

# Legislative Council

Tuesday, 20 August 1991

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

## ADDRESS-IN-REPLY

### *Presentation to Governor - Acknowledgment*

**THE PRESIDENT** (Hon Clive Griffiths): I desire to announce that, accompanied by several members, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech, agreed to by the House. His Excellency has been pleased to make the following reply -

Mr President and Honourable Members of the Legislative Council: I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to my Speech to Parliament on the occasion of the opening of the Third Session of the Thirty-Third Parliament.

Francis Burt  
Governor

## BILLS (14) - ASSENT

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

1. Public Works Amendment Bill
2. Loan (Financial Agreement) Bill
3. Treasurer's Advance Authorization Bill
4. Miscellaneous Repeals Bill
5. Local Courts Amendment Bill
6. Director of Public Prosecutions Bill
7. Anglican Church of Australia School Lands Amendment Bill
8. Supreme and District Courts (Miscellaneous Amendments) Bill
9. Children's Court of Western Australia Amendment Bill (No 2)
10. Supply Bill
11. Prisoners (Release for Deportation) Amendment Bill
12. Companies (Co-operative) Amendment Bill
13. Video Tapes Classification and Control Amendment Bill
14. Conservation and Land Management Amendment Bill

## PERSONAL EXPLANATION - BY HON REG DAVIES

### *Resignation from Liberal Party*

**HON REG DAVIES** (North Metropolitan) [3.36 pm] - by leave: I wish to notify the House that I have found it necessary to resign from the Liberal Party. I informed both the party president and the parliamentary leader of my decision on 10 July during the parliamentary winter recess. The reasons for my departure were many and varied. Very little would be gained by elaborating here except to say that my decision was not made without lengthy consideration of every consequence. I found myself in a position where my allegiance to the Liberal Party became untenable. I withdrew my membership from a party which I felt had lost its way.

The question of my obligation to resign from Parliament may well be debated and rationalised by some people within the Liberal Party. I have assessed the propriety of doing this, and in the end I believe that under the Westminster system it is the representative who is

elected to the Parliament and not the political party. Therefore, I owe my allegiance to those people who elected me as their representative. I intend to continue as an Independent member of Parliament, to function as their voice free from party dictates, free from the minority party power-brokers, and free to consider only those interests that I consider best serving the community as a whole.

As an Independent member, I intend to uphold those traditional values, principles and philosophies that have always been a fundamental part of my life. I speak here of my commitment to people - not just to politics; people working together for their country as well as independently for their own benefit, and being free to do so in any way they please. I know that I will tread a path spread with personal animosity for my actions but I will sleep comfortably knowing that I have put my security and personal interests, and even my popularity, to the test. I will accept the abuse that will be meted out by the few who see furtive motives for what I believe to be a matter of principle.

It is my conviction that the Government had a mandate from the last State election - albeit now a somewhat shaky mandate - to carry through the reforms it put to the electorate in 1989. The Government should be encouraged to bring forward the proposed reforms for debate. I take this opportunity to put the Government on notice that I will seriously consider any legitimate proposal which stood at that time as part of the Government platform, but equally I alert Government members to the fact that I do not intend to endorse any legislation which in any way impinges unnecessarily on the rights and freedoms of individuals. I thank members for giving me the opportunity to make this personal statement.

### **PETITION - JUVENILE CRIME**

#### *High Incidence Concern - Effective Punishment Demand*

The following petition bearing the signatures of 996 persons was presented by Hon Barry House -

To the Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens of Western Australia:

1. Express our outrage at the continued high incidence of juvenile crime, especially car theft leading to death and injury of innocent victims.
2. Demand that the Government of Western Australia respond to community concern by:
  - a) installing more discipline in our education system.
  - b) allowing the victims of crime to put their story to the Courtroom where the offenders are being tried.
  - c) introducing more effective ways of punishing offenders.

[See paper No 613.]

### **PETITION - HAMERSLEY IRON**

#### *Marandoo Iron Deposit Commencement*

The following petition bearing the signatures of 1903 persons was presented by Hon Norman Moore -

To the Honourable the President and Members of the Legislative Council in Parliament Assembled:

The Petition of the undersigned respectfully sheweth:

That the future development and prosperity of the Pilbara and its citizens will be greatly enhanced by an immediate decision to allow Hamersley Iron to commence development of its Marandoo iron ore deposit and that any further delays in providing the necessary approvals will seriously jeopardise the future of Hamersley Iron's operations - operations which are essential to the well-being of the Pilbara and the economy of Western Australia.

Your Petitioners must humbly pray that the Legislative Council, in Parliament assembled, will give this matter earnest consideration so that a significant and essential project can be developed for the benefit of all Western Australians.

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

[See paper No 614.]

#### **PETITION - DUCK SHOOTING**

##### *Prohibition Legislation Support*

Hon Reg Davies presented a petition from 1 700 citizens of Western Australia urging Parliament not to declare duck shooting seasons and to legislate for the prohibition of any further duck shooting in this State.

[See paper No 615.]

#### **PETITION - JUVENILE OFFENDERS**

##### *Cautioning Policy Review - Child Welfare Act Amendment*

Hon Reg Davies presented a petition from 1 265 citizens of Western Australia requesting Parliament to urgently review the policy on cautioning of juvenile offenders and requesting action be taken to amend the Child Welfare Act.

[See paper No 616.]

#### **STATEMENT - BY HON E.J.CHARLTON**

##### *Auditor General's Report on Information Technology - Standing Committee on Estimates and Financial Operations Review*

**HON E.J. CHARLTON** (Agricultural) [3.56 pm] - by leave: As a consequence of the tabling of the Auditor General's report concerning information technology and the consideration that members have given to that report, the Standing Committee on Estimates and Financial Operations has taken action to review the Auditor General's report. It will be meeting with the Auditor General and representatives of his department next Thursday and probably, as a consequence of that, with other people who have an interest in that report. The committee will then report to this House in due course.

#### **URGENCY MOTION - JUVENILE CRIME**

##### *Sentencing*

**THE PRESIDENT** (Hon Clive Griffiths): I received the following letter on 8 August -

Hon. Clive Griffiths, MLC,  
President,  
Legislative Council,  
Legislative Council Chambers,  
PERTH WA 6000.

Dear Mr President,

I give notice that at the sitting of the House on 20th August 1991, I shall move an urgency motion that the House at its rising adjourn till Sunday, September 1, 1991, at 11.00 am for the purpose of discussing the juvenile crime rate and sentencing of these offenders in Western Australia.

Yours faithfully,

Reg Davies, JP, MLC,  
Member for North Metropolitan Region.

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

[At least four members rose in their places.]

**HON REG DAVIES** (North Metropolitan) [3.57 pm]: I move -

That the House at its rising adjourn until 11.00 am on Sunday, 1 September 1991.

I thank members for supporting me. The Government and the people of Western Australia

are facing many serious problems at this time. There are grave flaws in the hospital system, there is a high rate of unemployment, and the education system is stressed as a result of significant funding restrictions. However, one area about which profound concern is being expressed is juvenile crime and the sentencing of juveniles. I should not need to tell members how juvenile crime is tragically and negatively affecting almost every citizen in our community. One of the worst aspects of it is the common public perception that juvenile crime in this State is on the rise and that the sorts of crimes that youths are currently committing are becoming more significant.

