreational fishing. Their holding was for a non-profit purpose. It was eventually subdivided at a huge profit. We are concerned about what might happen if a similar group of "investors" formed itself into an association and had a company hold the land in trust for it. My knowledge of trusts is not adequate to know whether it could get away with it. However, it seems to be a possibility for getting away with not paying land tax. Hon Peter Foss, for instance, could set up a non-profit bushwalking group on land in the hills to avoid land tax.

Hon Peter Foss: Can I make notes of this speech?

Hon MARK NEVILL: I have even thought of setting up my own four-wheel drive club with my colleague, Hon Kim Chance. I asked the Minister a question today about the membership of a non-profit organisation because that has the capacity of putting a brake on people exploiting the system. If a limit of 20 people were placed on it, it would be harder to organise a sham situation. If there is no minimum membership, as I said, my colleague and I could set up a four-wheel drive club and thereby avoid paying land tax.

Hon Max Evans: It is all relative to how much land you have and how much you have to pay.

Hon Peter Foss interjected.

Hon MARK NEVILL: In respect of a bushwalking club, no-one would ever know if bushwalking was done; the capital outlay would be minimal. It would involve the purchase of a hat and a pair of shoes. The Opposition is concerned that there is potential for some shrewd legal practitioners to deliver benefits to landholders that were not intended. I suggest that a minimum membership of an association may be one way of getting around that. I understand that, under the Act, the commissioner must approve exemptions. That would be a brake on that sort of activity. However, if the situation were set up in a legal way, the commission would be reluctant not to agree to it. Therefore, it is difficult to say whether the commissioner could legally refuse an exemption. One might find oneself tied up with litigation.

The policy of sporting groups being given this assistance is going in the right direction. However, the definition of sport in the Bill states that it "includes any game". Does it include two-up or keno? Many of those activities do not have a health benefit attaching to them and in that sense I do not know whether the policy is heading in the right direction. A sports association is defined as "a non-profit association the principal object of which is to provide facilities for its members to engage in any form of sport".

Hon Max Evans: If the land is leased from the Crown, the exemption is automatic no matter what the sport is.

Hon MARK NEVILL: I wonder whether those sports that do not contribute to people's health would automatically gain an exemption from a shire.

Hon Max Evans: They do.

Hon MARK NEVILL: In any case, the exemption is not restricted to sporting associations. An association can be for any non-profit purpose.

Hon Max Evans interjected.

Hon MARK NEVILL: I am not sure the State should have a role in promoting all of these things. Some of them yes, but all of them probably not.

At the moment, land tax paid by a retirement village is passed on to the residents, presumably.

Hon Max Evans: It is when they are owned by a company. Otherwise, they are strata titles.

Hon MARK NEVILL: A person who has title to a unit in a residential village would pay land tax.

Hon Max Evans: That is right.

Hon MARK NEVILL: Therefore, in this case, tenants would not pay it unless it was passed on by the owner.

Hon Max Evans: That is right.

Hon MARK NEVILL: I have some concerns about that provision. A number of residential village owners will not pass that benefit back to the tenants in the form of reduced rent. It will represent a windfall profit to the retirement village owner. I can accept it in a new village where the reduced rate of land tax can be factored into the cost of the whole project and it will then be factored into the rent. The way it will be done - I do not know whether there is a better way of doing it - will result in a windfall gain -

Hon Max Evans: If they do not pass it on.

Hon MARK NEVILL: - if they do not pass it on to the retirement village residents. All we can do is hope that it will be passed on to the retirees in the form of a lower rental. The other way the Government could have done it - I do not know what the administrative complexity is - would be for it to make the tenants liable for land tax and pay a rebate.

Hon Max Evans: It is very messy.

Hon MARK NEVILL: It is. I appreciate that it is not a situation similar to that of the Government Employees Superannuation Board where the tenant is regarded as the owner for land tax purposes. I do not know how the Government can get away with assuming that a tenant in a retirement village is an owner for the purpose of paying land tax and then having it rebated. The best solution was certainly not clear. The provision relating to the refurbishment of the principal residence is sensible, and it relates more to an oversight than an initiative.

Hon Max Evans: That's right. It caught a few people recently.

Hon MARK NEVILL: Regarding the company-owned residence being occupied by the beneficial owners of shares, the relevant provision was to be the subject of a contribution by Hon Alannah MacTiernan. She would have put her argument forcibly about those seeking advantage of corporate ownership bearing the legal consequences.

Hon Max Evans: That is from a person who has made money as a lawyer from people putting money into such things; now she wants to remove the provision.

Hon MARK NEVILL: Shareholders have a tendency to hide behind the corporate veil to avoid legal consequences attached to personal ownership, but then argue the practical realities of that be recognised when it suits them.

Hon Max Evans: It involved small exempt companies of two shareholders. If it included one shareholder, it would be no problem.

Hon MARK NEVILL: Hon Alannah MacTiernan is a delegate to the ALP National Conference and is unable to take part in tonight's debate. The Opposition agrees with interest on refunds on excess tax. The issuing of land tax certificates to the agency of the purchaser is also sensible. Frankly, I was surprised that they were not issued already.

Hon Max Evans: It is a fine point of interpretation.

Hon MARK NEVILL: I thought that they would be covered by the reference to "purchaser" anyway. Legal advice indicates that that is not the case. Obviously, the minimum thresholds in the Act are redundant, and no-one would argue with the amendment.

In conclusion, the Minister should consider his second reading speech made available to members, and that of the Minister for Mines on an earlier Bill. The other second reading speech is much easier to read. The Minister for Finance's speech is in large font and all in capitals. This is difficult to read, and the Minister would find it easier with lower case printing. It does not make his job any easier. The Minister should give his speech writer or typist a look at the other speech.

The Opposition supports the Bill.

HON MAX EVANS (North Metropolitan - Minister for Finance) [5.54 pm]: I thank the Opposition for its support of the legislation. A loophole may exist regarding retirement villages where the owner of the company may pass on the burden; enough pressure was brought to bear by the tenants for that change to be made.

In relation to sporting clubs and the 50 per cent threshold, if relief was sought it would have been on the first 50 per cent. The assistant commissioner has the opportunity to close off the provision. I am pleased to introduce this legislation. A number of small organisations over the years, such as scouts, guides and RSL clubs, have bought premises and paid significant amounts of tax; the $1 000 to $5 000 was a large burden on the organisations. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee and Report

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and transmitted to the Assembly.

BILLS (3) - RETURNED

1. Acts Amendment (Coal Mining Industry) Bill
2. Soil and Land Conservation Amendment Bill
3. Stock (Brands and Movement) Amendment Bill

Bills returned from the Assembly without amendment.

Sitting suspended from 5.58 to 7.30 pm

COLLIE COAL (WESTERN COLLIERIES) AGREEMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon George Cash (Minister for Mines), read a first time.

Second Reading

HON GEORGE CASH (North Metropolitan - Minister for Mines) [7.31 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to amend the Collie Coal (Western Collieries) Agreement Act 1979, primarily to address the important issue of underground mining. I will shortly enlarge upon this aspect of the amendment. Also included in this amendment are other proposed changes. The first of these is intended to facilitate the efficient mining of coal at the common boundaries of adjoining agreement leases. The second replaces the current specific allocation of coal reserves to the State Energy Commission of Western Australia, with a broader reservation for strategic industry, including power generation. The third measure will allow land to be excised from the agreement lease for the purpose of constructing and operating coal conveyors. The fourth matter dealt with will allow the company to supply water from its mine dewatering operations to parties other than the State.

Firstly, however, I intend to address the central matter of underground mining. To understand the current situation, a brief history is required. It has been a policy of various governments to encourage the mining of underground coal at Collie. To this end, provisions in the Collie Coal (Western Collieries) Agreement Act oblige the company to operate underground mines, as well as open cuts. For historical reasons, no such

provision applies to Griffin Coal Mining Co Pty Ltd. Governments have also required SECWA to purchase a proportion of underground coal, at a premium that has contributed to WA's higher power prices. Furthermore, the largest private customer, Worsley Alumina Pty Ltd, has an agreement Act obligation to purchase a proportion of underground coal, to be agreed between Worsley and the State Government by side letters to the Worsley agreement. Worsley first obtained partial relief from the previous government, and the obligation has now diminished to 80 000 tonnes per annum of underground coal. It should be emphasised that the costly underground coal is a product without a real market and is purchased only by unwilling customers. The policy that required underground mining originated when the Collie reserves were thought to be small, and there was concern that the cheaper open cut coal might be exhausted quickly, leaving only the costly underground supplies for the future. This is no longer a concern as progressive exploration has shown there to be more than 800 million tonnes of open cut coal alone, sufficient for 130 years at current rates of extraction.

The Government has been advised by Western Collieries that, despite a recent capital injection of $20m and several changes to mining methods, the underground mines remain uneconomic by a wide margin. Underground mining conditions have always been difficult and appear to be deteriorating, with growing safety concerns. Productivity is extremely low and Western Collieries has been unable to obtain sufficient underground coal to fulfil its supply obligations to SECWA and Worsley, which are the only parties obliged to buy it.

Western Collieries now wishes to concentrate its operations on the proposed $100m Premier coalmine and to close the underground mines as soon as possible. While the Premier mine is being developed, the remaining open cuts will be completed and wound down. The management of Western Collieries considers there to be no economic alternative to the closure of the underground mines at Collie, and has approached government in order to have removed from the agreement the obligation to mine underground. The company is obliged to conduct any mine closure in full compliance with the Coal Mines Regulation Act. All necessary environmental work will continue to be monitored by the Collie Coal Mines Rehabilitation Committee, comprising officers from the Environmental Protection Authority, the Water Authority, the Department of Conservation and Land Management, the Department of Minerals and Energy, the Department of Agriculture, and the Department of Resources Development. Closure of the underground operations will result in the loss of 239 jobs, as the Western Collieries work force contracts. This is indeed unfortunate, both for the individuals and families concerned and for the Collie community. However, I am informed by the company that almost 200 employees have volunteered to accept the redundancy package offered by the company. The remaining employees - around 40 - have received a compulsory package which followed the terms of the award.

Another important aspect to this amendment will ensure that coal is mined efficiently where the Western Collieries and Griffin mining leases adjoin. In some cases it is appropriate for one company to be able to mine upon the other's lease, in order to avoid wasting coal, minimise dumping outside the pit limits, and coordinate rehabilitation programs. Accordingly, a new proposed clause 21E is the result of discussions with both companies. It requires a "notice of intention to mine" to be issued to the adjoining tenement holder and to the Minister for Resources Development. The terms and conditions of mining are to be agreed between the two companies within 24 months of the notice of intention being served. If agreement does not occur, the matter will be resolved under the Commercial Arbitration Act 1985. This arbitration process will give due recognition to the observance of good coalmining practices, and also consider such obligations as are fair and reasonable in the circumstances with respect to the removal and disposal of overburden and interburden, the management of ground and surface water, and rehabilitation and environmental requirements.

Clauses 5 and 7 of the principal agreement currently reserve 50 per cent of the company's coal reserves for SECWA. As in the case of the underground mining obligation, this provision dates from a time when reserves were thought to be small.

Accordingly, it is proposed that the reservation should be made more flexible. The amended provision will reserve 50 per cent of coal reserves for use by strategic industries - including power generation - as determined by the Minister for Resources Development. Reserves of coal will continue to be made available through mutually acceptable commercial arrangements. The addition of a new clause 21D will enable the company to surrender land out of the mining lease to assist in the construction and operation of coal conveyors. When the conveyor is no longer required, the land will be reincorporated into the mining lease, upon the company's application to the Minister for Mines, under the same terms, covenants and conditions as apply to the mining lease. Finally, an addition to clause 19(1) of the principal agreement will enable the company to supply water to third parties after approval has been given by the Minister for Resources Development. Such water supply will continue to be subject to the Rights in Water and Irrigation Act, and thus ultimate control remains with the Water Authority.

In conclusion, I believe these proposed changes to the Collie Coal (Western Collieries) Agreement will ensure that the agreement accommodates current trends and developments within the coalmining industry. I commend the Bill to the House.

Debate adjourned, on motion by Hon Doug Wenn.

YOUNG OFFENDERS BILL

Receipt and First Reading

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

Second Reading

HON PETER FOSS (East Metropolitan - Minister for Health) [7.42 pm]: I move -

That the Bill be now read a second time.

This Young Offenders Bill, together with the sentencing Bill and the Victims of Crime Bill, implement the central elements of the coalition's law and order policy. The Young Offenders Bill is based on the simplest of policy foundations - "Tough but fair". This legislation charts a new direction for juvenile justice in Western Australia. The focus has been widened to take account of parents, victims and the broader community's wellbeing. The Young Offenders Bill is based on the concept that offenders should pass through a series of gateways which will screen out the minor from the more serious offenders and ensure that the penalty is appropriate for the offence. This will assist minor offenders to develop alternative socially responsible behaviour while repeat serious offenders will face the full consequences of the law. In this way, the Young Offenders Bill will play a part in preventing crime. It is important to understand that the Young Offenders Bill is part of a comprehensive strategy on crime and it should be seen in the context of the changes to the Bail Act, the forthcoming Sentencing Act, Victims of Crime Act and other measures.

The Government has already commenced a number of significant initiatives in crime prevention. Research and experience from interstate and overseas indicates that coordination at all levels is the single most important strategy in crime prevention. In this regard the Government has formed a justice coordinating council to ensure coordination among the justice and justice related arms of government. The council has already commenced the development of the next tier for the coordination of crime prevention strategies - the crime prevention working party which will produce a comprehensive crime prevention strategy by the end of 1994. The recent experience in Geraldton clearly indicated to the Government that a top priority should be a more coordinated approach to tackling crime at the local community level. Officials, including the chairperson of the Juvenile Justice Advisory Council who visited Geraldton after concerns were expressed about crime in the city, were impressed by the range of resources and programs available, but noted that there was little coordination to directly target the resources to the problem.

The Government is not intent on pursuing a simple, one-dimensional approach to crime. Legislation is obviously an important part of the Government's response but it must be understood within the wider context of a range of reforms. Through this legislation and other initiatives the Government remains committed to the paramount goal of a safe and secure environment for all Western Australians, while ensuring that all participants in the justice system are treated fairly and equitably and that the process itself is cost efficient and effective. Current legislation for the management and administration of juvenile justice is contained within the Child Welfare Act 1947 and the Children's Court of Western Australia Act 1988. The current legislation reflects community views in the 1970s when the juvenile justice provisions were last substantially amended. The prevailing view at that time was that young persons who committed offences had psychological and social problems that needed treatment. As early as 1982, under the previous coalition Government, the welfare approach to juvenile crime was beginning to be questioned. The Edwards report in 1982 criticised the use of indeterminate orders and the lack of emphasis on due process. Subsequent reports, such as the Carter report "The Wellbeing of the People" in 1984, and the internal department for community services report "Review of Juvenile Justice Systems" in 1986, further accelerated the questioning of this approach to juvenile crime.

The 1986 report set the groundwork for the development of a Children's Court Act and the concept of diverting young offenders from formal processing. This process culminated in the Children's Court of Western Australia Act 1988 and the amendment to the Child Welfare Act in 1988. This legislation introduced the position of the President of the Children's Court, with equivalent status to a District Court judge, removed the "placed under control" provisions, and gave the court the power to set fixed and finite sentences for young offenders. Publicity at the time claimed that the Western Australian Children's Court was the most powerful in Australia. In reality, little had changed. Certainly finite sentences were introduced, but many critics argued that the review provisions and the allowances made for the age and maturity of the offenders effectively meant that Children's Court sentences still did not adequately reflect the seriousness of the crime. At the same time some critics were lamenting the abandonment of the rehabilitative ideal when dealing with juvenile offenders, a perception which has deepened since the Rally for Justice in September 1991. When the Government at that time introduced indefinite sentences in the Crime (Serious and Repeat Offenders) Sentencing Act 1992, these critics saw this as the final abandonment of the rehabilitative model. This Government sees juvenile justice as sharing the same three goals as the broader criminal justice system. These are -

To protect the public;

to ensure the fair treatment of those involved in the criminal justice process; and

to minimise the incidence of crime.

However, the Government also accepts that there must be some modification to the criminal justice system to accommodate factors specific to children. These specific factors include age and maturity, a recognition that much juvenile offending is transitory and minor, and that young offenders should not be given a greater punishment than an adult for a similar offence. This forms the first tier of juvenile justice policy. The second tier reflects the justice approach formalised by the Children's Court Act. Young offenders must accept responsibility for their actions. Although social and psychological factors can be part of the subsequent sanction, they should not be part of the due process. The third tier emphasises parents as major players in the juvenile justice process by supporting and enhancing their active role. Additional elements include: Recognition of the rightful place of victims of crime in the justice system; a strong commitment to prevention and diversion programs for minor offenders; support for programs which achieve positive behavioural change; establishment of an effective post-release sanction based supervision program; and introduction of an effective alternative to the Crime (Serious and Repeat Offenders) Sentencing Act. Above all, a goal for all those working with juvenile offenders is the re-establishment of responsible citizenship, attitudes and behaviour in young people.

It is the Government's intention not only to separate juvenile justice from welfare legislation, but also at the same time to consolidate all of the juvenile justice provisions into one Act. Some aspects of juvenile justice legislation do not require major revision and, apart from the Government's desire to have that written in plain English, many provisions have been transferred to this Bill with their intent unchanged. I intend to concentrate on those aspects of the Bill which introduce new elements based on government policy. A major area where there is clear evidence of this is the role of parents. The recent amendments to the Bail Act 1982 and the Child Welfare Act 1947 contained in the Criminal Procedure Amendment Act 1993, ensure that the minimum condition for bail for a juvenile is a written undertaking of a parent or responsible adult. The Government has ended the situation in which a juvenile was allowed to walk from the Children's Court on his or her own recognisance, often to re-offend days or, in some cases, hours later. The amendment to the Child Welfare Act seeks to make parents more directly responsible for their child's behaviour. The changes in relation to the role of responsible adults in this Bill take this intent further. Responsible adults are explicitly defined as the parent, legal guardian or any other person who has day to day responsibility for the child. By defining responsible adult as such, the Government clearly intends that every child, particularly those under the age of 17 years, will be accompanied to every justice process by a responsible adult. There are exclusions where the child is a ward of the State or in foster care.

The Young Offenders Bill contains a set of objectives, as well as numerous principles. These principles, although they have no direct effect or power, should be seen as guidelines for all those persons involved in the application of this legislation, in addition to providing accountability to the community. Some of the principles are worth describing in a little more detail. For instance, an important principle concerning victims of crime has been included in this Bill. The principle clearly sets the scene for victims to be as actively involved as they can in most juvenile justice processes. This principle needs to be read in conjunction with the intent of the proposed victims of crime Act. Another principle emphasises that punishment for a young offender should be such that it gives an opportunity to develop social responsibility and citizenship.

Provisions relating to the exchange of information are clearly critical now that the juvenile justice area has been separated from the Department for Community Development. Many of the children and families being supervised by the juvenile justice division of the Ministry of Justice are likely to be involved with the Department for Community Development. Just as it is critical that certain information be shared for the benefit of the families involved, so should some of the information be kept entirely separate. The provisions in the Bill specify three types of information: Records of findings of guilt; case management information; and records of conviction. The Bill also provides for the degree of access to these three levels of information.

Many major reports on the juvenile justice system over the past 10 years have commented on the overuse of arrest compared with other means of apprehension in Western Australia. Figures often quoted in the late 1980s showed that in Western Australia, compared with other States, significantly more juveniles were arrested than were dealt with by other means. Other States used methods such as summons, notice to attend and cautioning to reduce the proportion of young people arrested. One of the major reasons identified for this large discrepancy is that it is procedurally far simpler for police in Western Australia to arrest. In 1991 the Child Welfare Act was amended to allow two options to arrest as means of proceeding against juveniles - notices to attend and cautions. Notices to attend were developed to provide an alternative to arrest in those cases where arrest was not deemed to be necessary and as an alternative avenue for police once they had, in fact, arrested a juvenile.

Prior to the introduction of the notice, the arresting officer had no alternative following arrest, other than to seek bail for the offender or transfer him or her to the Longmore Remand Centre. Unfortunately, the notice ran into a number of legal problems, the most serious being a perception in the Police Department that the notice did not have the same status in law as the sworn complaint. As a result, in the years between 1991, when it was

introduced, and 1993 when moves were begun to resolve this deadlock, the notice lay unused. Towards the end of 1993 amendments were finally made to the Justice (Forms) Amendment Regulations to give the notice the same status as the complaint. The Police Department in conjunction with the Perth Children's Court is now implementing the notice to attend. It is intended that the notice will shortly be made available to all courts.

The Young Offenders Bill includes all the previous provisions regarding notice to attend. The Bill goes further by providing for use of the notice as the method of prosecuting offenders who breach Children's Court orders. Further, the notice is able to be used as confirmation of service as it must be served personally on the parents or responsible adults. The notice to attend is a major reform of the apprehension process for juvenile offenders in Western Australia, and has been welcomed and supported by the Royal Commission into Aboriginal Deaths in Custody.

The next sections of the Bill deal with young people who commit minor offences. It is generally accepted that there are two distinct groups of juvenile offenders. By far the largest group comprises young people who break the law on only one or two occasions, often by committing minor offences. Research indicates that this group is best dealt with by strategies which avoid the formal processes of the criminal justice system; that is, those which are "diversionary". This Bill contains two diversionary strategies to deal with young people who commit minor offences: The first is police cautioning which was introduced in the 1991 amendment. Concern was expressed at the time of its introduction that "going soft" on juveniles through the use of cautions would simply increase the rate of juvenile crime. This has clearly not been the case. The overall number of children who have come into contact with the police via the panel and court since the introduction of cautioning has continued to decrease, while the rate of cautioning is steady at more than 300 a month. The success of cautioning can be partly attributed to the assistance received from the Ministry of Justice's Killara unit, which provides invaluable support to police, parents and young people.