We have relied on the State justice system to solve the problem. However, it has failed to achieve any positive turnaround in the perpetuation of lives for juveniles, for kids who might have been saved from themselves if a harder line had been taken towards their earlier misdemeanours. I, like many people, believe that in the long term it is unrealistic for anyone to expect that sentencing will act as a means of controlling crime. How has the Government addressed the problem of the high rate of imprisonment in Western Australia? It has tackled it by reducing the length of imprisonment, right across the spectrum, for all offenders.

Hon J.M. Berinson: Not for serious offenders. It is those who would normally go to minimum security prisons who would be targeted.

Hon REG DAVIES: That is exactly where the confusion within the community lies. Who determines what is a serious offence? Most people would consider the crimes which juveniles are committing currently, mainly car stealing, as serious offences. The community is confused and frustrated. The public want to see the restoration of social balance, which has been threatened by these offenders; and they are clearly dissatisfied with the sentences handed down by the courts. The public express this dissatisfaction by comparing the plight of the victims with the slap on the wrist which the offenders often receive.

It is obvious that one area which is very much in need of urgent remediation is help for victims. We need to develop a more effective strategy which brings some sort of balance between the current sentencing practice and assistance for victims. The victims most in need of help are those who have suffered because of some violent crime against them. Given that only about five per cent of all recorded crimes feature violence against an individual some comprehensive and high profile service should be provided to victims of crime. This would be relatively inexpensive and it would be seen as restoring some social equity in the community. It would also serve to lessen the burden on sentencing. However, at the same time we cannot play down the importance of effective sentencing. I have spoken in this place previously about the Children's Court's well intentioned, yet inconsistent, sentencing of young people who, in spite of their reckless and dangerous actions and extensive criminogenic histories, receive sentences which do not in any way reflect the significance of the crime they committed. All that these light sentences do is to reinforce the contempt these young people have for others in the community. The sentences may well gratify the offenders and their legal counsel, but they leave the victims and members of the public questioning the action of the judges and the directives behind the sentences they dish out.

The public is becoming very cynical. Today's Rally for Justice, which was aimed mainly at justice for victims, demonstrates beyond any doubt that the community is no longer willing to accept the do-gooder slap on the wrist punishments. This is the case especially for offences such as stealing vehicles which eventuate in high speed car chases and result in homicide. These offences should carry the same gravity of sentencing as felony murder.

The risk these kids inflict on the public must be treated with uncompromising rigidity. On the other hand, the judiciary believes it is not at fault in its sentencing of perpetrators of these serious offences. It says that it is the lack of alternatives which is amiss. Basically, I support the judiciary's reluctance to lock up these offenders and to throw away the key or to issue longer gaol terms because this is simply not the answer. The structures which operate within our society are lacking, particularly when it comes to dealing with the deviant behaviour of juveniles. We have adopted the bury one's head in the sand attitude which is based on some sort of premise that the behaviour of juveniles will change when they reach a certain age. The member for Eyre, Mr Grill, said recently on a radio program that the behaviour of juveniles changes when a good woman enters the scene. We are allowing kids to offend umpteen dozen times and to beat people until they are senseless or kill them, before we say that enough is enough and we must get serious. The public perception is that members of

Parliament are allowing this sort of thing to occur because of their directions to the judiciary. Frankly, members of the public should not be asked to sit by and be tyrannised by a bunch of directionless hooligans who are society's misfits and who want to dictate the terms of their existence at the expense of everyone else.

I am certainly not saying, and I do not think anyone else would say it, that these youths can be held totally responsible for their deviant behaviour. It is a clear demonstration of a society which has broken down and which offers youth very little. The disorientation and alienation which is reflected in the antisocial behaviour of juveniles is not entirely the product of bad parenting or their own laziness. Instead, it is the fabric of society which is becoming unstuck. We all know that society has suffered a profound undermining through furtive intrusions which have brought a change to its moral and ethical value systems. This has been done through the loosening up of laws, the change of attitude towards pornography and the undermining of the institution of the family. The most vulnerable people in our society are affected in a negative way by the demise of a strong social structure which offers everyone a place in society.

Our current economic factors are also to blame, but at the same time we should acknowledge the impact of technological change which has replaced the need for large numbers of people who once occupied jobs in offices like insurance offices. They were given hope of having a home and a family. Today the jobs are gone and the hope they once provided has disappeared. The economists would probably tell us that it is cheaper to keep people on the dole than it is to provide them with jobs, education and training or to provide offices and equipment. It is easy to make young people's unemployment look like their own ineptitude. What is missing are the job prospects which existed in the past when almost everyone was employed and had a place in society.

We are all aware of the trouble Aboriginal youths can get into when they are unoccupied. The national Aboriginal unemployment figure of about 80 per cent is a disgrace. Youth unemployment in this State is now roughly 30 per cent resulting in many children feeling displaced. We can examine the problems behind juvenile crime. We can look at what sorts of correction programs are available and on offer from elsewhere. We should also seek new initiatives to use as correctional mechanisms in an attempt to reduce criminal behaviour. At the same time we should offer these young people a place in society. It is interesting to go through the list and find what is available. We can continue along the way we are going, which is achieving nothing for the community, for the victims of crime or for the juveniles involved. There are many community based programs, most of which are run with the best of intentions. The big problem for all of them is a lack of funds, follow up and adequate staff.

The other problem is that many organisations and groups running these programs do not seem to talk to one another. Although something does not work when tried in one program one is still likely to see it in another program. All correctional programs should come under one department. One theory on how to solve the juvenile crime rate is to impose stiffer penalties and put juveniles in gaol for longer periods. If that happened we would have to build more gaols. That is a costly and useless procedure which has proved to be an abject failure in the past. Prison provides a breeding ground for criminals, a place where they acquire more skills so they are able to commit more crimes. There will always be a few people who will respond to that treatment but we are responsible for finding a better solution.

The farms option has been spoken of lately, especially the successful program at Gnowangerup. It appears to go part of the way towards solving this problem. However, what happens if kids do not want to go on that program or are not selected for it, as I understand a selection process must be undergone? This program also lacks funds. The station program has not been an unbridled success. However, I am aware of a program for Aborigines at Hedland that has proved successful. I am a little concerned about other programs mentioned recently, such as the station detention program. Although I understand that program costs only \$260 per week per person compared with \$1 400 a week to keep the same person in a detention centre, such programs have only marginal achievements. How many pastoralists have the time, knowledge or skills to educate these youths? Not many. They are busy trying to make a living.

One of the biggest problems is that there is little follow up of these programs. What do these

kids get at the end of the day? Do they stay on the farm as a labourer? Do they have a job at the end of the day? What is the end result of these programs, because even the most successful ones suffer from a lack of funds and follow up? I recently heard of an inventive idea which was discussed on *Four Corners* and which suggested that young offenders should be put in a maximum security prison for 10 hours to allow the prisoners to enlighten them about what life is like in prison. It has apparently worked quite well in some areas.

Hon Graham Edwards: That is not used for juveniles; it is only being done with kids aged 18 years and over. It is a good program.

Hon REG DAVIES: I can see it being effective for kids who have not made crime a way of life. It is worthwhile considering.

Hon Graham Edwards: It is one of the programs being used in Victoria at the moment.

Hon REG DAVIES: I understand that another reasonable program is being used in New Zealand where the victims and their families get together with the offenders and their families and a member of the judiciary. They sit around a table and work out a payback system. I have investigated that system but it has not been used for long enough for anyone to make a real assessment of its value. It is something that we as members of Parliament should monitor and consider in future if it is successful.

We can deny that any real problem exists and allow cover-ups such as the juvenile cautioning system. That system will create a drop in crime statistics and seemingly show that the Government is being effective in curtailing criminal activity. However, we know that is nonsense and will not happen without positive restructuring. We must look at this cautioning system.

Hon Graham Edwards: Do you honestly believe that is the purpose of the cautioning system? I will be disappointed if you do.

Hon REG DAVIES: No. However, I think there are flaws in the system that should be looked at. It has basic community acceptance. People do not want to see kids hauled before the courts or taken to the police station for riding their bikes on footpaths. In the good old days the police sergeant would toe a kid up the behind for doing that sort of thing. Nowadays the police are not allowed to do that.

Hon T.G. Butler: You are not advocating a return to that, are you?

Hon REG DAVIES: I do not think it would be a bad thing. I have been the recipient of that action and it did me no harm.

Several members interjected.

The PRESIDENT: Order!

Hon Graham Edwards: I will respond later, but I ask the member not to prejudge or write off the cautioning system.

Hon REG DAVIES: I am not writing off that system, I can assure the Minister of that. I am saying that these programs need to be coordinated, funded, staffed and have an end result. We cannot just have kids in programs and then throw them out at the end with nowhere to go and nothing to do. I want to offer a proven approach. It involves a period of confinement in a correctional program of not less than 90 days for first offenders and longer for recidivists. Young offenders are exposed to demanding and strict discipline, military style drill and related activity, physical exercise and physical labour. The program I have in mind would incorporate vocational training and an educational component, with a broad rehabilitative goal. It would offer discipline together with traditional treatment services and would be aimed at redirecting antisocial behaviour. It should be available to all Australians and all ethnic groups - I am not proposing that it should be specifically for Aboriginal youths, as many programs are, because many of the more serious offences, particularly those committed recently, have been committed by non-Aboriginal youths.

The program would take the form of a training academy which I envisage would be Government sponsored and Government funded. It would be a boot camp type training facility in a remote area. The appropriate people to run this facility would be ex-servicemen as instructors, serving or ex-police officers, representatives of the Department for Community Services, the judiciary and the Ministry of Education, psychologists, and

somebody from within the medical sphere. The curriculum would need to be very structured, and would be a graduated daily program with emphasis on accessing education, physical fitness, and individual and team activities, including sport. I see this daily program commencing at, say, 5.00 am and concluding at 9.00 pm. The whole concept of this sort of incarceration is based on the premise of shock, with offenders getting up at a set time, being on time, being dressed correctly for each activity, with emphasis on personal hygiene, doing as they are told when they are told, and learning respect for themselves and for others.

Initially there would be enforced discipline and, from my experience, that would result in self-discipline. Moreover, responsibility would be the keynote. Responsibility is a word which has little or no meaning for many young criminals. The offenders would be lectured on the requirement of individuals to live in society. They would be made to observe the effects of their antisocial activities on their families, their victims and their victims' families, and the community. Young offenders need to be made aware of what their actions cost the community, in physical, mental and monetary terms. These kids need to have it reinforced that to live in a community they must be law abiding and take responsibility for their community as well. They must learn what good citizenship is all about. Unfortunately this has not been taught at school or at home, and if it is not taught somewhere they will never know and will continue the cycle of offending, perhaps for the rest of their lives, and their children will do likewise.

These young people must know how to participate in neighbourhood programs and local community activities. They could also receive medical training, particularly about the dangerous effects of drugs on the body. They could be taught first aid and resuscitation, and they could also engage in self-esteem activities such as giving impromptu talks about themselves and their ambitions and how they might achieve them. There would be such things as group and self-discipline, such as marching and drill, which helps instil discipline and build a team spirit. Eventually they could do things such as cliff climbing and running obstacle courses - anything which gives them a sense of having achieved something at the end of each day. Perhaps those who ended up with a good understanding of responsibility could even do helicopter training or parachuting.

Hon Graham Edwards: With or without parachutes?

Hon REG DAVIES: With parachutes, I would suggest.

Hon Derrick Tomlinson interjected.

Hon REG DAVIES: Members might wish to make light of what I believe is a serious alternative to the problems we have in the community. I have found that the military or quasi-military approach is a wonderful way of instilling discipline and training young people to become responsible, but I will certainly listen to what the member has to say later on.

Employment training and self-sufficiency skills would be a major component of the program. Skills training could include such things as catering and cooking, and learning how to build up a small business such as a lawnmowing round or a pamphlet distribution round. We could all use their services during election campaigns! They could learn how to set up a window cleaning business or a handyman service or, perhaps most desirable, those who enjoy the discipline could apply for recruitment into the military. Young offenders could be taught to be self-reliant and to do their own washing and ironing and repair their own clothes. The program would ensure they had their share of duties, and a duty roster would be drawn up for them to work in the kitchens and gardens. As well, they would have to take responsibility for their working and living quarters.

A Government member: Would they be taught or directed to be self-reliant?

Hon REG DAVIES: They would be taught. I believe that eventually this organisation would head towards self-sufficiency; it could have its own stock to raise, and grow its own vegetables, and perhaps even sell some produce in order to bring in funds. After training, these young people might even be able to repair engines and farm equipment.

I will not go into the more intricate, technical details of the course, but with the new found cooperation between the State and Federal Governments we could certainly negotiate locations and transport arrangements with the Federal Government, as well as providing jobs for instructors and staff. The program could involve community organisations, and perhaps even insurance companies could be encouraged to sponsor it because of the positive outcome

it would have on insurance premiums. The program would engender a heightened public spirit and could spell the difference between kids copping out or not. It would be important to have a comprehensive reporting system, with offenders being held responsible for their commitment to the program and being given reinforcement for their achievements, and perhaps an outcome report could be subject to future court scrutiny.

This is just an idea which is dependent upon cooperation across the board. It may even break a few established rules of social work; for example, staff members could be shouting commands into offenders' faces and offenders would have to perform hard labour and gruelling physical exercises similar to those undertaken by military recruits. I believe the scheme would have a positive response from a large number of public officials and policy makers, and it might even appeal to the correctional practitioners as well. Other people will be attracted by the theme of enhanced control and regimentation. Let us face it, the academics, the courts, the social workers and the counsellors have had their day, and they have failed.

[Resolved, that the motion be continued.]