The second strategy contained in this Bill is a uniquely Western Australian response - the juvenile justice team. In June 1993 two pilot teams were established, one in Thornlie and one in Fremantle. Each team comprises a juvenile justice officer, a police officer, an Education Department representative, and a representative of the local Aboriginal community. The teams take cases from both police and the Children's Court. Police can make referrals to the teams instead of laying a charge against a young person. Courts can also refer cases when they are considering dismissing the charge provided some punishment is given. The team invites young people, their parents and victims, whenever possible, to take part in the process of finding a suitable punishment for the offence. The meeting attempts to achieve a unanimous agreement on what the penalty outcome should be. If educational or social welfare issues emerge during this process they can be tackled immediately by one of the team members or by referral to appropriate agencies. The essential elements of the juvenile justice teams are -

> Offenders directly face the consequences of their actions;
>
> restitution or reparation takes place;
>
> parents or responsible adults are actively involved in the process and in the supervision of any outcome subsequently ordered; and
>
> support services or at least avenues for support are available at the time the child is being dealt with.

This model of operation is simpler and more cost effective than the family group conference process in New Zealand and flexible enough to accommodate different cultural and family groups.

The two pilot juvenile justice teams have recently been evaluated. The results strongly support the continuation of this initiative and its extension statewide. Other results from the evaluation indicate that victims are more likely to receive material restitution or compensation via the teams than through the court. One hundred and sixty-seven young people have been dealt with during the first six months and only 13 have subsequently

appeared in court. Through this Bill it is the Government's intention to provide a legislative base for the teams which is strong enough to retain the basic concept as described, but flexible enough to be structured in different ways to accommodate implementing the teams statewide. The Bill provides for the setting up of juvenile justice teams statewide, the role of the coordinator, the decision making processes of the teams, the powers of the teams to deal with cases and matters relating to referrals to the teams. Payment of restitution or compensation is achieved by agreement. Where no agreement can be reached on the question of either restitution or compensation, the matter must be sent back to the referring authority. Failure to comply with the agreed restitution or compensation will also result in referral back to the referring authority. With the teams in place statewide, the following process is envisaged for dealing with young offenders -

> First point of contact between police and young offenders, provided they have committed a non-scheduled offence, will be a police caution.
>
> When the police have exhausted their cautioning options, and provided the offence is a non-scheduled offence, the offender will be referred to the teams.
>
> The Children's Court will deal with scheduled offences, offences where the police decide to proceed by notice to attend or arrest, and cases where the offender does not admit to the offence.
>
> Where the team cannot agree on an outcome, or where the agreed penalty, restitution or compensation is not carried out, the matter will be referred via the police to court.
>
> The teams will also deal with matters referred by the Children's Court in certain circumstances.

Together with the successful police cautioning program the teams represent a major response to early and minor offending. It needs to be absolutely clear that these diversionary measures are not intended to go soft on minor offenders. Rather the intent is for this group to be dealt with in a more direct and expeditious way, while at the same time freeing up resources at the Children's Court to deal with more serious juvenile offenders. One consequence of these changes is that the current children's panel will be repealed from legislation. In many ways the panel has outgrown its usefulness. Over the past 10 years both its role and its effectiveness as a diversionary mechanism have been questioned. In terms of current government policy regarding the active role of parents or responsible adults in the juvenile justice process the panel has no place.

I now turn to provisions dealing with the second group of young offenders, those who offend repeatedly, or who commit serious offences which can only be adequately dealt with by the Children's Court. The Children's Court will of course continue to hear all cases where the young person does not admit to the offence. Parents will be notified beforehand of a child's appearance in the Children's Court. They will be encouraged to attend and to take an active part in court proceedings. The Government's aim is that, wherever practicable, no young person will be dealt with in a court unless there is a responsible adult with him or her. Where this cannot be achieved voluntarily by working with the parent or responsible adult, the option is open for the court to order the parent's attendance. If necessary, this may result in the court issuing a warrant for the police to apprehend the parent or responsible adult and bring that person to the court. Currently, a parent can be fined up to $500 for non-attendance at court. This Bill's intent is not to punish the parent but to ensure, where the court thinks it is necessary, that the parent or responsible adult is present. Irrespective of whether the parent was present in court the parent will continue to be notified of the result of the court proceedings.

An important matter in relation to court proceedings which is the subject of major revision in this Bill is the recording of convictions. The current provision allows the court to not record a conviction unless the offender is sentenced to imprisonment or detention. This Government sees this provision as a clear example of the excessive welfare approach of the Child Welfare Act. Clearly, minor transgressions of the law by juveniles due to their youthful exuberance should not result in a criminal record.

However, this Government believes that recording a conviction only for offences which result in a detention sentence not only takes this process too far, but also is illogical. For example, it is possible for a young offender to receive a custodial sentence for, say, a number of minor offences. If this occurs, the offender has convictions recorded against him or her. On the other hand, an offender may commit a relatively serious assault for which he or she may be given a community service order or be placed on probation. For this offence a conviction will not be recorded. To remedy this, provisions have been included in this Bill to ensure that convictions are recorded on the basis of the offence, not the sentence. The Bill provides for all offences contained in the schedules to be recorded as convictions in the Children's Court, unless there are exceptional reasons for not doing so, in which case the court must give reasons. Likewise, the court is not to record a conviction for non-scheduled offences, unless there are exceptional circumstances, in which case again the court is required to give reason. Provisions for spent convictions are to remain essentially as they are in the current legislation.

In line with the Government's strong emphasis on ensuring the rightful place of the victim in the justice process, emphasis has been placed on provisions for restitution and compensation. The juvenile justice teams clearly concentrate on matters of restitution and reparation, with the victim taking full part in the discussion and final agreement. Current provisions contained in the Children's Court of Western Australia Act 1988 are seen as adequate for the purposes of ensuring that the person who has suffered loss or damage through the criminal act of a young person has appropriate avenues for compensation or restitution through the court. The provisions have been rewritten to make them easier to understand, and provision has been made for court costs to be recovered from young offenders.

The Criminal Procedure Amendment Act 1993, introduced by this Government, contains a major change to the liability of parents in terms of fines, costs, restitution and compensation. The amendment removed the necessity for the court to make a finding of "conducement" on the part of the parent, which had severely restricted its use by the court. The community expects children to be under the proper care and control of a parent or responsible adult - a theme which permeates this entire Bill. The Young Offenders Bill transfers these provisions largely unchanged. This Bill retains and reinforces a process of conversion to community service work which has proved successful, while retaining the final option of detention for fine defaulters. This section will be reviewed as part of the Government's general policy of diverting fine defaulters from imprisonment when legislation is brought to this House later this year.

I now move on to the sentencing of juveniles which comprises a major and important section of this Bill. Since the Rally for Justice in 1991 there has been sustained criticism by the public of many of the sentences handed down by the Children's Court. Some of this criticism may be based on a misunderstanding about Children's Court outcomes, which show that a substantial number of offenders receive dismissals. The common belief is that these dismissals result in the offender walking from the court without any obligations whatsoever. This is far from the truth. The majority of dismissals are conditional upon some action being taken by the offender or his or her parents; for example, the parents' undertaking to punish the child, or the child's attendance at a drug or alcohol education course. Only when the court is satisfied that these conditions have been met does it dismiss the charges.

The current Bill makes a clear distinction between outright dismissals and dismissals with conditions. Other provisions in this section of the Bill cover the current personal bond arrangement. This is most likely to be used as a sanction for the older juvenile offender. Provision is also made for an undertaking for the young offender to be of good behaviour to be made against the parent or responsible adult. Fines clearly have an important role in both the adult and juvenile jurisdictions and hence are retained in this Bill. However, it is important that the court carefully assess the offender's ability to pay, and in the case of parents who may be fined in lieu of their child, their ability to pay the fine. Community based orders provide the mid-range of penalties and are the most frequently used orders in the Children's Court. They have remained substantially

unchanged in the Child Welfare Act since the 1970s. Minor amendments to probation and community service orders were made in 1988, when the conditional release order was introduced as a final alternative to detention.

One of the major goals of this Government is to provide consistency between the adult and juvenile justice systems. The proposed sentencing Act will introduce a new approach to community based orders for adults, by consolidating all the various types of orders into two major categories - community based orders and intensive supervision orders. It would therefore seem appropriate that the same approach is taken with juvenile community based orders. Although the specific provisions themselves differ - for example, a juvenile community service order is quite different from an adult community service order - the structure into which these provisions fit will be similar. To avoid confusion with the adult system, it is proposed that existing provisions governing community service orders and probation for juveniles be amalgamated and extended to form youth community based orders. The more intensive orders will be extended in range and called intensive youth supervision orders. The intent is for the court to make one order and then choose from a menu of conditions. In the case of youth community based orders the conditions will include, in order, attendance at a specified program; completion of up to 100 hours of unpaid community service work; and/or a period of supervision with reporting conditions.

In providing this menu of conditions it is clearly the Government's intent that the least intrusive measure be tried first by the court. It has traditionally been the court's practice to impose the more restrictive condition upon failure to complete a less restrictive condition. The Government does not intend to change this. However, it is also clear that the conditions listed above are not exclusive. The court should be free to mix the conditions as it sees fit, in response to the offences committed and the young offender's situation. Breach of these conditions, as in the current legislation, will result in resentencing on the original offence or offences, and the imposition of different conditions or a different order.

It is proposed that there be two levels of intensive youth supervision orders, each with distinct characteristics. Both levels will have intensive supervision components and intensive program contact. The important difference between the intensive youth supervision order and other juvenile orders is the breach process and outcome. In the first level intensive order, the breach is similar to the community based order, and the offender is simply given different conditions or a different order. The second level intensive supervision order requires the court to set a detention sentence at the outset, and then immediately release the offender on the prescribed conditions. The legislation is now constructed so that upon breach, the balance of the original detention sentence is imposed. The court will be required to take into account good performance on the program prior to breach. This order is not to be regarded as a suspended sentence, as the sentence in its entirety commences when the order is imposed.

The final sentencing provision available to the court is the custodial sentence. The Government has made significant changes in this area, the most significant of which is the removal of any remission provisions. The basic sentence structure proposed by the Government is that juvenile offenders will serve a minimum of 50 per cent of their sentence in custody for sentences of 12 months or less. For sentences of more than 12 months the court may set the minimum period before the offender can be released. The Bill provides a formula which the court may use to set a minimum period. One variant of the custodial sentence must be described specifically. Provision has been made for a particular type of detention order to enable the court to sentence young offenders to detention with a requirement that they undertake a particular form of activity. This section has been worded generally, but its intent is to provide the basis for placement of young offenders at a work camp or for any other alternatives which may be developed in the future, such as a mobile camp.

This Bill is significant because, for the first time, all provisions relating to sentencing for juveniles are contained within one part of the legislation. It also introduces a number of new sentencing provisions to extend further the range of sentences available to the

Children's Court. There is no doubt that the Crime (Serious and Repeat Offenders) Sentencing Act, introduced to the Western Australian Parliament during a special sitting on 7 February 1992 by the then Labor Government, was one of the most controversial pieces of legislation presented in recent times. The legislation was a response to two problems: Mounting public concern over the deaths of innocent motorists during high speed police chases of juveniles in stolen cars; and criticism that sentences handed down by the Children's Court were too lenient.

Although the current Bill still allows discretion for the Children's Court when dealing with young offenders, it contains an overriding principle limiting this discretion when dealing with the more serious and persistent offender. The current legislation lacks a clear commitment to put the protection and safety of the community first. Protection and safety of the community are paramount. In the Bill a special sentencing principle is to be applied when the courts are dealing with certain repeat serious offenders. The Crime (Serious and Repeat Offenders) Sentencing Act introduced a formula-based mandatory sentencing model. It was based on the then Government's belief that this would provide an open and accountable system for defining repeat offenders, limit the discretion of the Children's Court and appease the community with mandatory sentences.

It soon became obvious that both the concept of using a mandatory formula and its practical application were flawed. A more fundamental flaw in this legislation, however, was first reported in the crime research centre report entitled "Repeat Juvenile Offenders: The Failure of Selective Incapacitation in Western Australia", published in November 1993. This fundamental flaw relates to the use of real time as opposed to opportunity time in the formula definition. Many of the offenders in this group are likely to spend a significant part of the 18 month period in detention. While they are in detention, the 18 month window of opportunity - that is, eligibility - is moving onwards, resulting in conviction appearances which occurred during the early part of the window becoming ineligible. An offender who spends 18 months in detention could effectively wipe the slate clean of eligible conviction appearances. The fact that in more than two years of operation of this legislation only four offenders - two adults and two juveniles - have been prosecuted under its provisions, is itself testimony that this was ineffective legislation.

This background is important. If legislation is to be effective in dealing with this group of young offenders, it must have a solid philosophical and policy basis. A custodial sentence is the State's strongest response to serious offending. A custodial sentence has three essential elements - retribution, deterrence, and protection of the community. However, some offenders following a period of incarceration re-offend again within a very short time, and these then should become the target group for any special measures.

The special measures to be introduced in this Bill will be applied when two conditions are met. Firstly, the offender must be charged with a serious offence as defined in a schedule. This is known as the triggering offence. Secondly, the offender's pattern or history of previous periods of detention and opportunity time must indicate that there is a high probability of re-offending within a short period of release from detention. Provided these conditions are met, two special provisions of the Bill which are intended as circuit breakers may be applied. These are the special principle and the special order. The special principle allows the court to give primary consideration to the protection of the community in sentencing decisions.

The special order comes into effect when the court intends to impose a custodial sentence. The Director of Public Prosecutions may seek leave of the court to consider further the imposition of a special order. The court is to be open to argument against the imposition of such an order. The special order comprises a fixed period of 18 months, of which at least 12 must be served in detention, cumulative to any detention sentence which the court may impose for the offence. Other provisions allow for the discharge of the special order on application to the Attorney General under certain circumstances. The eligibility process for sentencing under these provisions has numerous checks and balances built in. To become eligible for the special order, the offender must have served at least two previous periods of incarceration. This ensures that the special order is

correctly targeted and avoids the flaws inherent in the mandatory and automatic formula contained in the Crime (Serious and Repeat Offenders) Sentencing Act.

Unlike the previous legislation, where the likely number of offenders affected was never really known - estimates varying from 40 to 300 - the number of offenders eligible to be dealt with by the special order is easily identified. During 1992-93, 330 young offenders were sentenced to detention. Of these, 77 had been sentenced to detention on at least two occasions previously. It is the intention of this Government to provide the Western Australian community with a safe and secure environment in which to go about their daily lives. Through the application of the special principle and, in appropriate cases, through the imposition of the special order the Government intends to achieve this goal. These provisions will apply only to juveniles as other measures will be included in the soon to be introduced sentencing Bill to deal with recidivist adult offenders.

Another major shortcoming in the existing juvenile justice system is that young offenders can be released from detention centres without any period of sanction-based supervision in the community. The Government intends to remedy this anomaly. All other state jurisdictions throughout Australia have some form of sanction-based supervision as part of the custodial sentencing process. The only variations are how it is implemented; how the earliest date for release is determined; and whether there is a remission component in the sentence. This Government has chosen a different approach to post-release supervision by ensuring that all juvenile offenders, except those sentenced to life imprisonment, are eligible to be released on some form of sanction-based supervision.

To differentiate between juvenile and adult parole, the juvenile post-release supervision program will be called a supervised release order with the independent board called a Supervised Release Review Board. In effect, the mechanism is a release on conditions approved by the board. I emphasise that release to supervision will not occur automatically when the offenders reach their earliest date of release. In all cases, the Supervised Release Review Board will consider information provided to it by the juvenile justice authorities before making any decision regarding release. Prior to release the juvenile justice division will present a release plan to the board including the involvement of the responsible adult. This will cover not only the breachable conditions of the period of supervision, but also case management plans concerning the offender's reintegration into the community. The board may delay release. Victim involvement in this process will be dealt with under the Victims of Crime Bill to be introduced later this year.

Where the period of supervised release is greater than six months, provision has been made for the board to remove all of the supervision conditions providing that during the remaining period the offender is of good behaviour. The Bill provides the Supervised Release Review Board with a range of options for dealing with breaches by both omission and commission. The board can take a number of actions upon breach including temporary suspension of the order and cancellation of the order. Cancellation of the order would result in the offender serving the balance of the original sentence in custody. The board has the power to reinstate supervised release, even following cancellation. The Bill also provides the manager of the juvenile justice office with the power to temporarily suspend the supervised release order and issue a warrant for the offender's apprehension. Supervising field staff need this limited power, particularly when dealing with offenders exhibiting behaviour likely to result in reoffending. This temporary suspension order will result in the return to custody of the offender for up to seven days. A report must be presented to the board during this time. The Bill specifies that the Supervised Release Review Board will be similar in structure to the current adult Parole Board. Although it will be an entirely separate board, the legislation does not preclude the same person being the chairperson of both the adult Parole Board and the juvenile board.

Other members of the board as proposed in the legislation include a delegate of the Chief Executive Officer of the Ministry of Justice, an Aboriginal representative, a member appointed by the Minister from a panel of persons nominated by community organisations, and one person who is a member of the Police Force nominated by the

Commissioner of Police. Other provisions ensure that the chairperson is a senior legal practitioner, and that the board should comprise at least one female member and, when dealing with an Aboriginal offender, must include the Aboriginal representative. It is the Government's intention that the Supervised Release Review Board will play an extremely important role in all matters relating to juveniles in detention and plans for their release. It is envisaged that the board will receive progress reports about juveniles serving their custodial period and will be involved in making decisions to release offenders other than through the supervised release process.

The administration of juvenile detention centres has undergone significant change since incorporation into the Ministry of Justice nearly a year ago. Procedures, reporting requirements and accountability standards have all been improved by the introduction of Director General's rules. In 1988 major amendments to the Child Welfare Act provided for the appointment of visiting justices with the dual role of dealing with complaints from detainees as well as enforcing the detention centre offence provisions. There were a number of practical problems and the disciplinary provisions provided in the legislation have rarely, if ever, been used. This legislation is designed to provide the same degree of accountability by the management of detention centres as there is within the prisons. Two types of visitors will be appointed to detention centres. The first, titled "Detention Centre Visitors" will be members of the public appointed by the Governor. Their duties will be to visit and inspect detention centres and report any complaints made by detainees to either the responsible Minister or the chief executive officer of the responsible department. Visiting justices, on the other hand, are to be appointed from Children's Court magistrates or members of the Children's Court. They will be required to attend detention centres to hear and dispose of charges of detention offences when requested by the superintendent.

The legislation defines the general categories and types of detention offences and proposes a system whereby the superintendent will deal with the matter in the first instance. However, the superintendent has limited powers of disposition and will deal only with minor matters. If the superintendent believes the matter to be serious it will be referred to a visiting justice who has more extensive powers. The visiting justice has the option of referring the matter to the court. Responsible adults, particularly parents, are to be involved at all levels in the disciplinary process. The Bill retains provisions relating to the transfer of juvenile detainees from detention centres to prison, and vice versa, and provides for the transfer of detainees for medical treatment.

A final section of the Bill covers a number of procedural matters, most of which have been transferred directly from the Child Welfare Act. As the House can appreciate, the removal of a significant part of the Child Welfare Act without a direct replacement has meant extensive consequential amendments to that Act so that it remains an effective piece of legislation in its own right. This section also contains amendments to the Children's Court of Western Australia Act which transfers provisions regarding the sentencing of juvenile offenders to the new Young Offenders Bill. Similar minor amendments have had to be made to the Crime (Serious and Repeat Offenders) Sentencing Act to ensure its repeal when this Bill is enacted.

The Young Offenders Bill will revolutionise the juvenile justice system in Western Australia - responding to community demands for strong, meaningful sanctions against offenders, while assisting to prevent reoffending, and encouraging young people and their families to recognise their social responsibilities. Appropriately, it is being introduced during the Year of the Family, because the status of the family in juvenile justice has never before been as forcefully stated in Western Australian legislation. The Bill is powerful, but at the same time, it recognises that young people need special treatment and must be given an opportunity to become worthwhile members of our community. The Young Offenders Bill fulfils an election commitment by this Government.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Cheryl Davenport.

Referral to Standing Committee on Legislation

HON PETER FOSS (East Metropolitan - Minister for Health) [8.19 pm]: I move -

> That the Bill be referred to the Legislation Committee for consideration and report.

HON CHERYL DAVENPORT (South Metropolitan) [8.20 pm]: The Opposition is very pleased that the Government has seen fit to refer the Bill in its current form to the Standing Committee on Legislation. Members are aware that this Bill was the subject of a significant amount of debate in the other place and, as a consequence of that, numerous amendments were moved to it. A number of amendments which were on the Notice Paper were not dealt with because the debate in that place was curtailed. It is appropriate that before this House debates the second reading stage the Legislation Committee should have the opportunity to thoroughly consider the Bill.

Members will be aware that Hon Derrick Tomlinson and I served on a committee approximately three years ago which reviewed the Crime (Serious and Repeat Offenders) Sentencing Act. That committee found many things wrong with that legislation. The Minister indicated that only four people - two young people and two adults - were sentenced under that legislation and for that reason it did not serve the purpose for which it was designed.

The Opposition is pleased that this Bill will be thoroughly scrutinised and hopes that, as a result of that process, it will be returned in a more acceptable form to this House for the second reading debate. I am hopeful that the committee will unanimously agree in its report on this legislation which will then assist those young people who come into contact with the court process -

The PRESIDENT: Order! The member is talking about the contents of the Bill.

Hon CHERYL DAVENPORT: I am about to wind up my remarks.

The PRESIDENT: Order! The member should wait until I have finished what I am saying. The member is allowed to talk about whether the Bill should be sent to the Legislation Committee, but she cannot refer to what is in it.