**Hon REG DAVIES:** Now is the time for a no nonsense, down to earth and positive approach. However, the scheme can work only if it has the sanction of the Government for the use of military style discipline. In most cases it would be essential that we grab the children before we allow them to become repeat offenders. We must keep them away from the classic crime training areas of prisons and direct these children in a law abiding way. I reinforce that contemporary methods of disciplining youth to save young criminals from themselves have failed dismally. In the short term we need a far more unconventional approach, which will give these youths a purpose in life with the prospect of achievement and a job so that they may lead a lifestyle free from further incarceration. In that case, these children will have their own families in which they will not perpetuate the cycle of offending. However, in the long term there must be a major reconstruction of the direction in education for these children so that their access to, and the relevance of, education makes it possible for them to achieve. Without long term planning with an insight into these problems, we will only be putting a bandaid on a cancer. Education is the basis for life. Every child in this country has the right to a good education. It is very important to ensure that children in our schools have compliant behaviour reinforced. They must know that the community appreciates that they will make fine citizens and that only a small number of children will end up offending. Perhaps it would not be a bad idea to talk to children because they may have answers to the juvenile crime problem.

Now is clearly the time for talking to cease and for positive action to be taken. I ask members to consider positive solutions as they are offered in this debate. We cannot allow cost to be the deciding factor in our fight against juvenile crime. We must find a positive, long term solution now. We must work as a Parliament to solve the juvenile crime problem. Forget the political point scoring on this occasion and consider the good of the community, the State and the lives and wellbeing of our citizens. On this particularly important issue I implore members to act like leaders, which is what the electorate expects of them.

**HON J.M. BERINSON** (North Metropolitan - Minister for Corrective Services) [4.34 pm]: In presenting this urgency motion, Hon Reg Davies has done a service to the House in at least three important respects: Firstly, the rally today clearly obligates us as a House to consider the issues raised at the rally, and this motion allows us to do so; secondly, the motion does a service through the terms in which Hon Reg Davies has framed it. He refers to the need to discuss juvenile crime on the one hand and judicial sentencing on the other. He has not sought to define specific remedies, although he has made some proposals. He has not sought to suggest, as some have, that somehow a causal relationship exists between the two matters raised in his motion. He has not adopted the view that judicial sentencing and juvenile crime have the kind of cause and effect relationship, which could support the view that all that is needed to beat the crime problem is to impose heavier and heavier sentencing. Thirdly, Hon Reg Davies' approach was reasonably realistic and balanced. He offered a number of different approaches, the major one of which was the boot camp proposal.

I believe it was King Solomon who said that there is nothing new under the sun; even if King Solomon did not say that, it is still true. I preface my comments on this issue by indicating that the boot camp concept has been the subject of very recent consideration by the



Department of Corrective Services. Members would be aware of the study group, to which I referred last session, which visited Europe over the parliamentary recess looking at measures which have been implemented in a number of European countries, the purpose and effect of which has been to substantially reduce the rate of imprisonment. That group included the Executive Director of the Department of Corrective Services and an assistant director, and both of these officers continued the trip from Europe to North America, where they engaged in some intensive contact with their counterparts in the United States of America and Canada. Included in their special interest were some observations and discussions on the boot camp framework. As a result, the position now is that among the strategies being considered by the department is one which it currently calls "high impact training programs". In following current trends to find short and striking abbreviation, the high impact training programs are to be known as HIT. These programs are commonly known as boot camps, although the concept considered for Western Australia is different in certain respects from the American models.

As Hon Reg Davies was seeking to do, these programs aim to reduce the rate of imprisonment for young offenders through the offender volunteering to complete an intensive and rigorous prison regime with the possibility of a significant reduction in sentence length. They generally provide a tough, disciplined and individually challenging alternative to imprisonment. Some problems with the American boot camp were observed on the recent study, and the Department of Corrective Services is currently evaluating the possibility of a variation of the North American approach. A rigorous and demanding program is being considered which would be physically challenging, and through the use of no nonsense training programs would aim to build character, self-esteem, personal and social responsibility and compliance with community law.

It might be said that the aim set out in that comment and the aims which Hon Reg Davies expressed are at least comparable even though, no doubt, substantial differences will occur in the techniques being addressed. I will take an early opportunity to convey the member's comments to the department to be considered in the course of its general evaluation. Having said that Hon Reg Davies has served a number of important services with his motion, respect should also be paid to the main speakers at the rally today, particularly the victims and the friends and relatives of victims who spoke. In recent times I have, frankly, not admired the approach which Howard Sattler, for example, has taken on his radio program. Even today he could not resist a shot at politicians on such irrelevancies as our lunch arrangements and the non-existent official opening. On the other hand, Mr Arbuckle, Mr Richard Wilson and others today presented a serious case in a serious and non-inflammatory way, especially considering the tragedy they have experienced so recently. It would have been understandable had they taken a much less constructive approach.

It must also be acknowledged that their circulated call for a number of legislative changes was also a welcome attempt to put specific proposals, rather than generalised complaints. All too often, critics having described the crime problem leave it at that point, apart, perhaps, from some unhelpful call for "them" - that is, the Government - to do something about it. In order not to be misunderstood, I should make it clear at once that I am not saying that I agree with the agenda distributed at the rally today. A number of the proposals on that list have previously been considered and rejected for very good reason. Nothing new has emerged to change the position in such cases. However, other proposals, particularly those relating to victims, might well be taken further and, in fact, some are currently under active consideration.

I refer next to the general approach which has been taken by the Opposition, especially in recent years. Law and order, obviously enough, is an issue of very great and justifiable public concern. That means that at one time or another, particularly as we approach elections, debate on the issue inevitably becomes highly political. That is natural and to be expected. Nonetheless, and irrespective of differences from time to time between the parties, it is only fair to acknowledge the substantial cross-party support which has been given to the changed approach in recent years to law and order questions, particularly those aspects relating to punishment. I suppose the extreme case was the abolition of capital punishment which was made possible only by the support of Opposition members. I refer to that as the extreme case, not only because of the subject matter but also because only a small number of Opposition members joined the Government on that occasion. However, many other

changes have had the full support of the Opposition. They include the decision of the Parliament to give statutory expression to the principle that imprisonment should be the sentence of last resort; the introduction of the current parole system; the introduction of work and development orders as an alternative to imprisonment in default of the payment of fines; decriminalisation of drunkenness; repeal of a number of mandatory minimum sentences; and, most recently, the home detention system. All that must be seen against the background of the current remission system which was introduced by the last coalition Government, but again with all-party support.

It is no exaggeration then to talk of a very general agreement on broad principles. I have no reason to doubt that, and in fact fervently hope, it should continue. However, generally we are regularly forced to look to particular cases and the prospects here are for significant differences in the political approach to a response. I can think of a few outstanding examples in recent years, and the fact that I can think of so few supports the point that I am making. I remember, for example, the intense controversy which developed over the release on parole of Ronald Joseph Dodd. We all remember the controversy over the Nicholas Meredith case and most recently substantial concern has been expressed over the tragic death a few weeks ago of Mr Neville Wilson. If members were to think that issue through further they would no doubt come up with another few names.

Hon Reg Davies: We couldn't use the Mickelbergs as an example could we?

Hon J.M. BERINSON: No, we certainly could not and on another occasion I will be happy to have a debate on that.

Hon Peter Foss: So will I.

Hon J.M. BERINSON: I will be happy for Hon Peter Foss to join in the debate as well. The point I am making is that even if individual members were able to think of some further examples, I doubt very much that they would think of more than a handful. I am referring to the present Government's more than eight years in office and the tens of thousands of cases which have been determined in that time.

I refer now to the rally. It is not at all disparaging to say in the first place that the comments at the rally were very largely predictable. On the contrary, it is the expressions of anger and frustration at juvenile offending, especially when it leads to the loss of innocent lives, that are so predictable. That is because so many of us have precisely the same reaction to them. I certainly do and I am quite sure that the same sentiments are shared by the judiciary, the prosecution and the public alike.

Hon E.J. Charlton: They can't be.

Hon J.M. BERINSON: Oh yes they can. I remind Hon Eric Charlton that the question is not whether we should be angry, but how we should respond. Again, there seems to be little, if any, dissent from the view that we should identify the causes and attack them. Not only that, but the causes also are very largely agreed. Without purporting to be exhaustive, nearly everyone's list of causes includes family breakdown and lack of respect for authority, poor education, drug and alcohol abuse, and long term unemployment. Unfortunately, the answers to questions posed by these problems are very hard and very slow to find. The quick and easy answer is that we should turn to more frequent and longer imprisonment. The only trouble with that is that it is a solution which demonstrably does not work. Of course, there are cases where nothing other than imprisonment will do and in some instances where more imprisonment than in the past is justified. In general, however, if we are looking to better protect the community by reducing criminal conduct, this is not the way to do it.

Because so much recent concern has centred on vehicle theft, it is worth noting in detail some recent information on the subject by the Department for Community Services. Under the heading "Taking a closer look at car theft", the paper makes the following comment -

In June 1991 the Department for Community Services and the Police Department were asked to co-operate in identifying and reporting on the hard core of persistent juvenile car thieves in this State.

An agreed definition of persistent car thief as someone who accumulated ten or more charges of unlawfully using and/or driving motor vehicles in the 1990 calendar year, led to the identification of 93 individuals who were believed responsible for 44% of all charges of UUMV against juveniles in 1990.

In brief some of the more significant findings are as follows:

Of the youth identified as recidivist car thieves in the study:

97% were male.

38% were 15 years or younger with 62% being 16 and 17.

66% were Aboriginal.

83% were from the metropolitan area.

62% have parents who are separated (or dead). . . .

57% are perceived as "lacking parent or adult support".

76% are neither employed or attending school.

55% not attending school were 14 years or younger when they left.

75% who had left school had problems when at school.

The mean total number of court appearances was 19 . . .

74% had been convicted of 51 or more charges.

74% made their first appearance before the panel or court at or before the age of 12 years. . . .

94% offend in company. . . .

85% have been incarcerated at some time during their offending career. Time spent in custody on remand is not included in this figure.

48% have been incarcerated on four or more occasions.

That is the end of the quote for present purposes. I have not quoted this paper in full but have extracted what I believe are the major items for current purposes. There we have this huge problem - a small number of juveniles engaged in intense criminal activity and half of them have been imprisoned four times already and it has not worked.

Hon Derrick Tomlinson: Does anything work?

Hon E.J. Charlton: What is the answer? Leave them out there and let them continue what they are doing?

Hon J.M. BERINSON: No, that is not the answer. However, it is some of the answer for some of them and that is what has to be addressed.

One of the most striking comments made to the recent study group on the question came from a Professor Pfeiffer, a very prominent European criminologist who will be visiting this State in October and who I hope will have meetings with members of this Parliament slotted into his itinerary. One of the most striking findings that he has been arguing consistently in Europe - not only in Germany where he is centred, but also in other countries including the United Kingdom - and views which are gaining increasing acceptance, are to the effect that the more juvenile imprisonment one has, the more criminal conduct one has, not only among juveniles, but also among adults.

Hon Reg Davies: It is a trade training centre.

Hon J.M. BERINSON: That is one way of putting it; professionalising criminal conduct is another way.

Hon Murray Montgomery: That is surely an indictment of our corrective services.

Hon J.M. BERINSON: No, it is not. I hope no-one will attempt an argument that the problem about which we are talking is a local problem or that the solutions we have to find are local solutions. There are various special aspects to our problem and the high component of Aboriginal offending is very important in our own context. However, it is not so distinctive as far as I can see as to support the view that everything here is so different that we cannot learn from anyone else.

Coming closer to home on this same matter, I have recently had the benefit of some comment by Professor Harding of the Crime Research Centre at the University of Western Australia in which he made comparisons of juvenile offending on an interstate basis. I will not go through all his paper, but will quote his conclusion. Again, I make clear that I am happy to make copies of this available to all members. They will see that he draws attention to what might be regarded by some as unhelpful facts for the case I am making. As is so often the case in this area where any set of figures or facts can give rise to quite contrary interpretations, I think they are helpful. However, I will quote the last paragraph. If anyone would like to see the rest, I am happy to distribute it. The last paragraph reads as follows -

The bottom line of all this, given the immense difficulties of reliable cross-State comparison, seems to be as follows: that WA serious crime rates are in line with those across Australia, that this is also the case with regard to the juvenile contribution towards serious crime, but that juvenile offending rates in relation to motor vehicle theft and break, enter and steal are running ahead of those in the other States. It should be added - and this is very important - that when WA's rate of juvenile incarceration was at its lowest (June 1984 to December 1984) and was indeed the lowest in Australia, this State also had a low juvenile motor vehicle theft rate (lower than either Queensland or South Australia) and a break enter and steal rate which was hardly less than it is today. In other words, the evidence is clear that the incarceration patterns are virtually irrelevant to the crime patterns for these "nuisance" property offences by juveniles.

[Continued below.]

### STATEMENT - BY THE PRESIDENT

*Ugle, Mr Philip - Heart Attack*

**THE PRESIDENT** (Hon Clive Griffiths): I advise members that our attendant, Philip Ugle, suffered a heart attack on Sunday. He has been admitted to Sir Charles Gairdner Hospital and is currently undergoing tests in the coronary unit. His wife, Barbara, was advised that he is much better today but he is still undergoing tests. She was also advised that he would be in this ward for some time and that no visitors, other than immediate family, were allowed to visit him. Mrs Ugle has indicated that she will keep me informed of his progress and will advise when visitors will be allowed to see him.

[Questions without notice taken.]

### URGENCY MOTION - JUVENILE CRIME

*Sentencing*

[Resumed from an earlier stage.]

Hon J.M. BERINSON: Especially because of criticism which I have levelled at times at the approach to juvenile crime by some of the media, it is only fair to appreciate the balanced presentation which is generally provided by other outlets and which is exemplified by yesterday's *The West Australian* editorial. It is worth quoting in full and reads as follows -

#### **New ways to fight crime**

Perhaps the only consensus on the vexed question of how to combat juvenile crime is that the justice system is not working.

There has been community outrage that some juveniles have slipped through the system to offend repeatedly - sometimes with fatal consequences. Such anger has brought trenchant criticism that the system is too soft and the only way to handle offenders is to put them in jail and throw away the key.