Hon CHERYL DAVENPORT: Thank you, Mr President. On that note, I hope that what comes back from the Legislation Committee will be a stronger and more valuable piece of legislation that will assist young people in demystifying the court process in the future.

Question put and passed.

SKELETON WEED AND RESISTANT GRAIN INSECTS (ERADICATION FUNDS) AMENDMENT BILL

Receipt and First Reading

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

All Stages: Leave to Proceed

On motion, without notice, by Hon E.J. Charlton (Minister for Transport), resolved with an absolute majority -

> That leave be granted under Standing Order No 15 to put the Bill through all its remaining stages in this sitting.

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [8.25 pm]: I move -

> That the Bill be now read a second time.

The Skeleton Weed and Resistant Grain Insects (Eradication Funds) Act imposes a levy on producers of grain and seed to provide funds for skeleton weed control and the eradication of certain grain insects, and to pay compensation to growers required to

destroy contaminated produce. When introduced in 1974 the original Act provided for growers delivering 30 or more tonnes of grain and seed in aggregate to pay a flat contribution each year for skeleton weed control. This legislation was extended in 1976 and 1979, in the same form, for two further three year terms.

The Act was amended in 1980 to allow for the establishment of a resistant grain insects eradication fund. Up to $20 000 can be transferred annually to this fund from the skeleton weed eradication fund. The resistant grain insects fund is used to meet the cost of the eradication of grain insects which have evolved resistant to insecticides in common use. The Act was extended for two further terms from 1982 and 1985, and was extended in 1988 to provide also that the amount and means of calculating the grower's contribution were to be specified in an order made by the Governor on the recommendation of the Minister for Agriculture. In 1991 it was again extended for three years.

The Bill now before the House seeks to extend the legislation covering skeleton weed and resistant grain insects eradication for the 1994-95 crop year. An extension is necessary to allow the campaign to continue, as the current Act will expire on 31 October 1994, to the end of the 1993-94 crop year. A task force with Hon Murray Criddle as chairman was established earlier this year to review the skeleton weed program. The task force has produced a report containing 11 recommendations for the future of the program. The report is now open for public comment and will not be finalised until after the expiry of the present Act. As there is a possibility of this review process revealing a need to change the Act, an extension for only one year is sought on this occasion. The extension of the Act and the amount of funding required have been discussed with the Western Australian Farmers Federation and the Pastoralists and Graziers Association. Extending the Act for a further one year period has received wide support.

The Agriculture Protection Board by virtue of its structure represents the views of growers; however, further liaison specifically on skeleton weed has been established through a skeleton weed advisory committee comprising board, grower organisation and action committee representatives. It is normal procedure for the advisory committee to consider skeleton weed eradication programs and their estimated cost. Ecological studies show that skeleton weed is capable of invading large areas of the State's wheat growing areas. Since 1963, when the weed was first reported in this State, 468 farm outbreaks have been recorded. Eradication, in the sense that the weed has not re-emerged for three or more years, has been achieved on 129 of these properties, leaving 339 active farm infestations. Although the number of farm outbreaks is increasing each year, the total area of land infested with skeleton weed is less than 410 ha. This is insignificant in comparison to the area cropped or the area which has the potential to be infested. Based on its ability to become established and the likely costs to farming systems, continuation of the eradication campaign is essential.

The campaign has the support of the farming community. Over 2 300 volunteer days of searching were undertaken in 1993-94. Over 44 000 ha of land were searched for the presence of skeleton weed. Gaining sufficient volunteers every year to search for skeleton weed is becoming increasingly difficult. In an attempt to reduce this problem an increased emphasis has been placed on research into automated detection techniques. To date this has not been productive, but there is optimism that advances in technology will produce a solution. Insect control is also an essential element of grain production.

An on-farm inspection service for grain insects has operated for some time. The basic aim of the service is to maintain a clean pipeline between the farm and bulk grain installations, and to encourage farm hygiene and farm storage improvements for grain insect control generally. Co-operative Bulk Handling Ltd is progressively upgrading its country installations by sealing permanent grain storages to enable controlled atmosphere techniques to be used for grain insect control. The company now relies heavily on fumigation for insect control.

The purpose of the resistant grain insects fund is to provide moneys to eradicate phosphine resistant insects before they reach the bulk handling system and spread throughout growers' properties. By doing this, Co-operative Bulk Handling will be able

to continue using phosphine for fumigation in its installations. The end result is that costs to the grower will be reduced but, more importantly, Western Australia's total export crop will be offered insecticide residue free. Some eradication treatment of phosphine resistant insects has been undertaken. Phosphine resistance is limited at this stage; however, as phosphine is the fumigant of choice for controlled atmosphere storage, the eradication of pockets of resistant grain insects is desirable. A maximum of $20 000 for annual transfer continues to be seen as adequate to meet all costs involved in resistant grain insect control at this stage. This Bill will provide the continuation of what has proved to be a successful means of controlling skeleton weed and limiting the damage done by grain insects in Western Australia. It will serve as a vital link in the chain between farmer and export grain buyer. I commend the Bill to the House.

HON KIM CHANCE (Agricultural) [8.30 pm]: The Opposition recognises there is some urgency in this Bill, and that is why it has cooperated in facilitating its early passage. I understand that if this Bill were not enacted by 15 October, it would be impossible to extend the provisions of the levy for a further 12 months. The Opposition is keen to cooperate with the Government in this regard. I do not intend to raise any matters at the Committee stage, so this will be the Opposition's final comment on the Bill. I commend the Government on the manner in which it has sought to resolve this somewhat prickly problem with skeleton weed. The work of Hon Murray Criddle with his committee in trying to find solutions to a problem that has plagued us for many years is commendable, and we look forward to the final report.

The control of skeleton weed is a serious issue in Western Australia, and this is an appropriate time to compliment the Agriculture Protection Board. Skeleton weed has been in Western Australia for more than 20 years now, but the area involved is still relatively small. By comparison, in South Australia within 10 years of the first outbreak the weed had effectively taken over the whole State. Difficult as the job has been, in Western Australia it has been managed with remarkably few funds and in the main they have been growers' funds. A great job has been done. I most certainly support the review being carried out by the Government and look forward to the final report.

Question put and passed.

Bill read a second time.

Committee and Report

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon E.J. Charlton (Minister for Transport), and passed.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)

Receipt and First Reading

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

ACTS AMENDMENT (HEALTH SERVICES INTEGRATION) BILL

Receipt and First Reading

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

Second Reading

HON PETER FOSS (East Metropolitan - Minister for Health) [8.36 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to enable mental health services to be provided at public hospitals and, in particular, at the facilities now being completed on the sites of Bentley

Hospital and Fremantle Hospital. These facilities have been constructed at a cost of approximately $25m. The integration of psychiatric services at public hospitals is part of implementing the 1992 national mental health policy. Locating mental health services within a mainstream hospital, where mental health is linked to the wider health system, results in a number of benefits. These benefits include the reduced stigma attached to people with mental health problems, improved quality of mental health services, and enhanced equity of access to other health services. The Bill allows for a more decentralised mental health service, closer to people's family, community and cultural networks. The Bill will make it legally possible to transfer psychiatric patients from Heathcote Hospital, and to deliver psychiatric services at Bentley Hospital and Fremantle Hospital.

The main provisions of the Bill are as follows: Clause 2 provides that the Act will come into operation on Monday, 10 October 1994. This day has been chosen because of the imminent closure of Heathcote Hospital, and to facilitate the proposed transfer of patients on 1 November 1994. A specified date for the operation of the Act is necessary so that the appropriate logistical and administrative arrangements are in place before patients are moved.

Part 2 of the Bill makes provision for the Hospitals Act 1927 to continue to apply to a public hospital, even though an order setting aside the relevant facilities as an approved hospital under section 19(3) of the Mental Health Act 1962 is in force. Part 3 amends the Mental Health Act 1962 to limit the responsibilities of the Director of Psychiatric Services to the hospitals or services established under that Act. The director may delegate any of his or her duties under the Mental Health Act, other than the function under section 20, to the psychiatrist in charge at a public hospital. However, because of the sensitive nature of this area of health, the director will retain the final determination as to the nature of the treatment to be provided for any person requiring treatment under the Act. For that purpose the Director of Psychiatric Services will continue to be able to review directions given by a psychiatrist of a public hospital.

Finally, section 83 of the Mental Health Act 1962 is amended to allow a referral for the purposes of the Mental Health Act to be given by a medical practitioner of an approved hospital. This will allow medical practitioners employed by both approved hospitals and public hospitals to give referrals for admission for treatment. This will overcome the current difficulty being experienced with some admissions. I commend this Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

TAXI BILL

Second Reading

Resumed from 13 September.

HON KIM CHANCE (Agricultural) [8.39 pm]: The Opposition will support the broad thrust of the Taxi Bill. It will present a few amendments tomorrow at the Committee stage.

Hon N.F. Moore: At 3.00 am?

Hon KIM CHANCE: I am sure this legislation can be dealt with as expeditiously as possible, given the amount of time the Opposition has had for preparation, not to mention the fact that I have been shadow Minister for Transport for only one day.

Hon George Cash: And a very good one. The taxi industry has already been complimentary of your new role, so keep it up.

Hon KIM CHANCE: That is very kind of it. When I have delivered something to it, I will believe the Minister.

Whether we spend hours or days on this Bill will depend on the willingness of the Government to meet the need for some fairly basic but simple enough changes which

have been identified by both the taxi industry and the Opposition. I will comment on a couple of things in that regard. Firstly, I thank the Minister for the briefing that he provided to the Opposition at very short notice through his office and Mr Graham Harman. I would also like to commend the Minister for the way he has so broadly consulted with the industry over a couple of years.

Hon Cheryl Davenport: Well done.

Hon KIM CHANCE: It has not been an easy Bill to put together, because the taxi industry comprises some fairly divergent interests. Without reflecting on the reasons for that, those people have different things to achieve from the taxi industry. In many ways, it has always been a politically sensitive industry. The type of service it delivers exposes its operators to some of the most violent crimes in society today. There have been some regrettable incidents of violence against taxi drivers in Western Australia, and these occur on a far too frequent basis. The taxi industry also sits very much at the sharp end of that interface between the public transport sector and the community. It is in effect a closed industry, so it is open to the criticism that the participants in the industry are somehow closeted and protected by the limited entry nature of the industry. That poses a problem for the industry. When there is a huge demand for taxis on virtually any Friday or Saturday night, and particularly for a major event or even when something as simple as heavy rain falling at peak hour occurs, we have a huge and frequently unsatisfied demand for taxis. That brings the whole industry and its reason for existence into contention.

The Minister, his department, and his personal staff, particularly Mr Graham Harman, deserve commendation for bringing forward a Bill - although we have some significant problems with it - which has broad support for its general thrust, even among its greatest detractors in the industry. The Minister performed extremely well in what might have been a fairly heated meeting with the taxi industry yesterday afternoon. I mentioned that to the Minister privately. On the negative side, it is extremely disappointing that we must deal with the Bill so soon. The Minister put to me the other night that one of the reasons for the unseemly haste is that the Legislative Council has very little legislation before it. It seems a shame that a Bill of this nature, and of such importance, must be forced on, given that last week there was essentially no time at all for me to engage in any form of briefing or contact with the industry due to a heavy commitment in the Estimates Committee. It seems a bit of a pity also that a Bill of this nature must be brought on so quickly, when it has been out in the industry in a consultation phase for two years. Through this week I scheduled no less than five meetings with industry participants, so I could be as fully briefed as possible for this second reading debate. I have not been able to satisfy any of those meetings prior to engaging in this debate.

I will simplify the effect of the Bill, so that people who have not taken a great interest in the Bill can understand it. The role of the Taxi Control Board at present is essentially as regulator of the whole industry. This Bill will take those powers which were held by the Taxi Control Board and transfer them completely to the Minister through the Director General of the Department of Transport. All of the regulatory functions will be removed from the Taxi Control Board. It will cease to exist and will be replaced by the Taxi Industry Board. Despite the similarity in name, no similarity whatever exists in function.

The Taxi Industry Board will be essentially an advisory body, while the Taxi Control Board was drawn from a number of different community bases; for example, it included a representative from the Police Force and Transperth. I do not know why the Taxi Control Board had to include a representative from its major competitor, but I am sure there was a very good reason for doing so. The board has a widespread industry base. I cannot say that it was consumer based, because it had no provision for consumer input. The Taxi Industry Board provides for consumer representation, although the Bill does not spell out precisely at what level the representation will be. Perhaps as we go through the debate we will work that through.

The principal function of the Taxi Industry Board will be to advise the Minister on the future development of the industry. The functions of the board can be found in the

second reading speech, and include the development of wider markets through innovative marketing, and the provision of competitive services while at the same time ensuring sufficient safeguards are in place to protect the public interest and taxi owners' existing involvement in the industry. The principal thrust of the Bill is the opportunity for taxis to be integrated into the public transport system. The role of the new board is to advise the Minister on those functions. The board will be administered entirely by the Department of Transport.

The stated aim of the Bill is to facilitate the taxi industry in providing a new element of flexibility and responsiveness in the industry. In the debate about the Bill in public and within the taxi industry, the taxi industry's principal problem has been identified as the level of underservicing in the market; that is, underservicing is causing the complaints. It has been put to me privately that even many of the problems with violence towards taxi drivers are allied to underservicing. The case has been put to me that a person who comes out of a bar or club at two o'clock in the morning and needs a taxi to get home is already probably not in a stable frame of mind. If that person is kept waiting in the rain for a couple of hours after the bar has shut, the already pretty ordinary frame of mind could easily become violent. However, if people can get taxis in areas like that, the likelihood of that personal level of dissatisfaction will be much less.

Another function of the Bill is to provide the opportunity for the Department of Transport to integrate services of the taxi industry to the whole public transport sector. This issue was canvassed during the debate on the Acts Amendment (Perth Passenger Transport) Bill - I think the Minister mentioned it in the second reading speech quite correctly. The Opposition supports the Government's move towards integration of public transport services. It is very important that we get this right. I think the efficiency of public transport is the key to making a city work properly.

One piece of information I discovered the other day was a publication from Austroads which was provided to me by the Minister's office. Although perhaps obvious enough to some people, it indicated a few things to me which I did not know. It contradicted what my view had been; that is, the vast number of vehicle kilometres travelled in Australia happen in the city. I had always imagined that, because of the huge length of roads in rural Australia and the amount of freight which is moved on those roads, a significant amount of our total vehicle kilometres would have occurred in the country. In fact, the vast majority of not only vehicle kilometres travelled but also all road costs occurs in the capital cities and in the major provincial towns.

Hon Tom Helm: Including in Western Australia?

Hon KIM CHANCE: Yes. I wish I had the figures with me. It is the greatest amount by a spectacular margin; it is not even close. It is also true that the vast bulk of our road funding costs are dependent upon the number of vehicle kilometres travelled, although tonnage certainly has an effect on that, and is linked very closely with road maintenance and high construction costs. I mention those facts - I am sorry that I cannot support them with figures - because every dollar spent on public transport in the cities is a massive saving of road funding for the whole of Australia. Although it could be argued - and probably has been - that the $235m expenditure on the northern suburbs railway line was well spent, a lot of people, without mentioning the Minister, say that that money could perhaps have been better spent on roads. It is in the interests of rural road users that the greatest number of people who can be persuaded to use public transport do so.

Hon J.A. Scott: Hear, hear!

Hon KIM CHANCE: It is very much not just an environmental issue - Hon Jim Scott approves of it - but a sheer commercial issue when we appreciate how much of our road costs are generated in the city. In the past the Minister has made a very good point, one made in criticism of the way in which the former Government spent money on urban transport but was unable, except to the extent of the northern suburbs railway line, to lift the number of passengers. That has been a problem right around the country.

Hon E.J. Charlton: The world.

Hon KIM CHANCE: I was trying to think of an Australian city in another part of the world, but none came to mind! It has been a problem worldwide that despite the best intentions, throwing resources at public transport in an uncoordinated way generally has not been rewarded by greater use of that system. The worst examples are probably in the United States, where money on public transport was underspent originally because there seemed to be a preference for cloverleafs and things like that. Worldwide there has been a problem and the net effect of ignoring it has been the development of cities such as Los Angeles and San Francisco, which have become impossible to service through public transport because the cities have been designed to cater for the motor car. In trying to integrate all of these services within public transport, the Government is probably tackling the problem in the only way it can.

Although we may have some reservations about a transfer of power from the Taxi Control Board back to the Minister, it is worth our supporting that in the interests of the pay-off which may come in terms of integrating all of the elements of Perth's public transport. We are taking away the regulatory powers of the Taxi Control Board and putting them in the hands of the Minister. One of the effects is that much of that which was not in the parent Act which we are amending, now needs to be written into the new legislation. There are many things in the Taxi Bill 1994 that cannot be found in the parent Act. People have said that there is an element of deregulation in the new Bill. I do not believe there is. We can reasonably argue that there are significant matters, not peripheral ones, contained in this Bill which were not contained in the earlier legislation, simply because in transferring the regulatory functions to the Minister it became necessary to enshrine them in the Statute. I will get to that point later.

This has been demonstrated in a couple of ways in clause 29(1)(a), (3) and (4). In those clauses the radio dispatch companies - for example, Swan Taxis Co-op Ltd and Black and White Taxis - are brought into the ambit of the legislation. That is one of the things which the taxi industry has long called for, and which is very much appreciated. The dispatch companies are an important and integral part of the industry. However, the Taxi Control Board under its legislation could not find out from the radio companies what those companies were able to deliver to the industry. I understand it was difficult at times to get basic information to indicate to the Department of Transport the level of underservicing in certain areas of Perth. If a problem cannot be defined, it makes it extremely difficult to solve.

Clause 21 deals with plate owners. The Department of Transport now has the capacity to hold plate owners - that is, the owners of the licence to operate in this limited entry industry - responsible for their actions and for providing the service that they have been given a licence to provide. The clause provides the department with a capacity to specify and enforce the standards and conditions under which these taxi licences will operate. While the Taxi Control Board has powers of that nature now, those powers are not specified to the extent they are in this Bill. In respect of the dispatch companies, the board has very little power at all. I will illustrate how that works. When I put this position to Caucus this morning, I was asked by the member for Balcatta, "Are you telling me that as a result of this Bill we can say to a taxi operator, a plate owner, 'You should be operating in Northbridge on Friday and Saturday nights. If not, and if you do not begin to operate on Friday and Saturday nights in Northbridge, where an underservicing problem has been identified, we will take your licence away from you'?" The answer is yes, although the member for Balcatta could not see how that could come about. The Bill is competent to do that because, firstly, the Department of Transport can access figures which can establish the levels of underservicing in particular areas. The department can say that in Northbridge on Friday or Saturday nights there is an underservicing problem; people are waiting for an average of 45 minutes between their call and the taxi arriving. A condition of the taxi licences must specify that those areas are serviced on Friday and Saturday nights. The means of achieving that are stated in clause 20 of this Bill -

> The Director General may impose conditions on the operation of a taxi using specified taxi plates in relation to -

(a) the area in which, and the hours during which the taxi may be operated and the hours during which the taxi must be operated;

The legislation can establish in the licence where and when a taxi may and must be operated. This gives the Department of Transport not only the opportunity of identifying problem areas but also the means of solving underservicing problems in those areas.

It is important to realise that subsequent to the Bill's enactment the taxi industry will remain regulated. In doing that, the Government has taken the most responsible action. In view of the Hilmer report and the ideology of deregulation, it is refreshing to see where an industry and a Government have reconsidered the future of a service and not taken the route of deregulation. That is encouraging, because the argument that deregulation is the salvation of public administration is flawed, and it is one which has been disproved on many occasions. We can regulate more intelligently and more flexibly, but the Government has taken the choice not to deregulate in introducing this legislation. This is a better Bill than the legislation under which we have been operating, and is a credit to the Government and industry.

While dealing with regulation and deregulation, the question of the ratio of licensed taxis per capita which will operate within the industry has been raised. The present ratio is 0.86 licences per thousand citizens within the licensed area. The Minister has given an undertaking - and I sincerely hope that in his response the undertaking is repeated for the record - that the ratio will not be changed unless significant and demonstrable reasons are shown for changing it; namely, some fundamental change in the taxi market. It must be proved, by what I accept to be the Minister's word, that there is a real and fundamental reason to change that ratio before it is changed.

The taxi industry, like many other regulated industries, is not entirely free from paranoia. When changes emerge on the horizon, people in a regulated industry fear that even if regulation is retained, the value and the effect of the real asset of the industry - whether it be the crayfishing or taxi industry - which is the licence created by the regulation, will have its value watered down by the issue of more and more licences. The ratio then increases. I understand it is the Minister's undertaking that it will not happen and I hope he reaffirms that. It can be argued that the level of statutory control has increased.

I have stated before that in transferring responsibility from the Taxi Control Board to the Minister many functions of the former board have become part of the Act. I cite bringing in the radio companies and specifying certain conditions on plate owners which were not previously in the Act. It is this area - that is, what is within the Bill, rather than what is not in the Bill - that has caused the degree of discontent that exists about the legislation. Some elements of the legislation which were part of the former Act and remain within this Bill disturb me, and I hope the Minister will address those issues in his response.

Part 4 of the Bill, and particularly clauses 34 and 35, includes reference to the powers of authorised officers. Those clauses and others around them seem to define specific legal procedures relating to the admissibility of certain evidence regarding previous convictions by a driver. I am not qualified to make a judgment about the legal aspects of the clauses. However, the Bill sets out to establish its own separate laws of evidence. For example, it says that, under certain specified conditions, the affidavit containing evidence about a driver's previous convictions can be admitted to the court as evidence where otherwise it may not have been admissible. That is a bit of a concern. When I raised this with a solicitor, I was told there was nothing to worry about because it was in the original Act. I wonder why, because its being in the original Act does not make me any happier with it. It is legislation for which we have to take responsibility, and I am concerned about it. I hope that we will hear the reasons for this somewhat unusual procedure when the Minister addresses us.

Hon E.J. Charlton: It is in a lot of legislation.

Hon KIM CHANCE: It is interesting that the Minister says that because I do not think I have seen legislation in the past three years which is all that similar. I remember dealing with the Soil and Land Conservation Act and our having some disagreement about prima

facie evidence and specifically about averment where, if an officer of the department averred that certain facts were the case, they became the case. I remember being offended by that. I think there is an averment provision in this legislation. However, this legislation is even more offensive because it says that the presentation of evidence in this manner may not be legal in any other court and dealing with any other offence, but, under this legislation, it is quite all right. I am not sure I like that, but I will not make a major issue of it. However, I would appreciate advice from the Minister at the Committee stage on why it is that way.

Certain decisions of the Minister are treated as final. I do not think it is necessary for me to give specific examples of that now, although clause 22(2) is one case and it states -

> Where a plate owner is aggrieved by a decision of the Director General under subsection (1) that person may, within 7 days of being served with the relevant notice, seek a review of that decision by the Minister and the decision of the Minister on that review shall be final.

I appreciate that we commonly see that type of wording in legislation. However, I would have thought - perhaps Tom Helm will support me in this - that the trend in legislation now is that decisions by a Minister on a particular issue are becoming more and more justiciable and we do not see judicial rulings on appeal being ruled out nearly as much in legislation as we do now. I would like to hear the Minister's comments on that. A number of such clauses are justiciable in the local court. I wonder why in some clauses that access to the local court is available on the Minister's decision and on some clauses it is not. However, again, it is not a major problem.

There are a couple of general issues which I think may be of interest to members. One in particular is the private taxi licence that we see applied to limousine services principally. The PT plates will be regulated, but not by this Bill, which is rather interesting. I do not know why that is the case. However, the PT plates will be required to be registered, but will be registered under the Transport Co-ordination Act and not the Taxi Bill. I heard the concerns of drivers about the possibility of these PT licences being used to drive a wedge into the regulated sector of the larger taxi industry. The argument was that there is a significant and growing corporate demand for taxi services and that large companies are contracting the PT companies to provide those services and that in itself is competition to the mainstream industry. I have sought advice on that and have been told that, at the moment, it does not pose a problem. However, if the gap in charges narrows any more - I think there is roughly a 30 per cent difference between commercial taxi charges and PT charges - the private taxis, if sufficient were licensed, could provide real competition for the mainstream taxi industry in a manner that was never intended because it would introduce an external influence on the established ratio of mainstream taxis. I hope the Minister notes those concerns.

Hon E.J. Charlton: You will note that the Bill is very strict about people not being able to run taxi-type industry services without being part of the industry.

Hon KIM CHANCE: Yes, I acknowledge that. It raises another question about Comcars, which is something that did not come up at the meeting. I wondered why it did not. I acknowledge what the Minister said. This Bill gives the Department of Transport and the Minister a much greater control of external influences. However, it seems odd that private taxis will come under the ambit of a completely separate Act, the Transport Co-ordination Act, rather than the Taxi Bill,.

The issue of premium plates raises a great deal of interest and, as the Minister will recall, raised the loudest applause of any industry issue at yesterday's meeting. Yesterday's meeting at the Pagoda Ballroom was attended by 400 to 500 taxi operators, which is a significant number of people expressing an interest in the Bill. The system of premium plates or the seniority list allows a driver who has been engaged in the industry as a driver for a long time access, on a ballot basis, to a limited number of licence plates at a vastly reduced rate. In any one year a very limited number of plates become available only for drivers on a certain level of seniority. Those drivers may enter the ballot, although obviously they all cannot win it. The argument supporting this system is that it

gives the drivers something to aim for; after driving for many years, one of the things which keeps them in the industry is the potential a little further down the line to bid for one of the premium plates, which provides a significant asset at a substantially reduced cost. However, as the Bill will result in all plates being gained on a tender basis, will premium plates disappear? Once we commit a matter to the tender process in legislation, it very tightly prescribes the manner in which the tender can be operated. This issue was raised at yesterday's meeting, and the Minister gave no indication whether the premium plate system would continue. I heard a few reasons why it should not continue in its current form. However, the Minister's answer in this regard indicated to me - I would like him to comment in detail on this - that it may be within the realm of the legislation to use trust fund money for this purpose; that is, on a recommendation from the Taxi Industry Board, it may in some way meet the difference so that the long term drivers may be advantaged in the system of tendering. Therefore, in future long term drivers may well have the capacity to aim at bidding for plates on a preferred basis.

The issue of people using the taxi service and then not paying for that service - they are known as runners - was also raised at the meeting. The Minister was asked whether any provision in the Bill addressed that matter and the whole question of violence. The short answer was no, the Bill did not attempt to do that. He went on to say that other factors were put in place by the Department of Transport which would assist.

Special issue plates were also discussed at the meeting; these are plates for special events, such as those that were issued for the America's Cup. The capacity to issue special plates remains, and will be enhanced under the Bill. However, some concern exists in the industry that special issue plates may be used as a means of diluting the existing ratio. Frankly, that has always been a concern, whether under this Bill or its predecessor; therefore, I see no reason to be concerned that that situation will be worse under this Bill.

The question of whether the driver is subject to the same penalties as the owner was also raised at the meeting. The Bill indicates that the plate owner will be made ultimately responsible for maintaining the conditions of that licence. Therefore, the question arises: Does the driver escape any responsibility as a result of the plate owner being identified as the responsible person? The Minister gave some explanation of that yesterday, and I would like him to expand on that a little. What is the driver's situation if the responsibility is fundamentally sheeted home to the plate owner?

The fact that the radio dispatch companies will be brought under control by the legislation is universally popular. I was somewhat surprised upon speaking to a broad range of people in the industry that universal support was evident for that decision. At present the radio companies seem to have no legal responsibility to fix the problems in the industry, and widespread support is apparent for the manner in which the Bill addresses those problems.

I heard another question asked yesterday, which was not really answered in the sense that I would have liked: Given the more clearly defined responsibility of and equity held by the owner of the plate, will the plate become a more bankable object? What security will the plate owner have in that licence? At the moment it is extremely difficult for the plate owner to use that licence as any form of equity for his borrowings.

Those are a few of the general issues which were raised at the meeting, on which I would like to hear the Minister comment. The Opposition will seek a number of amendments to the Bill, none of which is major. However, as I indicated earlier, some are not negotiable. This aspect of the debate will determine whether we spend hours or days on this Bill. I have had a full opportunity to frankly discuss with the Minister's officer which of those amendments we regard as being most important. We were able to prioritise those issues carefully.

Clause 20(2) of the Bill will impose the responsibility for adhering the conditions imposed on the licence directly and fundamentally to the plate owner. The Bill will sheet that responsibility home to the plate owner in a clear and uncompromising way, and we support that. This Bill will also sheet home responsibility, in a clear and

uncompromising way, to the radio companies. However, one factor which is left out of the whole picture is the company which operates as the managing agent for the plate owner. Some quite substantial companies are the front line representatives of the owners. To understand this point, managing agents are left out of this Bill completely, at least in regard to standards and licence conditions. There is a small clause about managing agents' dealings with drivers and drivers' bonds, but in the crux of the Bill, which deals with hours, fare schedules, drivers' qualifications and standards, vehicle standards, inspection requirements, insurance, record keeping, complaints resolution and transfer of plates, the person who is the front line representative of the plate owner - that is, the managing agent - is not even mentioned.

I have heard all of the arguments about why the managing agent should not be mentioned. I suppose the principal argument is we do not want to take the responsibility for maintaining and adhering to those conditions away from the person we most want identified as the person responsible - that is, the plate owner - and I can understand that point of view. However, in suggesting that the managing agent should be jointly and severally responsible for maintaining the licence conditions, I am not suggesting for a moment that that should dilute the responsibility of the plate owner. Indeed, the focus must remain on the plate owner. I have been trying to search for a way to frame an amendment which can bring the responsibility back, at least to some extent, to the managing agent. To understand the importance of this, a plate owner - that is, the licensed taxi owner - may not drive the taxi. He may not live in Perth. He may not even live in Western Australia. He may be a doctor in Melbourne, for example. He may not even be an Australian. I do not know, but I would be extremely surprised if some of the plate owners were not residents of Singapore or Malaysia. Bear in mind that a plate today is worth perhaps $135 000 or $140 000. The identity of plate owners would certainly be known to the Department of Transport.

Hon Tom Stephens: Do you not think we should establish a register of foreign owners of taxi cars?

Hon KIM CHANCE: What a good argument for such a Bill! I seem to remember that the House dealt with such a Bill some time ago.

The plate owner may be a long way from the actual operation of the business. The point I am making is that without removing his responsibility to ensure that the conditions of the licence are satisfied, the front line operator - the person who represents that plate owner - is the managing agent. When I put it to the authors of the legislation that the managing agent is not mentioned in part 3 of the Bill, which deals with the operation of taxis, I was told that they specifically do not want to mention the managing agent. I find that extremely difficult to come to terms with. Despite their patience with me, I do not wear their argument.

Hon E.J. Charlton: They were gentle, were they?

Hon KIM CHANCE: We need to find some way of accommodating those people in the industry who want a level of responsibility applied by this legislation to the managing agent.

Another issue which is of significant importance to the Opposition and to a large part of the taxi industry is the extent to which the Department of Transport, the Minister and the director general will be able to control the maximum level of rental charged per shift for the lease of a vehicle plate. At present, there is a ceiling on leases, which is administered by the Taxi Control Board. Strangely, that is not mentioned specifically in the Bill, but it is one of those broader powers granted by the Act to the Taxi Control Board. This is where we run into an area of dispute, because it could be argued that this was not required to be in the original Act as this power was transferred to and administered by a force external to the Act; that is, the Taxi Control Board. However, as a result of the changes which have been made, we now need to include in the new legislation matters which were not required to be included in the old legislation. There is a requirement in a regulated industry to control the maximum level of lease which can be charged. It is necessary in this Bill to introduce a ceiling and to provide the means for so doing.

Clearly, we cannot include a ceiling as a dollar level because we would need to bring the Act back into the Parliament and amend it every time we wanted to change that ceiling. I have suggested to the Minister and his officers a form of words, and this forecasts an amendment that I shall put at the Committee stage, along the lines that the director general or the Minister - I am not sure how we should word that - shall determine the maximum lease payable for each class of vehicle.

Hon E.J. Charlton: How many classes of vehicle do you think there will be?

Hon KIM CHANCE: I do not know.

Hon Tom Stephens: You are the Minister for Transport. You should tell us.

Hon KIM CHANCE: The Minister has asked how many classes of vehicles I think there should be. He has suggested that there may be a large number of classes, but I do not know whether that is the case. If there is a large number of classes, but they fall into broadly the same group in respect of the requirement for vehicle use and the type of work they carry out, obviously a large number of classes today fall into a subgroup for the purpose of the director general's determination on the ceiling charge required. We need that flexibility. I was convinced by the arguments I heard late last night from certain sections of the industry about why there should not be a ceiling - because that ceiling needs to be flexible.

I will explain why flexibility is so important. In order for the taxi industry to respond to the spirit of this legislation - and part of the spirit of the legislation is that the industry shall be enabled to respond to new challenges within the industry - if an agent or radio company or a single owner were to identify a new area of service that the industry required, and that needed a vehicle which cost, for example, twice the amount the average vehicle costs, it would be impossible for that person to convince people to purchase a motor vehicle to provide that service if all the services were covered by the same ceiling.

That is very much the situation we have now with the Taxi Control Board. A ceiling is applied more or less equally, regardless of the investment. It may not be an investment; it may be some other factor which strongly influences the costs involved, for one reason or another. However, under the processes enabled by the Bill, if that person were to invest in services that require more money than the average, that person will be able to go to the director general and say that he wants to provide this service; this is the cost involved to provide that service; this is the level of capital investment required; and in each case, it is very significantly higher than the average to provide that service identified as a necessary service, so the person will require a higher ceiling charge than the rental cost of the taxi. If the cost can be established to the director general, the higher lease could be approved. I have no problem with that situation because it is entirely within the spirit of the Bill.

What the Department of Transport needs power to control is the practice of people using the limited entry nature of the industry, and cynically using high unemployment, for example, to keep on boosting the lease charges higher and higher until the person who is so desperate to try to make a living for himself and his family will pay any lease in order to try to take something home. That is a situation which in the short and long term would be bad for the industry. That process would be enabled by the Bill as it stands because there is no provision within the Bill for a ceiling on leases.

Hon E.J. Charlton: What about a comparison with the lobster industry? Have you thought about that?

Hon KIM CHANCE: Not really.

Hon E.J. Charlton: That is a regulated industry and it does not put a ceiling on the leasing of pots.

Hon KIM CHANCE: It is an interesting point. I suppose the argument is that anybody who enters the rock lobster industry by leasing pots from the owner of the pots - and that is a common way for people to enter the industry - even though he is only leasing the

pots, is still committed to a significant personal investment. However, he is unlikely to commit to that investment if he is not satisfied that he will see a substantial potential profit or that he will have a potential margin left over. In the instance of a leased cab, a driver who enters the lease commitment is not putting up a great deal of money; it is virtually only the bond and a commitment to work on the night. In that circumstance, people are much more likely to commit themselves to the process in which the return might be very little, than is a skipper leasing pots in the crayfishing industry. It is a major and fundamental point. We can include in this legislation a provision for the director general to determine a ceiling on lease charges without in any way destroying the spirit of the Bill, and without it being contrary to the spirit of the Bill. It would sit fairly comfortably with the Bill. At the same time it would provide the level of protection and decency that is warranted.

I want to raise a number of other issues. The two I have mentioned are the ones that remain the most important to me, and I am very keen to ensure that we come to some level of accommodation on them. I refer now to the capacity of corporate licence holders to enter the industry, to come in from outside the industry, and to buy as many as five licences. That situation concerns me. Corporate licence holders, people coming from outside the industry, can enter the industry but only on the basis that they buy two sets of plates. A person in the industry can own up to five sets, but those from outside at this stage can buy only two sets. This legislation will allow corporate licence holders to take up as many as five licences. I am talking about an investment of $600 000-odd - but people do that. When I raised the matter with other people they said that it is only legitimising what already happens, because people are coming in and splitting the corporate nature of their ownership; one person is buying two licence plates, and that person's spouse is buying two plates, and that person's son or daughter is buying two plates - and it goes on in that manner.

Hon Tom Stephens: It sounds like a wealthy family.

Hon KIM CHANCE: Yes, but there is a lot of money around chasing a home. At the moment taxi licences are seen as a very good investment.

Hon Tom Stephens: I hope you will be speaking for a while, because I want to ask a question.

The DEPUTY PRESIDENT (Hon Sam Piantadosi): Order!

Hon KIM CHANCE: Perhaps this is a question of better drafting. One clause needs further consideration. Clause 26 regarding taxi dispatch services reads -

> A person shall not -
>
> (a) provide or advertise that he provides, or is willing to provide, a taxi dispatch service; or
>
> (b) co-operate in any manner with another person to provide a taxi dispatch service,
>
> within a control area unless that person is registered as the provider of a taxi dispatch service.

The intention of that is fine. However, paragraph (b) seem to be rather loose. That can mean that one taxi operator cannot use a mobile telephone to tell another taxi driver that his services may be required in a particular area. I know that is not the intention of the legislation and I know precisely what is the intention of the legislation. However, the wording is a little sloppy and should be tightened.

Clause 32 concerns the powers of authorised officers. Within the next few days we will be dealing with the Fish Resources Management Bill. One of the real concerns with the Act is the sweeping powers provided to fisheries officers to search and enter premises. The fisheries Bill fundamentally strips away many of those powers. This Bill also grants sweeping powers to an authorised officer, although they are certainly not as wide as those provided to fisheries officers under the existing fisheries legislation. However, clause 32(3) reads -

> An authorised officer may at any reasonable time, enter any business premises of a plate opener, the provider of a taxi dispatch service or an operator referred to in section 36 . . .

He does not need to have a search warrant. In the case of an individual owner/driver, the business premise is his home. Yet this Bill will allow an authorised officer to enter an owner/driver's home and have access to his records, without the requirement the police have for a search warrant. I do not know whether that was the intention. Perhaps it was, but the power of entry into a plate owner's home should be defined separately. Obviously an inspector must have reasonable access to records. I would be happy with that clause as it relates to a provider of a taxi dispatch service or an operator referred to in section 36. However, because the business premise of a plate owner is very likely to be the plate owner's home, we should address that anomaly.

Under clause 3 the interpretation of "operate" means to own and drive, to be a plate owner and drive, or to cause or employ another person to drive a vehicle as a taxi. It does not include the word "lease". I am certain that, in this context, "to cause" can be taken to mean to lease and indeed a number of other meanings in that sense. I am told it is the same wording essentially as in the Act. A number of people will believe that this means that the Transport Workers Union can take over the whole industry because lease drivers are defined as employees. I had a call from the Transport Workers Union tonight.

Hon E.J. Charlton: Did you call them?

Hon KIM CHANCE: They called me. I do not know whether it was entirely coincidental. In order to satisfy people's aspirations we should recognise that they are lease drivers, leaving aside the fact that the union wants to cover the industry. It raises questions about whether the State Taxation Department can say to someone whose car is being leased that as a result of the wording of the Act that person is not actually leasing the taxi, he is an employee, and the owner fails to meet the legal commitments in connection with that person's being an employee.

I think I spoke earlier about clause 8 and whether the Minister would explain the make-up of the Taxi Industry Board. We know that the board will have seven members, all of whom will be appointed by the Minister and who will be persons with knowledge or experience in the industry or consumers of taxi services. I will be interested to know what will be the proportion of those with experience and what proportion will be consumers.

With reference to clause 10, I would like the Minister to comment on whether the chairman of the board will be an independent person.

Hon E.J. Charlton: Yes.

Hon KIM CHANCE: That is good. Mr Mick Lee, who has been the Chairman of the Taxi Control Board - I am sure the Minister will agree with me - has been a tremendous chairman.

Hon E.J. Charlton: That typifies the benefits you can bring to the taxi industry by a few fundamental changes. The department has always supplied the chairman until just recently.

Hon KIM CHANCE: It was a very good change. I am certainly very impressed by what I have heard about Mr Lee's chairmanship. It seems as though his function has so impressed the Minister that he will want to continue with an independent chairman.

As I said, clause 20 provides that driver qualifications and standards will be determined. Presently the Taxi Control Board has a police representative. I think there are very good reasons for having, as of right, police representation on the TCB. One of the good reasons is that it provides the capacity for the police to intervene directly where they can identify a driver who has, for example - I have heard of one such case - managed to lose his driver's licence seven times in the past one or two years. The police presence has enabled them to alert the Taxi Control Board to that situation. Does the Minister plan to put in a monitoring process on the level of disqualifications, for example, or provide

other reasons why a particular driver should not be allowed to continue as a driver of licensed taxis? Will that monitoring process enable an ongoing relationship between the Department of Transport, in this case, and the Police Department? I am aware that a number of the functions formerly carried out by the Taxi Control Board and passed over to the Department of Transport will be administered by Police Licensing and Services. That will include inspections of the vehicles. I am interested in the clause - I do not have it in front of me - which states that drivers will be licensed by Police Licensing and Services. The Minister has nodded his head to confirm my recollection. The matter had not been raised before; I just picked it up from the Bill. Perhaps the Minister will comment on that later.

Hon Tom Stephens: Can you assure me that the legislation has been widely circulated and canvassed in the industry to the extent -

Hon E.J. Charlton: If you had not spent so much time in the north helping to lose the election you would know all about this.

Hon Tom Stephens: How extensively has this legislation been canvassed, not only among the industry bodies but among the taxi drivers?

The DEPUTY PRESIDENT (Hon Barry House): Order! I would like to hear what Hon Kim Chance has to say.

Hon KIM CHANCE: I am pleased to have that question because a couple of people may have missed the discussion on this issue. My understanding is that the level of consultation with the industry has been quite extensive.

Hon E.J. Charlton: It has been unparalleled.

Hon KIM CHANCE: Over a period of two years I was able to commend the Minister.

Hon Tom Stephens: Has this Bill in its current form been circulated?

Hon KIM CHANCE: Let me get to that. I was able to commend the Minister for the degree to which the industry was consulted leading up to the final result, which is the Bill I have in my hand. That was part of the bouquet I gave to the Minister. Then we got to the brickbats which led to my having to deal with this Bill tonight with very little notice.

The DEPUTY PRESIDENT: Order! Hon Kim Chance needs to address his comments through the Chair, not to the member behind him.

Hon KIM CHANCE: Given the short time I have had to prepare for this debate I am rushing through the relatively shallow level of understanding I have of the Bill. Had I had a couple of days in which to prepare -

Hon E.J. Charlton: You have done very well. You have covered all the important points in detail.

Hon KIM CHANCE: I have tried to keep to the facts, with indecent haste. I might have been able to spend more time on it tonight had I had a few more days to prepare.

Hon Tom Stephens: Are you going to tell the Deputy President whether the Bill has been circulated in this form?

Hon KIM CHANCE: My understanding is that the Bill has been circulated in a form similar to this. It obviously has changed -

Hon E.J. Charlton: As soon as possible after the Bill was introduced into this Parliament everybody in the industry had access to it.

Hon KIM CHANCE: Elements of the legislation have been available to the industry for some time, but not in this precise form. The Minister has met industry identified needs for amendments from time to time.

Hon Tom Stephens: Was 13 September the date? It had 15 days.

Hon KIM CHANCE: I will have to leave Hon Tom Stephens to raise that with the Minister because I was not aware of that.