At the opposite end of the scale, other people say that incarceration merely hardens young offenders, teaches them how to become more proficient criminals and reduces the chances of getting them back on the straight and narrow. Finding the right balance between punishment and rehabilitation in what is a complex social problem has proved elusive for governments and the community.

But promising results from station and farm programs suggest that the Lawrence Government is on the right track in expanding these projects as a way of dealing with some juvenile wrongdoers. Putting selected offenders in a position where they can learn new skills, become self-reliant and so raise their self-esteem offers them more hope of making something of their lives than sending them to institutions.

The fact that young people who have been through such training are far less likely to re-offend shows the benefits of removing them from the depressing and demoralising atmosphere of life under lock and key.

Such programs will not suit everyone. They may be more effective for young people with rural backgrounds than for city offenders with little scope to apply skills learnt

in the bush. The Government also has to look for solutions specific to metropolitan crime.

Proposals for local offender programs in crime trouble spots which aim to make young people face up to the consequences of their misdeeds deserve a trial. Taking offenders to crash sites and hospitals will help to drive home the unacceptable and often heartbreaking outcome of their crimes. Bringing them face to face with their victims will add a human touch and enable them to get the picture from the other side.

The system known as the Family Group Conference, under which the families of offenders and victims talk through an appropriate penalty, is showing promise in New Zealand and is an option for WA.

The law must be flexible enough to give offenders a second chance, but it must also ensure that tough young thugs do not remain a danger to the community. Those who commit violent and other serious crimes deserve harsh punishment.

A welcome element of the Government's \$20 million scheme is the overdue recognition it gives to helping the victims of crime. Too often in the past, victims have felt they have been poor relations in the justice system.

That is not emotive, but in my view it is right to the point for anyone who is interested in doing good rather than sounding good on some sort of current populist basis. I happen to believe that that is the interest of the great majority of members of Parliament on all sides. I am hopeful, therefore, that further constructive activities can be engaged in by the Parliament to address this very serious, often very tragic, and certainly very frustrating problem.

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [5.35 pm]: I support the motion before the Chair which in part states that the House should discuss the juvenile crime rate and the sentencing of those offenders in Western Australia. Many people in Western Australia do not believe that the current system of juvenile justice is working. That was indicated today by the many thousands of people who marched on Parliament House in a significant rally to let politicians and the community understand how they feel about the current system of juvenile justice. Many people who attended the rally this afternoon believe that one of the reasons the juvenile justice system is failing is that the Parliament and the courts are too soft on certain types of offenders. Without question there is a perception in the community that a small percentage of juveniles, who commit very serious offences and violent crimes, are being let off lightly by the courts. It is no exaggeration to say that the words "lenient" and "Children's Court" have become, in some people's mind, synonymous. There is no question of the public discontent at what many people regard as the soft option sentences being handed down by the Children's Court; they are a fact of life that can be witnessed on almost any day that court is in session in our city. I am not the only one who makes that claim. It is the claim of the community in general and can be read in the newspapers, in letters to the editor and in the editorial column; and heard on talkback radio every day of the week; and seen as part of the television news bulletins that are screened every night in the metropolitan area. They are the comments and the perceptions of many who spoke today at the Rally for Justice held at Parliament House.

I will not get into a debate about whether the media distorts or inflames the juvenile justice debate or whether the individual sentences handed down by the Children's Court are too soft, or wrong, or not appropriate; nor will I support any claim that longer and tougher sentences alone are necessarily the answer. I have no doubt, and I hope it is the view shared by most members in this House, that juvenile justice and crime generally is too complex a social problem to be tackled simply by the lock-'em-up and throw away the key approach that is sometimes offered by some in the community as the only way to handle the problem, I simply state what are the perceptions of the community at the moment. Anyone who listened to the people who were outside Parliament House today would have realised that the majority were not satisfied with the way the juvenile justice system is working in this State. I do not suggest that all the penalties handed down by the courts are wrong or inadequate.

A number of sentences handed down by the Children's Court recently have aroused controversy in the community. Members will recall that in 1988 Nicholas Meredith, then aged 17, was sentenced to 29 months' detention for the manslaughter of taxi driver Peter

Tan. In 1990 a 15 year old youth was sentenced to three years for the brutal bashing of Caroline Wheeler. In fact, Caroline Wheeler attended the rally this afternoon and comments were made about her brutal bashing. Only recently a 16 year old car thief was sentenced to 18 months' detention for killing a motorcyclist in Mt Lawley. Soon after that person's conviction I wrote to the Commissioner of Police urging him to consider appealing the sentence. I made it clear in my letter that I was representing the views of many in the community who had contacted me at both Parliament House and my electorate office. Only last week it was revealed that the Commissioner of Police had declined to appeal against that sentence as a result of advice from the Crown Law Department arguing that any appeal against the sentence would fail because the sentencing criteria established by the court had been observed. I understand the advice of the Crown Law Department and understand, in part, the decision of the Commissioner of Police; however, that only indicates the inadequacy in sentencing by the courts for serious offences. To gaol a 16 year old thief for only 18 months for killing a person while driving a stolen motor car can only mean that the pattern of sentencing at the Children's Court must be examined. In fact, the Crown Law Department was saying that it was no good for the Commissioner of Police to appeal against the sentence because the sentence is consistent with what the court has been imposing in recent times.

The community is sick and tired of soft sentences for serious crimes. The community is calling out to the courts and, if necessary, the Parliament to make sure that the courts understand that changes must be made to the penalties. Again, I do not believe that tough penalties alone will solve the problem of juvenile crime. I do not believe that for many offences locking people up and throwing away the key is necessarily the way to attack the problem of juvenile crime.

Another example of inadequate sentencing was the sentence handed down by the District Court to Scott Gozeten, aged 20, who was sentenced to three years' probation for serious indecent offences against children. An appeal was made by the Crown against that sentence and it was increased to two years and nine months' imprisonment. I accept the statistics which indicate that a vast majority of juvenile offenders do not commit crimes of violence. In fact, statistics published recently by the Department for Community Services indicate that only three per cent of 39 000 offences dealt with by the Children's Court and the Children's Panel in 1990 involved offences of violence against people. However, one must question the sentences being handed out for other crimes, such as unauthorised use of motor vehicles, stealing of motor vehicles and house breaking.

I have said before that I have visited the Perth Children's Court, viewed its procedures and spoken to some of the young people who were to appear before it. It was interesting to observe that those young people had no respect, firstly, for the law as it is and, secondly, for the court process. I have seen young children laugh in the faces of the police officers who have arrested them, many of them knowing that they will be back on the streets before the police have even finished the paperwork. I have also noticed at the Children's Court young offenders laughing among themselves because they know that after they have been through the court process it is unlikely they will get more than a slap on the wrist for the offences for which they have been charged. They do not have any respect for the law or the courts and, worst of all, they do not have any respect for the victims who suffer at their hands.