Clause 33 addresses the question of averments. We had that argument on the Soil and Land Conservation Amendment Act. I do not like averments. The clause states -

> In any prosecution for an offence under this Act an averment in the complaint that . . . shall, in the absence of proof to the contrary, be taken as proved.

It is a simple reversal of the principles of natural justice. I will not go through the argument now because we discussed that in debate on the other Act. I am no happier with it in this Bill than I was with it in that legislation.

The driver's bond under clause 36 is an amount of money paid or payable by a driver or operator as security. I am not deeply troubled by the bond itself; I am troubled by the period of 14 days which is after the termination of the contract between the driver and the owner in which the owner is responsible for finally paying back the bond. I would be much happier if the period of 14 days was replaced with 24 hours or other such longer time as should be required to identify costs which may need to be withdrawn from the bond; but in any case, no later than 14 days. I initially said that the period should be 24 hours. I believe that if there is no other reason to retain the bond and there is no claim - that is, if the car has been returned in a good, clean condition and an assessment has been made that there is no need for the owner to draw on the driver's bond because of any action by the driver - the owner should not be able to hold onto that bond for 14 days. The bond is normally $250, although I have heard of instances where it is as high as $350. We must recognise that some of these drivers are people to whom $250 means the difference between eating and not eating for a week. The newly engaged people in that industry are generally not wealthy. Many have been unemployed for a long period and have recently completed driver training programs. They are shopping around, trying to find out whether a particular cab, run or shift is suitable for them. They frequently change cars. For people like that to go for 14 days without the return of their bond is an unnecessary hardship in many cases. At the same time, I recognise that if there is a reason to draw on the bond, and that reason cannot be quantified within a reasonable time - within a week or so because an insurance assessor may have to be called to examine the damage of a cigarette burn to a car seat, for example - more time must be allowed for the assessment to be made before the balance of the bond can be returned. However, if there is no reason to draw on the bond, 24 hours is a much more reasonable time than 14 days. I would like to see some accommodation of that in clause 36(8).

Very early on I dealt with the variation of the rules of evidence. Clause 38 deals with them and refers to a document which is defined as a separate document; that is, it is a document containing a driver's previous convictions. Then it traces the process of that separate document passing through the court, and when it is visible and not visible to the court. The question I would like to put on notice to the Minister relates to clause 39, which deals with infringement notices. Subclause (9) refers to a modified penalty and states -

> Payment of a modified penalty shall not be regarded as an admission for the purposes of any proceedings, whether civil or criminal.

Does that mean that an admitted infringement can be the subject of "a separate document" within the meaning of the Bill? On a first reading it meant to me that if one admitted an infringement on the basis of an infringement notice within the meaning of this part, that infringement notice would not be counted as a previous conviction within the meaning of this part in the words "a separate document". Can the Minister clear that up for me?

The Bill has a five year review clause from commencement, and I think we are fairly happy with that. I think I have dealt with everything now.

The Bill sets some high aims for the taxi industry. I sincerely hope it is able to achieve those aims. Potentially the Bill can much improve the taxi industry. I accept that that is widely recognised throughout the whole range of the taxi industry, even among some of those people who one can say have been detractors, because even the detractors of the Bill generally welcome its main thrust. Changes are needed in the taxi industry, and I

cannot find any structural reason why the Opposition should not support the Bill. That view has been accepted by Caucus today. As I have said, I would have liked a little more time to go through it. I am deeply disappointed that I have been unable to speak to some of the people I would have liked to on this Bill. Nonetheless I think it is a good Bill. Its success or failure will depend very heavily on the degree of visibility that the operation and administration of the Bill has while it is with the Department of Transport. The degree to which we can observe the administration by the department will be important to everybody's comfort level on the Bill. If that visibility is reasonably open and people can feel that they are able to monitor things like the ratio and changes to the ratio, and if people understand why changes are happening, they will feel comfortable with them. Perhaps the problem with the Taxi Control Board was that people could not see what was happening out there. If people feel things are visible and fair, the Bill will be very successful. I commend the people who put it together, and I very much hope we are able to make an accommodation, particularly on those two specific issues I have outlined. That being the case, the Opposition will be pleased to support the Bill.

HON DOUG WENN (South West) [10.15 pm]: I am very quickly learning the truth of the adage that actors used in the old days, that when one goes on stage one should never follow children or animals. I am beginning to believe that in this place it applies to following animals, children or Hon Kim Chance. In such a short time he has put in context everything that I was going to mention. The Minister is right: If Hon Kim Chance had that extended notice he would not have done a better job than he has tonight with this Bill. I may have one advantage over other members in this place. In the past I have been the owner-driver of a cab in Bunbury, where I was a cab driver for four and a half years, and so I learnt a little about the industry.

I believe using cabs is an easier way to get around town than trying to find parking spots. Often after having a drink one is lumbered with leaving a car or one of the party is not allowed to indulge and enjoy the night. Along with that is the problem of getting cabs. Waiting times are a real problem. In Bunbury towards the end of last year as we approached the festive season, my wife and I decided that we would go out a few times. We had to wait three-quarters of an hour for a cab, and that is in a town the size of Bunbury, which has 15 taxis. When the cabbie pulled up I was not very impressed and in the normal way gave him a blast. Since that time I have had no problems getting cabs. I still find it rather annoying to know there are 15 cabs in the town and on a busy night only four on the road going flat stick. That is of concern to me.

The Bill makes no reference to country cabs. Will this Bill cover the whole circle or will that area be in different system altogether? We could refer to all the experiences that happen to individuals as they try to get cabs. It was only late on Saturday night that I decided I would be involved in debate on this Bill, because we were standing at a taxi rank in Northbridge and cabs were pulling up 15 metres away from the rank for somebody who had hailed them when 20 people were standing at the rank waiting for a cab. I thought that it was not acceptable that they could ignore us when we were doing the right thing and take notice of someone who walked straight out to the side of the road and just put his hand up.

In regard to Northbridge overall, I think that the State Government, through the Minister or the city council - whatever it might be at the moment - needs to take the bull by the horns and have a look at the traffic cruising around Northbridge at night from Thursday to Sunday. This has reached the disgraceful position of 90 per cent of traffic just cruising. If Hon Jim Scott were here to take up the issue of pollution in the city, that would be a number one spot to start. We have to deal with it seriously, to the degree that cars must not allowed into that area at all and taxis and/or buses must be the method of transport. This has become a disgraceful exhibition. Anyone from this lovely State of ours and this great city who sees the condition of the Northbridge area must think, "What am I doing here? I might as well be in Hong Kong or Singapore, the pollution is so bad." We are so close to being the same.

Tonight I sat and listened for nearly half an hour to the second reading speech by Hon Peter Foss. I thought, "My God, how long can these second reading speeches go on

for?" The second reading speech for this Bill really has no content. On most occasions I can extract a great deal of information from the Minister's second reading speech.

Hon E.J. Charlton: You have given me a great incentive to make my second reading speeches short.

Hon DOUG WENN: The Minister has already done that because his second reading speech on this Bill is relatively short. Members should know the details of the Bill from the Minister's second reading speech and should not have to go to the Bill to find out what it is about. Some aspects of this Bill must be explained before members can understand what the Government is trying to convey to the public. Members are dealing with Bills all the time and they understand the process. If I gave this Bill to a cab driver, he would be looking for someone to explain it to him.

I apologise to the Minister's advisers for not being present at the briefing on this Bill. I had a number of commitments in my electorate and I did not arrive in Perth until late this morning. Therefore, I will raise a number of issues now and perhaps the Minister will give an explanation during the Committee debate.

The definition of "operate" on page 3 of the Bill means to own and drive or to be a plate owner and drive. I thought an owner-driver was a plate owner and a driver. I ask the Minister to explain the reason for the two types under this definition. It appears that there has been a doubling up.

I do not understand the intent of the definition of "use" on page 4 of the Bill which states -

> as applied to taxi cabs means to display, or to cause or permit another person to display, taxi plates on or in a vehicle.

I am not aware of any vehicle, irrespective of whether it is a farm tractor, that does not have the licence plates affixed to the vehicle. Under this definition a taxi plate may be placed inside the vehicle and I ask the Minister to explain that further. I have owned a country cab and I was able to drive anywhere. On my visits overseas I found that many cabs did not have meters, but operated within certain zones. I believe the intent of this Bill is to confine taxis to controlled areas for pick-ups and drop-offs. Perhaps the Minister will explain whether that is what the industry requested.

Hon Graham Edwards: Will that mean that all fares will be charged on a meter basis?

Hon DOUG WENN: No, because it will be the flag fall plus a charge per kilometre.

Hon Graham Edwards: This Bill could lead to the establishment of zones.

Hon DOUG WENN: I did not pick that up, but under this Bill it is possible. They could be similar to the bus zones.

Hon E.J. Charlton: This Bill covers the metropolitan area.

Hon DOUG WENN: To where does the metropolitan area extend? Does it include Mandurah?

Hon E.J. Charlton: No. It is just those areas defined as the metropolitan area. There are some areas within it such as Kalamunda and Armadale.

Hon DOUG WENN: Swan Taxis operates to Mandurah.

Hon E.J. Charlton: You can go anywhere in a taxi; even to Sydney.

Hon DOUG WENN: One of the real concerns I have about this Bill is the amount of control that will be handed by it to the Minister. I refer members to clause 5(1) of the Bill which states that -

> The Minister may give directions in writing to the Director General with respect to the performance of his or her functions, -

In other words, the Minister will tell the director general how he wants him to administer the taxi industry. It continues -

- either generally or in relation to a particular matter, and the Director General shall give effect to any such direction.

Does the Minister understand what he is taking on?

Hon E.J. Charlton: I thought that if they wanted to blame me for everything I should have responsibility for everything.

Hon DOUG WENN: You have not accepted blame in the past.

Hon E.J. Charlton: Is that right?

Hon DOUG WENN: The Minister can determine how the board will operate and that is something I will refer to later. The Minister has the final say in just about everything. Other clauses provide for the owner or plate holder to go to the court to dispute the Minister's decision. That could create problems for the board, not the Minister.

I come now to the composition of the board. Clause 8 provides for seven members of the board who shall be appointed by the Minister. These persons shall have knowledge or experience in the taxi industry or be consumers of taxi services. I am a regular user of taxi services. Under this clause the board could comprise totally consumers of taxi services. The Minister should include in this clause the number of people involved in the industry and the number of regular users who should make up the board. The board should not comprise people who do not know anything about the industry; they must have some knowledge of it. Clause 9 of the Bill states that a member of the board must hold office for such term not exceeding 12 months. I do not accept that and I am considering moving an amendment to provide for a three year staggered term. The problem with a 12 month term is that at the end of it a problem is created with only some of the members being reappointed. I am concerned about that. I appreciate that the Minister's views may be different from mine. Earlier, Hon Kim Chance stated that the chairperson of the board will be independent of the board, and that is how it should be. The Bill states how the board shall be appointed, but it does not indicate what constitutes a quorum. For example, two members could turn up for a meeting and it could be held.

Clause 17 deals with the form of tender and I have an interest in that aspect of the Bill. I appreciate that subclause (1)(c) states that the identity of any other person who has a financial interest in the ownership of the taxi plates shall be disclosed. Hon Kim Chance alluded to this subclause and said that the identity of the other person, who could be local or from interstate or overseas, should be disclosed. The new taxi board should have full knowledge of who those people are. Subclause (2) states that the Director General may require the statement in a tender to be verified by a statutory declaration. Subclause (3) states that a person shall not furnish any false or misleading information in a tender for taxi plates. Clause 18 states that the tenderer must be of good repute and is, or would be if the tender were made by him or her, a fit person to be the owner of taxi plates. Is that leading to the introduction of security checks on these people?

Hon E.J. Charlton: Yes.

Hon DOUG WENN: That will take a lot of time and money.

Hon E.J. Charlton: No.

Hon DOUG WENN: It does take time because it cannot be done through the board. It must be a police investigation.

Hon E.J. Charlton: It is now.

Hon DOUG WENN: A person must be a fit and proper person to buy the cab or licence plates?

Hon E.J. Charlton: Yes.

Hon DOUG WENN: It does not necessarily reflect on drivers.

Hon E.J. Charlton: Yes it does.

Hon DOUG WENN: I must have met some odd ones!

Hon E.J. Charlton: How did you get in?

Hon DOUG WENN: In the days I was in the industry people had to undergo medical tests and they still do. I must admit that at the time I went for a medical test I weighed 12 stone, but after three and a half years working with the cab they were calling me beach ball. I had put on so much weight because I did no exercise, and I was driving between 12 and 16 hours a day in order to make it pay. I had paid $9 000 for my plates and the car. The Bunbury plates are now fetching $120 000. They certainly must keep the vehicles on the road.

Hon Graham Edwards: Did you make any money?

Hon DOUG WENN: Only when I sold it.

Hon E.J. Charlton: Sounds like farming or being a member of Parliament!

Hon DOUG WENN: Yes, if we stop kicking each other. It states on page 12 of the Bill that annual fees will be payable. I ask the Minister to explain how those fees will be broken down. The drivers will pay between $120 000 and $150 000 for their plates, and will also be required to pay an ongoing fee. What is the anticipated cost per annum? Unless taxi owners have a lot of money, they will be making a monthly payment for their plates and vehicles.

I refer now to the condition of the cabs. When I was in the industry 20 years ago a vehicle to be used as a taxi could not be more than five years old unless special permission were received; that is, the vehicle had to go over the pits and be in mint condition at all times. I do not know of a cab owner who does not take care of his vehicle, but those that are leased and are on the road all the time are hammered. The condition of some of the cabs operating in Perth at the moment is questionable. A number of statements were made in the second reading speech about the condition of the vehicles, but no mention was made of the age of the vehicles. I know of people with old vehicles that are in immaculate condition. Will the Minister confirm a story I have heard that he will allow a 9 per cent increase in taxi fares in Western Australia?

Hon E.J. Charlton: That has happened in Victoria because that State is forcing people to use yellow cabs.

Hon DOUG WENN: I was told by a cabbie last weekend that fares will increase by 9 per cent, and the owners must all paint their cabs yellow.

Hon E.J. Charlton: That is not right.

Hon DOUG WENN: Will you stand by that?

Hon E.J. Charlton: Absolutely.

Hon DOUG WENN: I refer to page 13 of the Bill. Clause 20(4) states that where a person is aggrieved by the imposition of a condition that person may, within seven days of being notified of the imposition of that condition, apply to the Minister. I have a problem with that period of time. Subject to the Minister's response and discussions with Hon Kim Chance, I intend to move an amendment to increase that period to 14 days. The average driver may need to seek legal advice before appealing and I do not think seven days is sufficient time in which to do so. I propose to move a similar amendment to clause 22(2) to increase the relevant time from seven days to 14 days.

Clause 23(5) states that a Local Court hearing an appeal under this section may confirm or quash the Director General's decision. However, clause 22(2) provides that the decision of the Minister shall be final. I do not understand why these are different. Where does it leave the Minister if the court can decide that he is wrong and yet throughout the Bill the clauses provide for him to make the final decision? The Minister could be in a position he might not want to be in.

I am happy to see that the new interest in ownership of taxi plates has been restricted to five sets. Currently ownership is restricted to two until a person is in the industry. Once in the industry a person can buy however many he likes. That happened in country areas until people realised that such owners were becoming a monopoly, and they stopped it

among their own ranks. Five sets of plates is more than enough, because at that stage the operation starts to become a monopoly. Leading to that is the taxi dispatch service. I understand the Bill to mean that if 10 people have five sets of plates, each can have an individual dispatcher. Is that correct?

Hon E.J. Charlton: Yes.

Hon DOUG WENN: That means they can have two-way radios set up. If I owned one cab could I set up a system in my own home?

Hon E.J. Charlton: Yes, but they must all be registered.

Hon DOUG WENN: I do not understand why no fees are involved in that registration. I thought fees would be part of the system.

Hon E.J. Charlton: They will be registered and, therefore, conditions apply. We do not want to increase the costs in the industry; we want to keep administrative costs to a minimum.

Hon DOUG WENN: I accept that but I am concerned about how that will be implemented. Again, I have not had the opportunity to catch up with the industry in Perth. Of course, this whole system is about the metropolitan area and not about country operators. At the moment if I want a cab, with the modern telephone system I press a button and instantly ring Swan Taxis. Under this system we will have different telephone numbers for individual cabbies.

Hon E.J. Charlton: No.

Hon DOUG WENN: Operators who own their own cabs and work from home on a mobile telephone will each have different telephone numbers.

Hon E.J. Charlton: If people in the taxi industry wanted to be part of a system that had broad appeal to the travelling public, that would be their decision.

Hon DOUG WENN: This legislation will allow for a cooperative.

Hon E.J. Charlton: The main operators are Black and White Taxis and Swan Taxis Co-op Ltd. New operators will be registered and certain conditions will be applied. We cannot apply any conditions currently. The industry will not be restricted to two companies. Provided companies abide by the conditions set down for a dispatch company, they will be allowed to operate.

Hon DOUG WENN: The Bill lacks detail. Basically it says that the director general must be satisfied. However, we must pass this Bill - or, rather, members opposite will pass it. We can only express our concerns.

Hon E.J. Charlton: It is called democracy.

Hon DOUG WENN: That is right, but only when members opposite have the numbers.

Hon Kim Chance referred to the powers of authorised officers. Hon Jim Scott asked a question on notice about a Statute that empowered a police officer to enter a home and connect a listening device to the power supply. The answer was that the police officer was empowered by section 49 of the Fisheries Act. It is extraordinary that the police used the Fisheries Act for that purpose. The Fisheries Act empowers fisheries officers to enter and search any premises or place at any time without warrant. The Minister and I know that in the not too distant future the Fish Resources Management Bill will come from the other place with the proviso that no fisheries officer can enter premises without a warrant from a judge or a justice of the peace. This legislation states that an officer can enter anyone's premises. If I were a single operator-driver operating from my home, an officer of the department could walk into my home without a warrant at any time.

Hon E.J. Charlton: Yes, but only to check on taxi business.

Hon DOUG WENN: What if my mobile telephone was in the bedroom?

Hon E.J. Charlton: You would not be making much money out of your taxi if you spent much time in there.

Hon DOUG WENN: That is a hypothetical case. It is a total invasion of privacy when a person can walk into someone's home without a warrant and start laying down the law. That can cause real fear. The driver may be out on the road, and his wife may be at home cooking dinner for the family. That clause needs to be revamped, as is the case with the Fish Resources Management Bill which will be coming to this place. The Minister must take that authority away from these officers. They do not need evidence to enter premises. They need only "believe" that certain circumstances exist, and they can walk into that house. They do not need a warrant. The people will not run away. They will still be there after the warrant has been obtained. To enhance my argument about increasing the period from seven days to 14 days, clause 37(2) relates to appeals against certain decisions of the director general. If a person aggrieved by certain decisions can within 14 days of service of notice appeal in the Local Court against that decision, why cannot he or she have 14 days to appeal to the director general? The Opposition will move an amendment to that effect.

Hon Kim Chance mentioned a bond of $350 for leasing cabs, but there is no reference to interest on that bond money. A tenancy agreement requires that bond money should go into an account that will accrue interest. Nothing in this Bill refers to any entitlement to interest on that bond money. Clause 39(7) refers to the withdrawal of an infringement and the refund of any penalty which has been paid. Again, no mention is made of returning the interest. Most cab users whinge about what is contained in paragraphs (h) to (k) of clause 40; that is, the conduct of taxi drivers in relation to the provision of taxi services. The dress code of taxi drivers in this State now seems to be T-shirts, shorts and thongs. In my day it was long pants, a shirt with a collar and proper shoes. In the summertime it was shorts, long socks and proper shoes. These people are involved with the public, so the Minister should keep an eye on their dress standard. A bus driver would not be allowed to dress in T-shirt and thongs; he would be pulled up straight away.

During Caucus debate today the conduct and behaviour of passengers in taxis was discussed. From my experience as a cabbie for six years I can say that cabbies cop all sorts. Members will have heard stories about fish and chips being left on the front seat of the cab - the old heave ho trick! It happens. The usual passenger for a cabbie at midnight on Friday night is a drunken bum. The cabbie does not receive his fare, and not only does he have to clean up the mess that is left behind in the front of his cab, but his car will stink for a week.

On one occasion a driver with whom I was friendly could not work out for about two days what the smell in his cab was. An old hobo called Skinny Rapp, an alcoholic of the worst degree, had dirtied his pants, and instead of washing them had merely turned them inside out and had then jumped into the cab. From that time Skinny Rapp was never picked up, until he laid a complaint. Of course, on every occasion cab drivers went to pick up Skinny Rapp, they made sure that he was pretty clean before he was allowed into the cab, and he had to have money up-front to pay the fare. The life of a cab driver is not an easy one. People have to be in the job to experience these things.

Clause 40(j) prohibits taxi drivers from refusing to accept any approved voucher or credit arrangement or part payment arrangement of a fare. I do not have a problem with a credit arrangement to cover the full payment; however, I have a problem with its being used for a part payment. Most of the passengers who pay with a voucher are in dire straits, with the exception of those who are lucky enough to be given cab vouchers as part of their salary entitlements. Often I have picked up people from a supermarket and put four cartons of beer in the boot and they have taken their half a bag of shopping into the cab with them. At the end of the journey I would find that these people did not have any money. On one occasion I got caught out seriously. I refused to open the boot and I drove back to the rank. Within half an hour a copper was telling me to give back the grog, otherwise I would be booked for stealing. These people knew the law back to front. On that occasion I had to forgo a fare of $20; I had to return to the rank without being paid. Many drivers have to put up with that sort of thing.

One night I rocked up to the Highway Hotel and saw a bloke lying on the lawn outside.

Hon T.G. Butler: Was it Phil Lockyer?