It is time that members of Parliament recognised that people in Western Australia have expressed their discontent with the juvenile justice system and that parliamentarians cannot afford to ignore those people for any longer. I use the word "ignore" because in some of the statements made by the Attorney General, when he tried to represent the case of the Government, he simply argued that the Government recognised the problems associated with the juvenile justice system. He said that the Government had promised many of the changes being called for. The Government has made promises but has failed to turn them into reality. Nothing practical has been done by the Government. Indeed, it is only the community's and the Opposition's voicing concern in this Parliament which have made the Government recognise the need for change in the juvenile justice system.

If members of Parliament do not address this issue it is likely that members of the community will lose confidence in the court system and the legal process, and will then start seeking remedies outside the law by not taking matters into their own hands. We have heard about the difficulties with the crime pattern in Western Australia and, as a result, about

vigilante groups surfacing. I do not support vigilante groups and I have made that clear on a number of occasions; however, I understand that many people, including those who came to the Parliament today as part of the Rally for Justice, often find themselves thinking that the only way they can address a problem is by taking action themselves rather than waiting for the Government and the police, with their limited resources, to take action.

It is clear that the community does not believe that justice is being done. It is also clear that there needs to be a balance in the policies that are brought down by this Parliament when trying to address the problem of juvenile crime in this State. My colleague the member for Scarborough, Mr George Strickland, is the Liberal Party's shadow Minister for Community Services and he has, in consultation with a number of fellow shadow Ministers and members of Parliament, addressed the question of juvenile justice in this State and has come up with a policy that is tough, but fair. In fact he has titled his policy, "Tough, but Fair" and it gives a very clear indication of the path the Liberal Party will take when it is returned to Government. The Liberal Party is more than happy to share its proposals in that policy with the Government as long it is given an undertaking that the positive measures contained in that policy will be put into effect.

Recently I had the opportunity to attend a public seminar on juvenile justice and one of the speakers was the Assistant Police Commissioner, Harry Riseborough, who summed up the challenge to the juvenile justice system in the following words -

Finding the balance which ensures the interest of innocent victims without being unduly harsh and vengeful is the greatest challenge facing those in authority at the present time.

I totally agree with his comments because they are right. A balance needs to be struck, but the point which should not be lost on members of this House is that if we cannot find the balance the community will take action without having any regard for the law or the police officers employed by the Government to try to maintain law and order in the community. I spoke to many people at the seminar on juvenile justice and they were of the view that the catchcry that the Labor Government is soft on crime was consistent with the Labor Party's attitude to the problem of crime in this State. In addition, it was clear that although the Government made all sorts of promises and issued Press releases which claimed it was addressing the problem there was a feeling among the participants in the seminar to whom I spoke that the Labor Government has not risen to the occasion and it has never had a consistent policy aimed at reducing juvenile crime and dealing with young offenders.

Last year the Government appointed the State Government Advisory Committee on Young Offenders to advise it on juvenile crime and it brought down its report in March 1991 which was titled, "Committee Response for the Premium Initiatives in Program Provision - Juvenile Justice". On page 2 it states -

The juvenile crime area has rarely been "policy" driven . . .

Agencies have tended to go it alone and have, hitherto, worked in isolation from one another and from communities . . .

These tendencies reflect an underlying weakness in programme delivery.

Earlier this evening the Attorney General made a number of comments about what the Government had done in recent times to address the problem of juvenile crime in this State. It is clear from the statistics which have been published that the Government is failing in its attempt to address the problem. The Attorney General did make the point that he would like to see juvenile justice debated in a bipartisan way by the Parliament. I would be happy to share that view and embrace the request that he made. However, a bipartisan approach will cut both ways. While the Government has acknowledged that the Opposition had supported some of the programs it has put forward, I now give the Government the opportunity to support some of the programs in the legislation package that the Opposition will put to the House. The first chance the Government will have to do that is when it decides whether it is prepared to support the amendment which I have notified I will move to the Road Traffic Act to introduce mandatory penalties in respect of the unauthorised use of vehicles.

As members will be aware, some years ago the Government decided to take away the mandatory penalty of imprisonment for the unauthorised use of motor vehicles and replace it with a fine. Admittedly, it was a heavy fine. However, one has only to look at the figures for this crime since the Government amended the law.

Hon Graham Edwards: With the support of the Opposition.

Hon GEORGE CASH: The Government certainly did not get my support. If members read the debates they will see where I stood on that matter. I said in this House that if the law was amended because the Labor Government did not believe that gaol was the appropriate penalty but that instead a fine should be imposed, some people in the community would see it as an invitation to steal cars. The statistics show that that is exactly what happened. The core element in the community to which the Attorney General referred earlier recognised that the Labor Government was going soft on the question of crime generally and it was prepared to take the Government at its word.

Hon Garry Kelly: As a general principle do you think we should write mandatory penalties into all Acts of Parliament?

Hon GEORGE CASH: No, not as a general principle. However, given the current situation in this State it is clear we will have to return to that situation when it comes to the unauthorised use of motor vehicles. The Labor Government and the Labor members in this House will be given the opportunity to show the community whether they are prepared to stand up and be counted when it comes to adequate penalties for the unauthorised use of motor vehicles. That opportunity will present itself in the next week or two and then we will see where the Government stands.

Hon Tom Stephens: Even though you know that gaol does not solve anything?

Hon GEORGE CASH: Hon Tom Stephens can make his comments when the Bill is debated. I have already made comments in respect of whether, as a general principle, people should be locked up and the key thrown away. That is not the way to go. However, in respect of the unauthorised use of motor vehicles the statistics are absolutely clear: The Government was wrong when it amended the Road Traffic Act and changed the mandatory penalty to a fine. I intend to give the Labor Government the opportunity to support the reintroduction of a mandatory penalty for the unauthorised use of motor vehicles.

Hon Tom Stephens: I can understand it when it comes to the loss of life, but I cannot understand it -

Hon GEORGE CASH: Hon Tom Stephens said he wanted the opportunity to vote when it comes to the loss of life. Another initiative which the Liberal Party will put before the Parliament is a Bill to create the offence of felony murder in this State. Will members opposite support it?

Hon Tom Stephens: We will be prepared to look at anything that sensibly addresses this issue.

Hon GEORGE CASH: One of the reasons a former Labor Minister was nicknamed "mirrors" was that he always said he would look into the issue. People do not want members to look into this issue - they want some action.

*Sitting suspended from 6.00 to 7.30 pm*

Hon GEORGE CASH: Prior to the dinner adjournment I was advising Government members that the Liberal Party will introduce several pieces of legislation in the next few days which will ensure that the Labor Government has an opportunity to show what it is worth. The first relates to mandatory penalties for unauthorised use of motor vehicles. I have given that Bill a first reading and hope to move the second reading later this evening. That will provide Government members with an opportunity to show where they stand on that matter. The next Bill will be introduced by the Leader of the Opposition in the Legislative Assembly and will deal with penalties for felony murder. If carried in both Houses to become the law it will mean that criminals who during the commission of a Criminal Code offence cause a death will be automatically liable to being charged with an offence for which the penalty is the same as that for murder. Members will be aware that a person convicted of that offence in Western Australia is liable to life imprisonment. That, again, will provide an opportunity for Government members to show where they stand on that issue.