Hon DOUG WENN: This was in Bunbury; however, it might have been him. This person was lying on the lawn and I waited for five minutes expecting the passenger to come out of the hotel. As I was about to leave the publican came out and I asked him where my fare was. He told me he was the person lying on the lawn. I drove off.

Hon Graham Edwards: How did you get home, Phil?

Hon P.H. Lockyer: Tell the truth, Doug; you lent me a couple of bucks.

Hon DOUG WENN: Once again, a complaint was laid. The taxi board chastised me for taking that action. Some drivers need to be protected more. I can take heart from paragraphs (h), (i), (j) and (k) of clause 40. I understand what drivers go through. Under paragraph (k), if a person turns up with a guide dog, the taxi driver is obliged to take the dog and the passenger in the vehicle. One day a woman turned up to my cab with four little mongrel mutts and wanted to take them in the cab. I refused and she spat the dummy and reported me. Under those circumstances I was covered. I could take the woman, but I did not have to take the dogs.

Hon Graham Edwards: Or vice versa!

Hon T.G. Butler: You have just talked me out of being a cab driver.

Hon DOUG WENN: I remind Hon Tom Butler of the cab driver we encountered last Saturday night. I wish I could have talked him out of being a cab driver, too. He could not find his way from Malcolm Street to Northbridge; we had to show him how to get there.

Clause 47 relates to those who hold an existing licence. I notice that people will be hit for $10 000 for a temporary licence. They will then be issued with a full licence. Does that mean that no further temporary licences will be available?

Hon E.J. Charlton: No.

Hon DOUG WENN: I do not agree with that.

Hon E.J. Charlton: There can be special licences available for weekends.

Hon DOUG WENN: I accept that.

Hon Kim Chance referred to private taxi licences. The Minister has said that this Bill in no ways covers country areas. Will it cover private taxis, irrespective of where they are operating, or is that a separate situation?

Hon E.J. Charlton: No.

Hon DOUG WENN: Will we then see legislation brought into this place to revamp the country situation?

Hon E.J. Charlton: No. We will put this legislation in place, let the country people look at it to see what they think about it and then wait for them to suggest what they would like to do. I have had some discussions with them and they are pretty keen about this legislation.

Hon DOUG WENN: What body will those country people come under if the Taxi Control Board is to be abolished?

Hon E.J. Charlton: They do not come under it now; they come under the Department of Transport.

Hon DOUG WENN: The other points I wanted to raise were covered very well by Hon Kim Chance. I foreshadow the amendments that I have said I will discuss with Hon Kim Chance and may move subject to the response which the Minister will provide. I support the Bill and I hope in the Committee stage that the Minister will clarify the issues I have raised.

HON TOM HELM (Mining and Pastoral) [10.56 pm]: I draw to the attention of the House a number of matters that in my view should be addressed by the Taxi Industry

Board. I encourage the Minister to listen to my comments and recognise that he will be the person responsible in the future under this new legislation. A number of matters have been brought to the Minister's attention and I understand that he has been unable to address them. This debate provides me with an opportunity to put them before him. These matters do not relate specifically to this Bill.

I refer to Mrs Jean Rickards, who spent a lifetime teaching primary school children, and I am sure the Minister knows of the matters that have been brought to my attention. She ended up as the deputy headmistress of South Hedland Primary School but had to resign from that job because she developed osteoporosis and is now confined to a wheelchair. As members can imagine, this lady has been a fighter all of her life and is not afraid to come forward. She has never been a whinger. She has been dedicated to children and a garden has been dedicated to her at the South Hedland Primary School. She has given all of her life to teaching children. She insists upon people knowing that her complaints are not aimed at taxi drivers. In fact, with her disability she has to rely on taxi drivers a great deal and she has never told me that they have let her down. She is certainly concerned that to a great extent the taxi industry, and perhaps the public transport system, in this city let down people with disabilities. She is a country person and she is surprised and disgusted at the way in which people with disabilities, those less able than others, are treated by those in the public transport industry in this city. I just bring these matters to the attention of this House and the Minister because I do not want this Bill enacted without any amendments that would prevent the Minister from accepting his full responsibilities. I understand that the issues I will raise will come under the authority of the Taxi Industry Board.

[Debate adjourned, pursuant to Standing Order No 61(b).]

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [11.00 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Road Trains, Wubin Assembly Area

HON KIM CHANCE (Agricultural) [11.00 pm]: I mentioned in the last debate that tonight I had received a telephone call from Mr Peter Aitken of the Transport Workers Union about the Wubin road train assembly area. Members will be aware - and the Minister is certainly aware - that the Department of Occupational Health, Safety and Welfare has submitted a report on the Wubin road train assembly area. Members will also be aware of the pressures that area has come under subsequent to the Minister's early approval of triple road trains operating east of Wubin. I understand from the TWU that an assurance was given today that lighting and other works would be carried out as a matter of urgency, and that the TWU was pleased to hear that because a dangerous situation exists. I raise this matter tonight because it is not only the facilities in that road train assembly area that are a problem; the sheer size of the area also creates a difficulty. This matter is brought to the attention of the Minister for Lands, as the area surrounding the road train break-up area is Crown land and will require assistance from the Minister to get that area expanded urgently.

Hon George Cash: The member is looking for more land?

Hon KIM CHANCE: Yes. It is a safety matter. I ask the Minister for his cooperation with the Minister for Transport so that the land can be urgently allocated and the safety risks which exist at Wubin assembly area can be overcome as quickly as possible.

Adjournment Debate - Women in Parliament, Numbers Increase

HON CHERYL DAVENPORT (South Metropolitan) [11.04 pm]: I record my great pride in the historic decision made in Hobart today by my party in achieving a change to our rules; namely, that by the year 2002, 35 per cent of Labor members in Parliaments throughout this country will be women. It has taken some time for this to progress

through our party system, and I have been one of those people who has worked on a campaign for a number of years to see this historic rule change occur. A sanction clause has been recommended to ensure that all state branches seriously consider the preselection process for women. If they do not, all positions right across the board will be declared null and void, and the party will keep having preselection meetings until the quota is reached. That will ensure this rule is recognised. We will see a cultural change take place throughout the Parliaments of this nation, which, for example, will see sittings change to a more reasonable time of the day, rather than adjourning at 11.00 pm, as well as other progressive change.

This has been a national campaign. It started in Brisbane in 1991 at the National Labor Women's Conference. The campaign was continued by all state branches and at a national level and culminated in the historic decision made today. Our own state party passed a decision at our July conference which endorsed a similar rule to that passed nationally today. That motion was moved by the Leader of the Opposition, Ian Taylor, and I had the great honour and privilege to second that motion. I also pay tribute to the Prime Minister for the support that women throughout the party have had from him from the outset. I endorse the comment on the television this evening by the Australian Capital Territory delegate, Sue Robinson, when she stated to the Prime Minister that today he had made a place for himself in the history of women within the ALP. The Prime Minister has been an ardent supporter of the increase in the number of women in Parliament. This rule change is the first step in reflecting the population of this country, which is 52 per cent women.

I also place on record my thanks on behalf of Western Australian Labor women, and I extend our congratulations to two prominent Labor women; namely, former Premiers Carmen Lawrence and Joan Kirner. They have collectively and individually campaigned nationally. Their commitment to this cause has been relentless at a community and party level. They have never wavered and the result today in no small measure can be attributed to those two women. Their achievements are admired by many women throughout this country in all walks of life. The examples those women have set for the nation have been exemplary, and will change the face of politics around Australia.

This is the first national conference which I have not attended since 1979. I am sad that I was not part of the delegation in Hobart, but I am delighted that, as a Labor woman, I have been part of the fight to increase the number of women represented in Parliaments around this country. I am very pleased the conference reached this decision, which I am told was carried unanimously. Negotiations would have been conducted behind the scenes, but the affirmative action position taken by the National Organisation Review Committee has held and after 15 years has finally become a rule of our party.

Adjournment Debate - Workplace Agreements, Margaret River Supa Valu

HON BOB THOMAS (South West) [11.08 pm]: I do not think the House should adjourn tonight until it has taken time to consider an example of an employer within my electorate who is abusing the coalition Government's workplace agreements legislation to exploit young workers employed in his supermarket. The employer I refer to is a Mr O'Connor from the Margaret River Supa Valu Supermarket. The correct name for that company is Jenteck Investments Pty Ltd, trading as River Fresh Supa Valu. This example involves a 17 year old girl who was sacked from the Margaret River Supa Valu store on 23 September. This girl was sacked because she declined to agree to the registration of a workplace agreement that she signed a couple of weeks previously until after she had met with a representative from the office of the Commissioner for Workplace Agreements. I will give the House some history to this case.

The young girl was referred to the employer for three days of work experience after completing a Westrek project. While she was there the employer saw that she had some merit and offered her three weeks of casual work to fill in for employees who were on leave. During that three weeks, the employer asked her whether she liked working there. She said she did. He asked her whether she would stay on permanently and she said she would. He produced a workplace agreement which was the standard Chamber of

Commerce and Industry workplace agreement, which they both signed. However, she was not given a copy of the agreement. After she signed the agreement, the employer also made arrangements to deduct payments from her salary on a regular basis to pay for a uniform. The employer even asked her whether she would like a new or second-hand uniform. The employer then sought to register that workplace agreement with the Commissioner for Workplace Agreements because a short time later the 17 year old girl received a letter from the commissioner asking her whether she genuinely wished the agreement to be registered. The letter also informed her that she should have been given a copy of the agreement by the employer. Her mother was concerned about that and so the next day rang the commissioner's office and spoke to an officer about her concerns. The officer advised her that a member of the commissioner's staff would be in Margaret River a couple of days after the conversation and arranged for that officer to meet with the young girl and her mother. They then arranged a time and a venue. The girl agreed that she would not agree to the registration of that workplace agreement until after that meeting with the officer.

That staff member was going to Margaret River because the employer had been taken to the Industrial Relations Commission by the union for a number of reasons, one of which was to try to resolve a dispute about the industrialisation of that workplace. There had also been a number of complaints that the employer had been underpaying people employed under the award. The meeting with the mother and the daughter was to take place on Wednesday of last week. The officer was also to meet on that day with other staff employed at that supermarket and with the employer and the union to try to work out the industrial relations problem. The meeting with the mother and the daughter was arranged for that day, the Wednesday, but unfortunately the officer did not meet with them.

Hon E.J. Charlton: Why didn't the meeting take place?

Hon BOB THOMAS: I will come to that. The next day, the employer called in the young employee and referred to the fact that the mother had spoken to the Commissioner for Workplace Agreements' office and asked for the mother's phone number. He said he would ring her. On the Friday, the employer terminated the girl's employment instead of talking to the officer of the commission.

I have further background information. This employer has had an exceptionally high turnover of staff. One of my contacts tells me that he has had over 40 staff go through the supermarket over the last 12 months and that a number of those people left complaining that they had been underpaid. Some of them were 16 and 17 years old and had worked on Christmas Day last year without being paid penalty rates or overtime. This employer has a very bad track record in relation to his attitude to industrial relations and his staff.

Hon B.K. Donaldson: Do all of the employees come from Margaret River?

Hon BOB THOMAS: I do not have the time to answer interjections. One of those staff was employed under a job training scheme through which the Department of Employment, Education and Training pays a wage subsidy to the employer and the employer must guarantee that he will pay award wages and provide a certain amount of training and supervision. One of the staff who left in the last 12 months lodged a complaint with DEET alleging that she was not paid her proper entitlements. Members can see that this employer has a very bad attitude. I contend that it is a result of the industrial relations culture which has been generated by the workplace agreements and industrial relations legislation which was passed by this Government last year. It has allowed marginal operators like this character to exploit young people.

Hon E.J. Charlton: Everything you have said has nothing to do with workplace agreements. It is about an employer.

Hon BOB THOMAS: This middle-aged adult employer driven by the profit motive is exploiting a 17 year old girl who does not have the skills or ability to defend herself. I raised the matter also because I think the employer's attitude is doing irreparable harm to

young people in their first jobs by exposing them to the worst possible employment practices. They will develop bad attitudes towards their work and have no respect for employment or proper work ethics. That will persist throughout their careers. Many of them will expect employers to act in a capricious and unreasonable way.

Adjournment Debate - Committee System and Procedures

HON J.A. COWDELL (South West) [11.18 pm]: I bring to the attention of this Chamber another place. We have been vaguely aware of the existence of an inferior House now for a number of years. However, I suggest that we may be more acutely aware of it in the future. I hear rumours that a select committee is to be appointed to inquire into procedures for the examination of legislation, the organisation and priority of business, the value of developing a new committee system and opportunities for private members. Previously, as I have pointed out to the House, we have been behind the Senate and the House of Lords in developing a committee system and procedures. How one can fall behind a House of 700 geriatric hereditary peers, I do not know, but we have managed it! Soon we will fall behind another place which is even nearer to us; that is, the place described by the Royal Commission into Commercial Activities of Government and Other Matters as the House of theatre and the House of Government. That Chamber may now combine not only theatre and Government, but also review functions.

Where does that leave us? I understand that the governing coalition parties are still considering the dramatic concept of having Wednesday as committee day, and perhaps starting the proceedings of this Chamber a little later. This is fundamental and earth shattering stuff! However, no light is actually evident at the end of the tunnel. It is no use for me to move for a select committee on this matter, as any opposition motion in this direction tends to go in only one direction; namely, to the bottom of the Notice Paper. Nevertheless, I must bring to the attention of the Chamber the fact that we are now almost a decade on from the seminal report of our committee on committees.

Hon George Cash: Are you suggesting that there should be some changes in this place? Perhaps you might like to talk to Hon Bruce Donaldson, who, on behalf of the Government, is looking into possible changes at the moment.

Hon J.A. COWDELL: I look forward to such a discussion. A revision of the last seminal report of the committee on committees may be worthwhile. In conclusion, in the light of developments which may or may not be happening, where is our George Strickland?

Question put and passed.

House adjourned at 11.22 pm

QUESTIONS ON NOTICE

MURDOCH UNIVERSITY - KWINANA CAMPUS PROPOSAL
Minister's Rejection

22. Hon JOHN HALDEN to the Minister for Education:

In regard to the original proposal to site the new Murdoch University campus in Kwinana -

(1) Has the Minister rejected this proposal?

(2) Has the Minister been lobbied by business people to locate this campus in Rockingham or any other town?

(3) Has the Minister now decided to locate the campus in a town, or towns, other than Kwinana?

(4) If yes, where will the campus be located?

Hon N.F. MOORE replied:

(1) Cabinet has rejected the proposal.

(2) Advice was received from an independent expert committee which received submissions from the three local government authorities in the corridor - Kwinana Town Council, the City of Rockingham and the City of Mandurah and other parties.

(3) Cabinet has decided to locate the campus in towns other than Kwinana.

(4) Rockingham and Mandurah.

CHARITABLE COLLECTIONS BILL - INTRODUCTION

365. Hon N.D. GRIFFITHS to the Minister for Health representing the Attorney General:

When is it anticipated that new charitable collection legislation will be introduced?

Hon PETER FOSS replied:

The charitable collections Bill is currently under review by the Charitable Collections Advisory Committee with the intent to produce a discussion paper for public comment. The Bill will be introduced as soon as possible after the review has been completed and sufficient time for consultation with the public has been allowed.

POLICE - OPERATION SWEEP
Arrests; Charges; Counselling

485. Hon J.A. SCOTT to the Leader of the House representing the Minister for Police:

(1) How many juveniles were arrested in Operation Sweep in Fremantle?

(2) How many were charged with offences?

(3) What were the offences?

(4) Were these juveniles apprehended under the Child Welfare Act?

(5) How many of these juveniles were given counselling by a welfare officer?

(6) What follow up has been done by welfare officers to ensure the moral and physical safety of the juveniles?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police -

(1) Of the 17 persons arrested, three were juveniles; that is, persons 17 years of age or under.

(2) All three were charged with offences.

(3) (i) Apprehended on bench warrant and charged with false name and breach of bail.

(ii) Resist police, disorderly conduct.

(iii) Disorderly conduct.

(4) No.

(5) Two.

(6) Not known - information available from Department for Community Development, Killara Youth Support Services.

POLICE - LISTENING DEVICES INSTALLATION
Woman's Home, Guildford

501. Hon J.A. SCOTT to the Leader of the House representing the Minister for Police:

It was reported in *The West Australian* on 24 August 1993 that police installed a listening device in a woman's home in Guildford after ringing her and telling her she had won a grocery prize which she had to collect from a supermarket within two hours -

(1) How did police enter the woman's home?

(2) Was the listening device connected to the power supply?

(3) If so, was it connected by a licensed electrician?

(4) When was the device removed?

(5) How was entry achieved to remove the device?

(6) What authority or Statute was used to empower the officers to -

(a) enter the home;
(b) connect the device to the power supply; and
(c) remove the device if applicable?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

The Acting Commissioner of Police has advised that -

(1) This is alleged to have occurred in 1982. It is not now clear how entry was gained.

(2)-(3) It is not appropriate to reveal methods employed for such operational matters.

(4)-(5) Due to the passage of time, this information is unknown.

(6) As for questions (2)-(3). Also see section 49B(3)(a) of the Fisheries Act.

GOVERNMENT DEPARTMENTS AND AGENCIES - MEDIA CONTRACTS

588. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Primary Industry:

Why was the answer to question on notice 396 of 1994 not provided in response to question on notice 45 of 1994?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

Both questions have been answered.

GOVERNMENT DEPARTMENTS AND AGENCIES - MEDIA CONTRACTS

589. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Primary Industry:

Why was the answer to question on notice 395 of 1994 not provided in response to question on notice 44 of 1994?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

Both questions have been answered.

MEDIA DECISIONS WA - ADVERTISEMENT

597. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the advertisement published in *The West Australian* on Saturday, 4 December 1993, page 27, referred to in question on notice 1479 in the first session of the Thirty-fourth Parliament -

(1) Was Media Decisions WA involved in its placement?

(2) What did Media Decisions WA receive for that?

Hon GEORGE CASH replied:

(1) Yes.

(2) Media Decisions is not paid by the Government. It is paid by media organisations with whom advertisements are placed.

MEDIA DECISIONS WA - ADVERTISEMENT

598. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the advertisement published in *The West Australian* on Saturday, 6 November 1993, page 23, referred to in question on notice 1227 in the first session of the Thirty-fourth Parliament -

(1) Was Media Decisions WA involved in its placement?

(2) What did Media Decisions WA receive for that?

Hon GEORGE CASH replied:

(1) Yes.

(2) Media Decisions is not paid by the Government. It is paid by media organisations with whom advertisements are placed.

DAMS - CARTER PROPERTY, MT BARKER ROAD, DENMARK

622. Hon BOB THOMAS to the Minister for Transport representing the Minister for Primary Industry:

(1) Was permission recently given to Mr and Mrs Ric and Sandy Carter to clear 27 acres of native bush and wetlands in order for them to construct a dam on their property on the Mt Barker Road, Denmark?

(2) If not cleared, was the area slashed of tea tree to facilitate the construction of a dam?

(3) What is the size of the dam and how much water does it hold when full?

(4) Were any complaints received about the dam's effect on the flow of water through landholders' properties further downstream?

(5) How many complaints were received?

(6) Is the Minister for Primary Industry or his department aware of what method the Carters have used to ensure that a continuous flow of water is ensured to properties downstream?

(7) Is this method effective?

(8) Was this dam classified as a referrable dam?

(9) If not, why not?

(10) What are the criteria for a dam to be classified as a referrable dam?

(11) What requirements must a landowner in this particular catchment satisfy before an area of over 1 hectare can be approved for clearing?

(12) Has the matter been discussed by the Wilson Inlet Management Authority?

(13) If yes to part (12), what was the outcome of this discussion?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry, in consultation with the Minister for Water Resources, has provided the following reply -

(1) No.

(2) Yes.

(3)-(10)
Please refer to the Minister for Water Resources.

(11) Submit notice of intention to clear as per Soil and Land Conservation Act 1945-88, where a change in land use is involved.

(12)-(13)
Please refer to the Minister for the Environment.

The general issue of water rights for primary producers is of serious concern to me, and I have requested the Department of Agriculture to initiate an interdepartmental working group to address issues such as this.

JUSTICE, MINISTRY OF - "JUST US"
Public Affairs Manager and Officer, Salaries

625. Hon BOB THOMAS to the Minister for Health representing the Attorney General:

(1) Are the Ministry of Justice public affairs manager and acting public affairs officer employed full time on duties related to the in-house publication "Just Us"?

(2) If not, what proportion of their working week would be devoted to preparing the publication?

(3) What are the salary levels for the public affairs manager and public affairs officer?

(4) What other costs did the Ministry of Justice incur in the preparation of "Just Us"?

Hon PETER FOSS replied:

(1) No.

(2) Public Affairs Manager - approximately 5 per cent; A/Public Affairs Officer - approximately 30 per cent.

(3) Public Affairs Manager - level 7; A/Public Affairs Officer - level 6.

(4) The cost of graphic design was $435. This was a one-off cost which will not be incurred on future publications. The cost of developing and printing photographs for "Just Us" was $253. Both of these components were awarded to contractors who submitted the cheapest quote. No other costs were incurred.

WORK CAMPS - POST-CAMP FOLLOW UP

626. Hon BOB THOMAS to the Minister for Health representing the Attorney General:

In the recent issue of "Just Us", acting senior project officer for work camps, Keith Beale, stated that, "The most recent literature suggests that the key to reducing recidivism lies in the post-camp follow up."

(1) What is involved in providing post-camp follow up?

(2) How many staff will be employed in the unit to provide post-camp follow up?

(3) What other resources will be allocated to post-camp follow up?

(4) What is the estimated cost of the post-camp follow up?

(5) Why are these resources not being allocated to projects which target at risk youth to provide programs which prevent them offending?

Hon PETER FOSS replied:

(1)-(4) The pilot work camp project is in the developmental stage. Project development is currently focusing on the establishment of the work camp itself. Detailed costs and staffing requirements for the post-camp program have yet to be determined but will be met partially from the budget allocation of $1.76m for the work camp and partially from existing resources. The Aboriginal community will be consulted to ensure that the programs are culturally appropriate.

(5) The Ministry of Justice provides a number of strategies to address the needs of juveniles. The Killara youth support service is an early intervention program which provides support, counselling and, where appropriate, referral to other agencies. Juvenile justice teams have been established to facilitate the reparation process between victims and offenders and to divert juveniles from further involvement with the justice system. The Government also provides funding to a range of community groups to provide programs for youth at risk. Work camps are intended as an alternative sentencing option for those juveniles who are most likely to benefit from a strong discipline and a rigorous physical regime.

"JUST US" - PRINTING

627. Hon BOB THOMAS to the Minister for Health representing the Attorney General:

(1) How many copies of the Ministry of Justice new in-house publication "Just Us" were printed?

(2) What was the cost of -

(a) publishing; and

(b) distributing

the publication "Just Us"?

(3) Was "Just Us" printed at State Print?

(4) If not, who printed the publication and were tenders called?

(5) If tenders were called, who were the tenderers and what were their tender prices?

(6) Given that "Just Us" is an in-house publication, why was a cheaper paper and print format not used?

(7) Given the surplus of recycled paper in Western Australia, why was recycled paper not used?

Hon PETER FOSS replied:

(1) 4 500.

(2) (a) $3 165
(b) $435.

(3) Yes.

(4)-(5) Not applicable.

(6) The paper used is a printing stock commonly used for publications. "Just Us" used only two colour printing, whereas many similar publications use the more expensive full colour format. The print format and layout were compiled using the ministry's computer system.

(7) Recycled paper of a similar type to that used in "Just Us" would cost an extra 30 per cent.

PRISONS - EUCALYPT NURSERIES

628. Hon BOB THOMAS to the Minister for Health representing the Attorney General:

The publication "Just Us" reveals on page 13 that the Eastern Goldfields Regional Prison has established a nursery producing 20 000 eucalypts a year. Has any consideration been given to establishing a similar nursery at Pardelup, Wooroloo or Bunbury prisons to give prisoners additional worthwhile work which is relevant to vocational opportunities on their release?

Hon PETER FOSS replied:

Bunbury Regional Prison has established a nursery where seedling trees are grown for local Greening Australia projects. Up to 60 000 seedlings are supplied annually. Pardelup Prison Farm is engaged in a major commercial tree planting operation which currently covers 160 hectares. Wooroloo Prison Farm does not operate a tree nursery. A number of commercial seedling tree nurseries operate in the area and supply all local needs.

FREEDOM OF INFORMATION - PRISONER FILES

629. Hon BOB THOMAS to the Minister for Health representing the Attorney General:

(1) What information held on prisoner and former prisoner files is not available to them under freedom of information requests?

(2) When a freedom of information request is made by a former prisoner, is consideration given to ensuring that the identity of the author of comments on the file is not revealed?

Hon PETER FOSS replied:

(1) Each document relevant to the ambit of any request is assessed individually rather than on a "class of information" basis.

(2) Consideration is applied as necessary to all applications whether originating from a prisoner, former prisoner or otherwise.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - ROEBOURNE ABORIGINAL MEDICAL SERVICE, ASBESTOS PROGRAMS FUNDING

656. Hon TOM STEPHENS to the Minister for Health:

(1) Will the Minister take urgent steps to assist the local Roebourne Aboriginal Medical Service with funds to assist with implementation of programs for local people in regards to health problems flowing from exposure to asbestos?

(2) Specifically, will the Minister ensure that the medical service is equipped with funds for programs associated with education, counselling and with the administration of a vitamin program for local people exposed to asbestos?

Hon PETER FOSS replied:

(1) Epidemiological information collected to date indicates that there have been in total eight cases of mesothelioma in Aboriginal people in WA since 1981. Two cases of mesothelioma were diagnosed in Aboriginal people in the Pilbara in 1993, and one case to date in 1994. I understand that the Mawarnkarra Aboriginal Medical Service continues to provide health checks for the community which include screening for respiratory disease including mesothelioma. The Government has recently provided funds to Mawarnkarra Aboriginal Medical Service to establish a health promotion unit and the service has held a number of meetings with the community on this matter promoting health checks. The department is maintaining ongoing dialogue with the Mawarnkarra Aboriginal Medical Service and as recently as early September has had on-site meetings with the Aboriginal Medical Service on this issue.

(2) A number of local Aboriginal people have availed themselves of health checks conducted by the medical officer employed by Mawarnkarra Aboriginal Medical Service and have subsequently been referred for further investigation to Sir Charles Gairdner Hospital. As is their entitlement, costs of this further assessment will be met under the patients' assisted travel scheme. Mawarnkarra Aboriginal Medical Service has already had discussions with relevant medical practitioners, including Professor Bill Musk, on the introduction of the vitamin A program to the community, and the Government is supporting the participation of Roebourne people in the trial of chemoprophylaxis for mesothelioma.

DOUBLE-GEES - MANJIMUP SHIRE

658. Hon BOB THOMAS to the Minister for Transport representing the Minister for Primary Industry:

(1) What proportion of the Manjimup farming district is affected by double-gees?

(2) How many farms does this include?

(3) What programs does the Manjimup office of the Department of Agriculture have in place to manage the problem?

(4) What program does the department intend introducing to ensure that the weed does not spread in water wash from neighbouring farmers' cultivated paddocks?

Hon E.J. CHARLTON replied:

The Minister for Primary Industry has provided the following reply -

(1) Seventeen per cent of the Manjimup Shire is devoted to primary production, and properties comprising about half this area are affected by double-gee to some degree.

(2) About 500 farms/horticultural properties.

(3) Double-gees are declared under the Agriculture and Related Resources Protection Act by the Agriculture Protection Board in the Manjimup Shire which means their movement to clean land should be prevented.

(4) The APB provides ongoing extension, advice and publicity to landholders in an effort to minimise the spread of this problem.

SCHOOLS - SPONSORSHIP, POLICY RELEASE

687. Hon JOHN HALDEN to the Minister for Education:

(1) Does the Minister propose to release a policy on school sponsorship in the next three months?

(2) If not, when will the announcement be made?

Hon N.F. MOORE replied:

(1) No.

(2) Not applicable.

SCHOOL CROSSINGS - DOWNGRADING

692. Hon JOHN HALDEN to the Leader of the House representing the Minister for Police:

(1) How many school crosswalks have been downgraded from category A to some other category and what schools are affected?

(2) Are any other school crosswalks likely to be downgraded and where are they situated?

(3) What was the reason/s for downgrading?

(4) How much money was saved as a result of this decision?

Hon GEORGE CASH replied:

The Commissioner of Police has advised -

(1) (a) Since 25 May 1994, nine crossings have been downgraded.

(b) Schools that had students who could have utilised these crossings are listed hereunder. However, it should be noted that of the 13 schools listed, eight had use of common crossings which, despite combined numbers, were still found not to be sufficiently utilised to justify retention as type A crossings. This also combines with factors such as some having other forms of crossing installed, which made the warden's position redundant in that area.

Combined usages -

Graylands Primary
John XXIII College
Gumnut Montessori
Tuart Hill Primary
Tuart Hill Junior Primary
St Kieran's Primary
Belmay Primary
Notre Dame Primary

Single usages -

Mt Lawley Primary
Mirrabooka Primary
Cooinda Primary
Carey Park Primary
Eaton Primary

(2) Not known. Until crossings not previously surveyed have been surveyed and identified as not warranted, no deliberations can occur or be speculated on.

(3) (a) Student pedestrian/vehicle conflict risk factors are not sufficient to justify retention of a type A crossing.

(b) Traffic control lights with pedestrian walk phases, "pelican" traffic control lights, underpasses, overpasses etc have been installed at or near the location superseding previous crossing needs, thereby placing the crossing concerned into a category with (a) above.

(c) At school's specific request as no longer applicable for reasons as above.

(4) None.

MINISTERIAL TRAVEL - PREMIER
Kimberley Visit, Air Charter

714. Hon JOHN HALDEN to the Leader of the House representing the Premier:

(1) What type of aircraft did the Premier use to travel to the Kimberley region over the weekend of 6 to 7 August 1994?

(2) What was the Premier's itinerary for this visit?

(3) Why did the Premier not use the commercial RPT air service to and from Derby in order to undertake this visit?

(4) What was the cost of this air charter to and from the Kimberley?

(5) What was the name of the air charter company utilised for this air charter?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1) A Westwind jet and a Piper Chieftain aircraft.

(2) Departed Perth on the Westwind jet at 6.45 am, Sunday 7 August, arriving Derby 9.15 am. Passengers on this sector were -

The Premier
The Minister for the Environment
Mr C. Cahill
Ms H Grzyb
Mr K. Harrison, Chairman and Chief Executive, Tourism Commission

Departed Derby on the Piper Chieftain aircraft, arriving Mt Hart Station at 10.15 am to launch IBIS aerial highway and nature based tourism at Mt Hart. Then departed Mt Hart at 11.45 am arriving Curtin airfield at 12.30 pm to attend Royal Flying Doctor Service sixtieth birthday celebrations and officially open Air Show '94. Passengers on these two sectors were -

The Premier
The Minister for the Environment
Mr C. Cahill
Ms H Grzyb
Mr K. Harrison
Mr P. McCumstie, Shire President
Ms P. Masters, Tourist Bureau Manager

Departed Curtin airfield for Perth on the Westwind jet at 3.15 pm, arriving Perth 5.45 pm. The passengers on this sector were -

The Premier
The Minister for the Environment
Mr C. Cahill
Ms H Grzyb
Mr K. Harrison
Hon E. Bridge, MLA
Mr G. Woods, Civil Aviation Authority

(3) Commercial RPT services were considered but could not accommodate this schedule and other official commitments over the weekend.

(4) $11 880 for Westwind aircraft, estimated cost of Piper Chieftain aircraft is $660.

(5) Westwind jet - Maroomba Air Service; Piper Chieftain - King Leopold Air.

ABORIGINAL SOCIAL JUSTICE TASK FORCE - FUNDS ALLOCATION; PROGRAMS

716. Hon TOM STEPHENS to the Leader of the House:

I draw the Leader's attention to my unanswered question, listed as question 1 on the list of postponed questions, which was a question addressed to the Leader of the House representing the Premier, notice of which was given on the opening day of the State Parliament this year. I ask the Leader, in view of the fact that many weeks have now elapsed since this question was first asked and in view of the fact that the question asks whether funds would be allocated within the last financial year -

(1) Will the Leader take the necessary steps to ascertain what funds were allocated in the last financial year and for which programs they were allocated so as to respond to the urgent needs identified by the Government's own Aboriginal Social Justice Task Force for emergency finance to improve living standards and health in remote Aboriginal communities?

(2) Will the Leader ascertain from the Premier what funds have been allocated during the current financial year to meet these needs?

Hon GEORGE CASH replied:

This question has been answered.

PARTIS, DR M. - GOVERNMENT APPOINTMENT

723. Hon MARK NEVILL to the Minister for Education:

(1) Has Dr M. Partis, a self-acknowledged friend of Professor Bowdler, been appointed to an office or position by the Government?

(2) What is that office or position?

Hon N.F. MOORE replied:

(1)-(2) Dr M. Partis has been appointed Director of the Secondary Education Authority. His appointment took place under the supervision of the Public Service Commission. The Public Service Commissioner is the statutory officer responsible for maintaining an open, merit based system of selection, appointment and promotion and is the employer of all staff appointed under the Public Service Act. Selections are conducted by panels convened by chief executive officers of government departments and agencies or their delegates according to the seniority of the position.

FIREARMS - NUMBERS REGISTERED; LICENCE FEES

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

(1) How many registered firearms are there in Western Australia?

(2) What is the current scale of firearm licence fees?

(3) What are the comparable firearm licence fees in the other States and Territories?

(4) What is the total revenue derived from firearm licence fees in Western Australia?

(5) What is the estimated cost of administering firearm licensing in Western Australia?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

I am advised by the Commissioner of Police that -

(1) 261 923 recorded as at 18 August 1994.

(2) Firearm licence fee -

	Current fee $	Operative Date	New Fee $	Operative Date
Firearms licence	19	1.7.92	20	1.10.94
Firearms licence - noting fee	9	1.10.91	10	"
Curio licence	35	1.10.93	36	"
Curio licence - noting fee	9	1.10.91	10	"
Corporate licence	64	1.10.93	66	"
Corporate licence - noting fee	9	1.10.91	10	"
Dealer's licence	64	1.10.93	66	"
Repairer's licence	35	1.10.93	36	"
Manufacturer's licence	35	1.10.93	36	"
Shooting gallery licence	35	1.10.93	36	"
Safe custody fee	11	1.10.91	12	"
Limited permit fee	3	1.10.90	4	"
Inspection of register fee	4	1.10.90	5	"
Duplicate firearms licence	9	1.10.91	10	"
Infringement fine	59	1.10.93	61	"

(3) NSW $75 for five years
NT $20 for three years
Qld $45 for life
SA $78 for three years plus $13 to register each firearm
Tas $30 for life for low powered firearms
$50 for three years for automatic firearms
$50 for three years for pistols and revolvers plus $10 to register every concealable firearm
Vic $45 for three years. $5 for three years for pensioners and no fee for primary producers.

(4) 1993-94 - $2.238m.

(5) The estimated cost of administering firearm licensing in Western Australia is based on salary costs of $1.831m and additional non-salary costs that are not quantifiable at this time. A costing analysis is currently in progress for all fees controlled by the Police Department.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - FAMILY CRISIS PROGRAM

Midland Office, Funding

741. Hon KIM CHANCE to the Minister for Transport representing the Minister for Community Development:

What is the value to date of direct financial assistance to disadvantaged people through the Midland office of the Department for Community Development under the Family Crisis program in 1993-94?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development -

$116 450.

SENIOR TRIBAL LAWMAN'S COUNCIL - FUNDING

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

(1) Has the State Government allocated funds to the self-styled "Senior Tribal Lawman's Council"?

(2) If yes, which department has allocated funds, what were the amounts and for what purposes are these funds to be used?

(3) If no, does the State Government propose to allocate funds to this "council", through which departments will they be allocated, what will be the amount of the funds and for what purpose will the funds be used?

Hon N.F. MOORE replied:

(1) No.

(2) Not applicable.

(3) No.

SENIOR LAWMAN'S COUNCIL - SUPPORT

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

(1) What support is the State Government providing towards the establishment of a "Senior Lawman's Council" in Western Australia?

(2) Have State Government resources been used to produce forms to apply to become a certified law man?

Hon N.F. MOORE replied:

(1) None.

(2) No.

JANDAKOT WOOL SCOURING CO PTY LTD - LAKE YANGEBUP, POLLUTION

745. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

(1) Is the Minister for the Environment aware that highly saline and nutrient enriched water is flowing into Lake Yangebup from the Jandakot Wool Scouring Co Pty Ltd effluent ponds?

(2) If so, what is the Minister for the Environment doing to halt this pollution and have any prosecutions been instigated?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

(1) Yes. It is an offence under the Environmental Protection Act to pollute. Wastewater from Jandakot Wool Scouring Co Pty Ltd according to hydrogeological investigations is producing impact on Lake Yangebup. Principal impacts of concern are excessive salinity in ground water and nutrients. Lake Yangebup is routinely brackish and eutrophic and is believed to have its quality influenced by local urban runoff, as well as discharge from the wool scourer.

(2) The Department of Environmental Protection, in conjunction with

the Department of Commerce and Trade and the Water Authority of Western Australia, has developed an environmental strategy designed to achieve the development of an environmentally acceptable, financially viable wool scouring industry within Western Australia within a reasonable time frame. The strategy involves the formulation of licence conditions to address the environmental management of each of the three aqueous wool scourers in the metropolitan area. This includes the management of wastewater treatment and disposal methods, the monitoring of wastewater discharged from the premises and the effect on the receiving environment. Further, the Department of Environmental Protection proposes that unacceptable discharges from Jandakot Wool Scouring Co Pty Ltd shall cease by 1 June 1997. In the short term, Jandakot Wool Scouring Co Pty Ltd will be required to examine the alternatives available for the management of the existing ground water plumes from its operations and to implement an approved ground water management strategy. The Government is encouraging wool scourers to relocate to an appropriate industrial area with an environmentally acceptable wastewater treatment and disposal facility. I understand that the companies are receptive to this initiative. I believe this strategy and timing is appropriate, given this issue is complex and has been outstanding for over 10 years. No prosecution is envisaged.

WESTERN AUSTRALIAN LAND AUTHORITY BOARD - MEMBERSHIP

747. Hon KIM CHANCE to the Minister for Lands:

(1) Who are the members of the Western Australian Land Authority Board and on what date was each appointed?

(2) What are the particular qualifications, professional or business background and history of community work which recommended the appointment of each of these people to the board?

Hon GEORGE CASH replied:

(1) William Griffiths - 1 April 1993 (ceased 17 December 1993); 1 March 1994 (reappointed)
Stuart Morgan - 22 June 1992
Dr Ernest Manea - 22 June 1992
Robert Mickle - 29 March 1993
Peter Solomon - 6 April 1993
Celia Searle - 1 March 1994

(2) Mr Bill Griffiths (Chairman) is a land and property consultant who was a former coordinator of Urban Development, deputy general manager of Homeswest, and a member of the former Joondalup Development Corporation board. Mr Griffiths was also Chairman of the East Perth Redevelopment Authority until 17 November 1993.

Mr Robert Mickle (Deputy Chairman from 1 October 1993) was a member of the former Industrial Lands Development Authority and a former deputy under secretary for lands. He is now a land administration consultant.

Mr Stuart Morgan is Chairman of both Western Aerospace Ltd and the State Energy Commission of WA.

Dr Ernest Manea is Mayor of the City of Bunbury and a general medical practitioner. Dr Manea is a former director of the South West Development Commission and has been actively involved in a wide range of local government and community based organisations for more than 30 years.

Mr Peter Solomon has extensive land development experience and is a former managing director of Estates Development Co. He is currently Chairman of the East Perth Redevelopment Authority.

Ms Celia Searle is a solicitor in private practice, specialising in corporate law and taxation advice.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - PURCHASER-PROVIDER SYSTEM
Albany Doctors' Views

748. Hon BOB THOMAS to the Minister for Health:

(1) Is the Minister aware that Albany doctors have described the funder-owner-purchaser-provider system as a proposed rationing of medical services and have expressed grave concerns that the new system will not provide a supply of quality medical services sufficient to meet the needs of the growing population in the Albany area?

(2) Will the Minister therefore reconsider the level of health resources allocated to the Albany region in this year's and future years' Budgets?

Hon PETER FOSS replied:

(1)-(2)

As I explained in response to a question on 17 August 1994 I am aware of the views expressed by some doctors in Albany. Contrary to those expressed views, the reforms to the health system specifically allow and encourage changes to the supply of health services to meet changes in need, including those caused by population expansion. In these circumstances I do not propose to reconsider the level of resources allocated to the Albany region.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - PURCHASER-PROVIDER SYSTEM
Albany Doctors' Views

749. Hon BOB THOMAS to the Minister for Health:

(1) Is the Minister aware that Albany doctors have described the Minister's funder-owner-purchaser-provider system as an experiment with people's lives?

(2) Is the Minister also aware that the same doctors have claimed that "a similar system has been tried in the United Kingdom, New Zealand and Victoria and it is simply not working"?

(3) Is the Minister also aware that the doctors have expressed grave concerns that his new system will result in a similar blow out in costs due to an increased number of bureaucrats required to run the system, leaving no money for patients to be treated?

(4) Why then is the Minister endeavouring to introduce a system which has clearly failed elsewhere and has resulted in a transfer of scarce health resources to administrative areas?

Hon PETER FOSS replied:

(1)-(4)

I refer the member to earlier questions on this matter on 17 August 1994. The reform to the health system is a Western Australian reform, developed and implemented to meet the particular circumstances of this State. It bears no relationship to the arrangements in those other jurisdictions referred to in the question. Far from increasing the numbers of administrative staff, the reforms have already resulted in a significant reduction in staff involved in corporate activities.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - MANDURAH-MURRAY HEALTH REGION, BUDGET

750. Hon BOB THOMAS to the Minister for Health:

(1) What was the Health Department's budget for the Mandurah-Murray health region for the years -

(a) 1991-92;
(b) 1992-93; and
(c) 1993-94?

(2) How many nurses were employed by the Health Department in -

(a) hospitals; and
(b) community health offices

in the Mandurah-Murray health region in -

(i) 1991-92;
(ii) 1992-93; and
(iii) 1993-94?

(3) What proportion of the Health Department's budget in that region was consumed by fees to doctors in -

(a) 1991-92;
(b) 1992-93; and
(c) 1993-94?

Hon PETER FOSS replied:

(1) (a) $8 534 300
(b) $8 686 273
(c) $8 713 467

(2) (a) (i) 97.34
(ii) 97.31
(iii) 91.05

(b) (i) Not applicable
(ii) 2.48
(iii) 3.94

(3) (a) 14.79 per cent
(b) 17.63 per cent
(c) 17.19 per cent

CARAVANS - LEGISLATION

760. Hon KIM CHANCE to the Minister for Transport representing the Minister for Local Government:

(1) Does the Government intend to proceed with legislation to address issues related to caravans, caravan parks and residential tenancy agreements between park owners and tenants?

(2) If so, will the legislation also address permanent residences sited in caravan parks?

(3) Will the legislation deal with the issues of -

(a) the maximum term of occupation permitted in a caravan park;

(b) the practice of park owners selling power, water, gas and sewerage services;

(c) minimum site size for bays intended for permanent or semipermanent occupation; and

(d) the radial distance from a caravan park in which camping is prohibited except within that park?

Hon E.J. CHARLTON replied:

(1)-(2) It is intended that the proposed caravan legislation will recognise permanent occupancy in a caravan park as tenancy for the purposes of the Residential Tenancies Act. It is not intended that the legislation will deal with tenancy agreements.

(3) (a) There will be no maximum limitation on the term of a resident's occupancy.

(b) No.

(c) There will be no minimum or maximum bay size.

(d) No. This will possibly be for decision by each local government.

POLICE ACT - AMENDMENTS, DELAY

771. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Police:

(1) What is the current timetable for changes to the Police Act?

(2) What are the reasons for the continuing delay?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

(1)-(2) Cabinet has recently approved proposed amendments to the Police Act to enable the drafting of a summary offences Bill and other legislative amendments in respect of police offences and powers. This is the first major reform of the Police Act, which is over 100 years old. Following the report of the Law Reform Commission further discussion was necessary between various agencies on the report's recommendations. The proposal is being progressed as a matter of priority within the Government's law and order legislative program.

FIRE BRIGADE - REVIEW

772. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Emergency Services:

With respect to question on notice 580, answered on 16 August 1994, what are the reasons for the delay in finalising the arrangements for the review of funding arrangements currently operating in Western Australia for the provision of fire protection service referred to in answer to question on notice 363 of 1994?

Hon GEORGE CASH replied:

The Minister for Emergency Services has provided the following reply -

There was no delay in finalising the arrangements for the review of funding arrangements for permanent gazetted fire districts of the Western Australian Fire Brigades Board. As with any proposed review, there is a selection process that is followed and this process takes time to complete. The consultancy firm Arthur Andersen has been engaged to undertake this review.

LAND ADMINISTRATION, DEPARTMENT OF - MIDLAND, SEARCH ORDERING PROCESS TRANSFERRED TO PRIVATE SECTOR

775. Hon N.D. GRIFFITHS to the Minister for Lands:

I refer the Minister to question 331 reported in the *Hansard* for 10 August 1994 at page 3129, when I asked the Minister a question to do with the Government's decision of November 1993 to transfer to the private sector from the Department of Land Administration at Midland the search

ordering process. The Minister's response said among other things: "I cannot give the member specific answers to the four questions and I will obtain more information on the questions the member raised about the search order process." Has the Minister obtained the information on the questions I asked and, if so, what does the information disclose?

Hon GEORGE CASH replied:

(1)-(4) Although the Department of Land Administration did at one stage consider contracting aspects of the ordering and delivering of searches, this was reviewed and not proceeded with. The department's land titles division is responsible for title document registration, processing and searching and will continue to be responsible in the foreseeable future. The department is employing world class information technology to provide a range of efficient and sophisticated services. One of the main reasons for relocating the department to Midland was that the department was sufficiently advanced technically to deliver most searches via remote access computer and facsimile technology. The department's clients can, from the comfort of their own offices, search records using personal computers and order survey and land title copies via facsimile.

QUESTIONS WITHOUT NOTICE

HOMESWEST - HILTON DEVELOPMENT, SEWERAGE TENDER

417. Hon TOM HELM to the Minister for Finance representing the Minister for Housing:

I refer to the tender for sewerage works to support Homeswest development in Hilton.

(1) Which company has won the tender?

(2) What was the tender price?

(3) Who are the principal shareholders of this company?

Hon MAX EVANS replied:

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

(1) The tender has not been awarded.

(2)-(3) Not applicable. The matter does not go to the board of Homeswest until tomorrow.

TWO PEOPLE'S BAY NATURE RESERVE - DRAFT MANAGEMENT PLAN

418. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

With reference to the draft management plan for Two People's Bay nature reserve released for public comment in 1993 -

(1) How many submissions in total were received on the draft plan during the submission period - including submissions from members of the Department of Conservation and Land Management?

(2) How many submissions opposed the proposal to change the status of the reserve to that of a national park?

(3) How many of these submissions expressed concern that increased visitor access would be likely to lead to intensification and spread of phytophthora?

(4) (a) What was CALM's proposal in the revised draft management plan currently being reviewed by the department; and

(b) does this proposal conflict or concur with the national park status put forward in the 1993 draft management plan?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply.

(1) One hundred and twenty-nine, consisting of 79 people who sent their own submissions and 50 people who signed either one of the two pro formas received.

(2) Sixty individual submissions plus the 50 signatures on pro formas.

(3) Three raised this specific issue.

(4) (a) The position is still to be finalised, but will take into account the need to conserve the reserve's biota as well as allowing continued public access to use and appreciate the area; and

(b) not applicable.

HOMESWEST - RAY HEALY TOWERS, EAST PERTH, MAINTENANCE WORK

419. Hon DOUG WENN to the Minister for Finance representing the Minister for Housing:

In relation to an article in the *Sunday Times* of 4 September 1994 headed "Contract work lost" with claims that four retired tradesmen were doing repair work on Homeswest units in East Perth -

(1) Can the Minister advise whether this is occurring in any other units owned by Homeswest?

(2) If yes, which units?

(3) How many contractors have lost their jobs as a result of these arrangements?

(4) What are the cost savings to Homeswest of this scheme?

(5) Who is responsible for the workmanship at these units?.

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

At the board meeting held on 27 July the commissioners noted and approved legal documents between Homeswest and Ray Healy Towers Tenants Committee Inc to establish a tenants maintenance team to undertake minor maintenance work for tenants residing at the Ray Healy Towers pensioner complex in East Perth.

(1)-(2) Currently the situation of the tenants performing and organising repairs is not occurring at any other units owned by Homeswest.

(3)-(5) No contractors have lost their jobs or any significant income as a result of the implementation of the scheme. All contractors in the maintenance zone which includes Ray Healy Towers were consulted and they raised no objections.

CORSE, BARRY - LEGAL COSTS

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

(1) What legal and other costs have been incurred, and how many public officers have been directed to take action by the Public Service

Commissioner or the commission, in pursuit of criminal and/or disciplinary charges against Mr Barry Corse, a consultant to the Ministry of Justice?

(2) Of the costs referred to above, how much of the expense was incurred after the Premier's response to Legislative Assembly question 355 on 11 August?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The Premier has advised that due to the short notice of this question he is unable to reply. If the member will place the question on notice the Premier will respond when the information is available.

CORSE, BARRY - LEGAL COSTS

421. Hon KIM CHANCE to the Minister for Health representing the Attorney General:

(1) Has the Attorney General written to or spoken with the Director General, Ministry of Justice or the Public Service Commissioner concerning the actions of Mr Barry Corse, a consultant to the ministry?

(2) If so, what was the date of such communication and what action was taken or advice was sought?

(3) What costs have been incurred by the Attorney General's office, the ministry, Crown Law and private legal firms regarding the inquiries into Mr Corse's actions?

Hon PETER FOSS replied:

Due to the short notice it has not been possible to provide a response. If the member places the question on notice a response will be provided.

RYAN, MICHAEL BERNARD - GOVERNMENT CONTRACT

422. Hon KIM CHANCE to the Minister for Health representing the Minister for Works:

(1) In relation to the contract the State Government has with Michael Bernard Ryan, can the Minister indicate -

(a) the salary range or the total cost of the contract;

(b) the concluding date of the contract;

(c) whether Mr Ryan was employed as the result of a tender, or call for an expression of interest; and

(d) what project is Mr Ryan currently working on?

(2) Is it true that Mr Ryan initially came to Western Australia to head a Ministry of Justice intelligence unit, position No P2044067 - director executive support?

(3) Is he to be transferred to that unit following the implementation of the Public Sector Management Bill?

Hon PETER FOSS replied:

(1) (a) Total cost $2 400 per fortnight

(b) Twelve months from 5 April 1994.

(c) Direct approach and interview.

(d) Risk audits for various government buildings; briefing review and operational requirements; definition for new juvenile justice and prison facilities; establishment of juvenile work camp at Laverton.

(2)-(3) No.

FRASER, ROSALIE - GRAHAM, CHANTELLE, WARDS OF THE STATE, COMPENSATION PAYMENTS

423. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Community Development:

(1) Is it true that in early 1993 the Minister received advice from Crown Law regarding a compensation payment to Aboriginal sisters Rosalie Fraser and Chantelle Graham who suffered sustained abuse as wards of the State?

(2) If so, did Crown Law advise that a payment similar to criminal injuries compensation would be made?

(3) Why has the Minister failed to make a decision on this matter after 18 months of consideration?

(4) When will the Minister make a decision on this matter?

Hon E.J. CHARLTON replied:

(1)-(4) The Minister for Community Development's office has not been able to provide the answer as the Minister was away when the question was given to the Minister's office. If the member will put the question on notice an answer will be provided.

FORESTS - REHABILITATED, STUDIES FUNDING
Silviculture Management Sustainability

424. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

(1) Is the Government funding field study assessments of rehabilitated forest? If so, will these studies be used to show future forest silviculture management sustainability modelling? If not, why not?

(2) In regard to silviculture prescription 2/91, on what basis has the Department of Conservation and Land Management decided to leave only three habitat trees per hectare?

Hon N.F. MOORE replied:

(1)-(2) I do not appear to have an answer to that question. I therefore ask the member to put it on notice.

COMMONWEALTH-STATE DISABILITY AGREEMENT - FUNDING

425. Hon CHERYL DAVENPORT to the Minister for Health representing the Minister for Disability Services:

(1) When did the Commonwealth-State Disability Agreement commence?

(2) How long is the agreement for?

(3) How many recurrent dollars were granted in the first year and how many dollars were one-off funding in the first year?

(4) How many dollars have been spent to date?

(5) For each year of the Commonwealth-State Disability Agreement operation, how many dollars have been converted to one-off dollars, and why?

(6) What recurrent and one-off dollars have been granted in the 1994-95 budget year?

(7) How many of these dollars have been committed?

Hon PETER FOSS replied:

(1)-(7) The information sought requires considerable research. To enable an accurate and complete answer, it is requested that this question be put on notice.

WITTENOOM - CLEAN-UP

426. Hon MARK NEVILL to the Minister assisting the Minister for Commerce and Trade:

(1) Will the State Government take instant and determined action to force a clean-up by those who dumped tailings in Wittenoom Gorge?

(2) If so, against whom is the action to be taken?

(3) Will the State Government take instant and determined action to force a clean-up by those who dumped tailings in Wittenoom township?

(4) If so, by whom will the action be taken?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The Minister for Commerce and Trade has provided the following reply -

(1)-(4) In response to the tabling on 3 August 1994 of the report of the Legislative Assembly select committee appointed to inquire into Wittenoom, the responsible Minister, the Minister for Commerce and Trade, has indicated that the Government's response to the select committee report will be announced to the Parliament by 1 November 1994. The matters referred to in the member's question have been raised in the report of the Legislative Assembly select committee and will be addressed in the Government's response to the report.

TRUCK DRIVERS - DRIVING HOURS

427. Hon KIM CHANCE to the Minister for Transport:

(1) Does the Minister support the introduction of a limit of 14 hours without a break for truck drivers?

(2) If so, why does he reject the warnings of a national medical group that accidents would increase if road trains were allowed into metropolitan areas after drivers had been at the wheel for 14 hours?

Hon E.J. CHARLTON replied:

(1)-(2)

A couple of points need to be recognised. Western Australia does not have limits on driving hours.

Hon T.G. Butler: I'll bet you are glad about that.

Hon E.J. CHARLTON: We have indicated to the National Road Transport Commission that we support its moves to have national procedures and regulations put in place. This Government has continued that policy of the previous Government. However, we will not implement those conditions and regulations in this State if we consider they are not in the best interest of Western Australia's transport industry. I am generalising and talking about a whole range of conditions. As to the number of hours, for the same reasons given by the NRTC, I support the principles that it handed down to increase by two the regulated hours in the Eastern States.

As to my comment about the road transport industry and road trains, it is ludicrous to suggest that the effect of long hours on drivers of road trains is different from that on drivers of any other heavy haulage vehicle. That is one of the problems associated with comments that have been made in this State in recent times. All of sudden people think a road train is different from some other heavy haulage vehicle of some other combination. As to the criticisms of the NRTC by the sleep group of people: It is time they woke up!

ROADS - DAMAGE BY HEAVY VEHICLES

428. Hon CHERYL DAVENPORT to the Minister for Transport:

Does the Minister agree with studies that show that 99.9 per cent of all road damage is caused by heavy trucks?

Hon E.J. CHARLTON replied:

No, I do not agree with that at all.

Hon Cheryl Davenport: One of your colleagues does.

Hon E.J. CHARLTON: It is very important that other members think differently from me - not everybody can be right all of the time.

Hon T.G. Butler: We all think differently from you.

Hon E.J. CHARLTON: I am pleased that Hon Tom Butler thinks differently from me. That is very important to me. The fact is that heavy haulage vehicles do more damage than lighter vehicles. However, it is stretching things a bit far to say that heavy trucks are responsible for all road damage. It should also be taken into account that heavy haulage vehicles contribute far more fuel tax to both the State and Federal Governments than do lighter vehicles.

ROAD TRAINS - DRIVER FATIGUE

429. Hon KIM CHANCE to the Minister for Transport:

In relation to an article on the relationship between driver fatigue and road accidents in *The West Australian* newspaper on Monday, 26 September, can the Minister explain -

(1) Why he believes fatigue is not an issue in the road train debate?

(2) Why he believes "that even if drivers have been working long hours, they would naturally perk up when they entered the metropolitan area"?

Hon George Cash: Does he mean perk up or throw up?

Hon E.J. CHARLTON replied:

(1)-(2)

I sometimes feel like that when I get some of these questions. I also perk up when I get some of them because the comments and statements that are made give me a little extra adrenaline flow.

Hon Kim Chance: It was your comment.

Hon E.J. CHARLTON: That is right. I will tell the member why I said what I did. I do not know how the new shadow Minister for Transport, one who speaks from experience as a truck driver, feels about this point.

Hon Sam Piantadosi: He does not perk up.

Hon E.J. CHARLTON: I have seen him perk up on numerous occasions -

Hon Kim Chance: We will not talk about that!

Hon E.J. CHARLTON: - especially later in the evening.

The PRESIDENT: Order! I ask honourable members to let the Minister answer the question.

Hon E.J. CHARLTON: It is a well known fact that if people have been driving for some hours in a consistent set of conditions, their job tends to become boring, thus drivers become more tired. When drivers have been travelling at a constant speed and under the same conditions, in the great majority of cases, although this might not be the case across the board, when those conditions change - when drivers enter the metropolitan area,

for example, where more vehicles are on the road and there is other activity on the road - drivers tend to be able to brighten up, and "perk up" is as good a comment as any in those situations. By that I certainly do not mean that having gone through that change of traffic conditions, drivers could continue for another five, six or 10 hours of work. I am sure that Hon Kim Chance would agree that that is the case.

Fatigue is an issue for all drivers on the road, even if they drive a Rolls Royce or a Bentley, if they have travelled for a long time. I say seriously that road train drivers are the most experienced and naturally the best drivers. Irrespective of whether they own their own rig or whether they are driving for a company, those people accept that responsibility. No, I do not consider fatigue to be more of a problem for road train drivers than for anybody else.

WESTRAIL - ROAD COACH SERVICES, TENDERS PROPOSAL

430. Hon KIM CHANCE to the Minister for Transport:

Some notice of this question has been given -

(1) Are the Westrail road coach services to Albany, Bunbury, Geraldton and Kalgoorlie going to be put out to tender?

(2) If yes, when?

(3) Will Westrail be allowed to tender for those services?

Hon E.J. CHARLTON replied:

I thank the member for some notice of the question.

(1) There is no proposal to tender out Westrail road coach services.

(2)-(3) Not applicable.

SCHOOLS - RATIONALISATION DOCUMENT
Student Education Costs

431. Hon MARK NEVILL to the Minister for Education:

The school rationalisation document sent to all schools in May this year announced that when the cost of educating a student exceeds $3 200 for primary students and $4 100 for high school students, the school would be included in the review process. Will the Minister explain how these figures were derived?

Hon N.F. MOORE replied:

The rationalisation group produced a graph showing the average cost of educating children in schools of particular sizes. They then considered the way the graph progressed. Although the Hansard reporter cannot record the way my hand is moving, when a certain size of school is reached the graph moves upwards to a 45 degree angle, having been relatively horizontal for most of the school sizes up to a particular size. A decision was then made to consider an amount per student that was well above the average. The point represented on the graph demonstrated how the graph moved almost vertically from its horizontal position. I would be happy to show the member the figures and how they were derived. It is a very fair figure and well above the average. It relates more to the number of students in the school than to the average cost of educating a student.

SCHOOLS - GLENCOE PRIMARY
Flexibility in Schools Program

432. Hon J.A. COWDELL to the Minister for Education:

A meeting was held at the Glencoe Primary School last week which was attended by the new Principal of the Halls Head Primary School and an

Education Department official. Parents moved a motion asking for the school not to be included in the flexibility in schools project for 1994-95. Is the Minister prepared to heed the wishes of the parents and delay inclusion of this school into the program?

Hon N.F. MOORE replied:

As indicated in the Estimates Committee hearing, I have not received a formal report from the department regarding that meeting. I have been advised informally of a decision made at the meeting, that they did not wish to be part of the program next year. Assuming that is the formal view of the community, I am happy to go along with their suggestion.

Allowing parents to have a say in the ultimate decision making process is an important new trend in education. It is one of those areas where if fundamental changes are to be made in education - and I have been accused in the past of promoting devolution when it is part of the federal government initiated project - parents should have some say in the significant changes that may or may not take place. If it is the formal view of that meeting, I am happy for that school not to be part of the project. I hope the member does not derive any satisfaction from that, because this project is one which provides the opportunity for significant improvements in the flexibility of schools, and one I hope the Opposition will support.

It is quite ironic that a document titled "Better Schools" was launched on the Western Australian public in 1986. This was done during school holidays, with no notice being given, and we were told that it would be the way in which schools would go forward and that it was the beginning of devolution on a bigger scale in Western Australia. That was delivered by Mr Bob Pearce, the then Labor Minister for Education, who saw some merit in devolving decision making in schools. People were not asked whether they agreed with that. The then Minister stated that that was what would happen, and it did.

This Government is going through a process of seeking to promote flexibility in schools, and the FISP project gives schools greater capacity to make decisions about their circumstances. For anybody to gain satisfaction from a school community stating that it does not want to be part of a flexibility project denies those people the benefits to be gained from those opportunities. I hope the member and the Leader of the Opposition take no satisfaction from it. The project of which it is part was initiated by a Labor Government, and is one of the few good things it did.

SCHOOLS - CLOSURES

433. Hon T.G. BUTLER to the Minister for Education:

(1) Does the Minister agree that the State School Teachers Union received the information on the list of schools recommended for closure at the same time as the Minister released the information to the media?

(2) Does he accept that the decisions on schools closures will have an impact on the employment of SSTU members?

(3) What prior discussion on the list, if any, was carried out between the Government and the union?

(4) If the answer to (3) is none, why is the Minister ignoring the union on matters affecting education in this State, such as school closure?

Hon N.F. MOORE replied:

(1) There was a degree of sensitivity in respect of the list which was

produced. It was necessary to maintain confidentiality. A copy was not provided to the State School Teachers Union in advance of providing it to the Press. The union was given a copy some 20 minutes after the press conference was conducted. The reason is that I cannot trust the teachers' union to maintain any confidences.

Hon T.G. Butler: The Minister can understand it?

Hon N.F. MOORE: I can understand it, but not for the reasons the member imagines.

(2) No.

(3) None.

(4) I am unable to trust the teachers' union on some of these issues to maintain the confidentiality that is necessary.

LAND TAX ASSESSMENT ACT - NON-PROFIT ASSOCIATIONS RECEIVING 50 PER CENT CONCESSION

434. Hon MARK NEVILL to the Minister for Finance:

(1) In respect of the Land Tax Assessment Act 1976, how many non-profit associations have applied to the Commissioner of Taxation for an exemption up to 50 per cent under part 2 of the schedule?

(2) How many of these applications under part 2 have been refused?

(3) In respect of question (1), how many applications have been granted, what is their membership and what is their purpose?

(4) In respect of the Land Tax Assessment Act 1976, how many non-profit associations have applied to the Commissioner of Taxation for an exemption under part 3 of the schedule?

(5) How many of these applications under part 3 have been refused?

(6) In respect of question (4), how many applications have been granted, what is their membership and what is their purpose?

Hon MAX EVANS replied:

I thank the honourable member for some notice of this question.

(1)-(2) Not known.

(3) (a) The Acting Commissioner of State Taxation advises that currently around 350 non-profit associations receive a 50 per cent land tax concession under part 2 of the schedule to the Land Tax Assessment Act.

(b) The membership particulars are not known.

(c) The purposes are varied; for example, sporting clubs, community organisations and social clubs.

(4) None. Part 3 of the schedule does not apply to non-profit associations.

(5)-(6) Not applicable.

WESTRAIL - ROAD COACHES, GARAGING

435. Hon KIM CHANCE to the Minister for Transport:

In relation to garaging of Westrail road coaches -

(1) Has a decision been made with regard to the site upon which these road coaches will be garaged upon the completion of the East Perth redevelopment project?

(2) If yes, where is the new site?

(3) If no, when will a decision be made?

Hon E.J. CHARLTON replied:

(1)-(3) I do not know that location. I can tell the member that the increasing numbers of road coaches will be serviced as part of the operations in country areas.

SCHOOLS - BREAK-UP DATE

436. Hon MARK NEVILL to the Minister for Education:

Will the Minister explain who was consulted about the trial changes to the school break-up date?

Hon N.F. MOORE replied:

I ask for that question to be put on notice. The consultation was conducted by the Education Department. I do not know with any degree of certainty to whom it spoke.