Another matter which will enable the Government to indicate to the community where it stands is contained in a Bill to be introduced by Mr Strickland, member for Scarborough and shadow Minister for Community Services, to include the offences of housebreaking and



burglary in the fourth schedule of the Child Welfare Act - that is, where the offence is committed during daylight hours - along with the offences of unauthorised use of a motor vehicle and theft of a motor vehicle. Once they are included as part of the fourth schedule the Children's Panel will be unable to deal with offenders who obviously will not be the subject of the police cautioning system introduced recently. Members on this side of the House have made clear that they see value in the police cautioning system. However, it is clear that in cases where it is believed that the cautioning system goes too far appropriate legislative steps should be taken to ensure that the community is protected and the job of police officers better understood in relation to those areas.

Another area related specifically to the motion before us is victims of crime. Hon Reg Davies raised this matter in his speech, recognising the forgotten people of the criminal justice system. Those people were also alluded to by the Attorney General when he spoke. I intend to continue to campaign strongly to ensure that victims of crime are no longer allowed to become the forgotten people of the criminal justice system. It seems to me that a lack of an adequate system to protect and support victims of crime results in their often being hurt more than once; firstly when the offence occurs and again as the victim works his or her way through the judicial process. Firstly, the person obviously suffers physical and emotional trauma as a result of the crime. That crime can range from the theft of a purse to burglary, bodily injury or the death of a loved one. Once the criminal is apprehended and charged the court process proceeds and the victim is required to be part of that process during which he or she must relive the crime. That is where I suggest the victim of a crime suffers twice.

Under the present system during the past few years we have developed a system of criminal justice in this State which offers support for the person charged. We allow that person access to a lawyer up to the level of Queen's Counsel. The lawyer's fees are paid by taxpayers, at times through legal aid. We offer the criminal an opportunity to appeal against a sentence, and quite appropriately so, as part of the criminal justice system. We also offer an expectation to a person sentenced to prison that he will have to serve only about one third of his term behind bars - again, because of the terms of the Prisons Act and the other Acts passed by this Parliament. When one compares that with the position of the victim one sees that the victim receives no legal recognition from the criminal justice process in this State.

One has only to cast one's mind back to the incident to which I referred earlier to see this; that is, the killing of Mr Peter Tan, taxi driver, in Perth some years ago. His widow, Mrs Traudl Tan, spoke eloquently at that time of the anguish and sheer frustration she suffered as a result of that crime. Some time ago Mrs Tan told a community justice forum in Perth that victims are disadvantaged in our society by an inequality inherent in the law. Her point was that while the criminal has a skilled advocate to plead his case in court there is no-one to plead the case of the victim. Members will be aware that victims are often required to give evidence in court about the circumstances - that is, the physical facts - of the crime, but rarely are they asked to testify about the emotional impact that the crime has had upon their lives. Not unless there are rare circumstances does the victim have an opportunity to have a say in what punishment is handed down in respect of that crime. As a result, the victims often leave the system with a feeling that they have been ignored or rejected by the very people who are administering the system that is supposed to protect them. After suffering the trauma of her husband's death, Mrs Tan suffered further trauma during the trial of his killer. She said at the time that she had never felt so humiliated in her life by the utter disregard shown to her by the court as an institution and by the people who purport to preside over justice for all.

Leaving aside that particularly horrific crime, at the other end of the scale is burglary. Approximately 50 000 burglaries were committed on households in Western Australia last year. Again, a lasting and often emotional scar is left on those who have their premises burgled. A survey of victims of crime, and of burglary in particular, was done in Britain some time ago. It found that 65 per cent of those victims were still emotionally affected by the crime some four to 10 weeks after it had happened. Those who had their homes broken into were left with a feeling of insecurity and fear. Many of them were grieving the loss of special, irreplaceable items that had been stolen, and that is the case with victims of burglaries that occur in the Perth metropolitan area and throughout Western Australia. The elderly are particularly vulnerable. The emotional scars that afflict them after their houses have been broken into persist for months and, depending on the particular offence, may never fade.

Again, the criminals are not brought to account for the fear and suffering their victims experience. Another initiative of the Liberal Party, along with those which I raised earlier, is that Western Australia have an official charter of victims' rights. I would expect part of that charter to be the sorts of things that are contained in the Declarations of Victims Rights and Statements of Principles currently in place in Tasmania, Queensland, South Australia and Victoria, which have the following principles -

... victims of crime shall have the right to:

- (1) Be dealt with at all times in a sympathetic, constructive and reassuring manner with due regard to the victim's personal situation, rights and dignity.
- (2) Be informed about the progress of investigations being conducted by police (except where such disclosure might jeopardise the investigation).
- (3) Be advised of the charges laid against the accused and of any modifications to the charges in question.

That is important, because at times the first level of charges is laid and then others are substituted. The principles continue -

- (4) Have a comprehensive statement taken at the time of the initial investigation which shall include information regarding the harm done and losses incurred in consequence of the commission of the offence.
- (5) Be advised of justifications for accepting a plea of guilty to a lesser charge or for accepting a guilty plea in return for recommended leniency in sentencing.

That is something within the judicial process that most victims of crime do not understand. I could go on to give other principles that should and could be included in the charter, but I will not do that now. Rather, I will bring to the House what I believe to be a declaration of victims' rights, a statement of principles that could be used in this State by victims of crime so that we, as members of Parliament - and, indeed, as representatives of the community - are able to demonstrate to those victims that we have regard for them and are prepared to support them in their hour, day, or longer period of need.

It should not be thought that I have overlooked the recent establishment by the police of the victims of crime unit at Fremantle. Some members may be aware that the police, in conjunction with the Attorney General's department, are currently running a pilot program in Fremantle. A police officer and a representative of the Attorney General's department have accommodation in High Street, Fremantle and attempt as best they can to offer support to victims of crime. I commend the Government for establishing that project but we must go much further than that. I pay particular tribute to the police officer involved, Detective Sergeant Lily Cvijic, who is well known in police circles in Western Australia.

Hon Barry House: She is a top police officer.

Hon GEORGE CASH: My colleague has said she is a top police officer and I confirm that. She has offered tremendous support to the victims with whom she has come into contact since she has been part of the pilot program. The other person involved is Mr Phil White from the Attorney General's department, who for some time, very much as a personal project and as part of his working life, has been trying to establish this pilot program. I support the Government's establishment of that program, but it is only the first step and we have an awfully long way to go in that process if we are to establish other programs in the metropolitan area.

I want to get away from the concept of the Government's always being the provider of support for victims of crime. I invite members to consider a proposition that would involve a person paid by the Government - whether it be a social worker, a community worker, or someone else with the appropriate qualifications - being located at various offices throughout the metropolitan area and in regional country towns. That person's job would be to encourage members of the local community to get together, very much as we do with the Neighbourhood Watch project, and form victims of crime support units in their localities. I say that because the paid person will not necessarily be available all the time to offer the support that victims of crime not only need but are entitled to. If we have the goodwill and are prepared to provide the resources to get such a project under way, I believe an opportunity exists in Western Australia for a considerable number of these community support groups to be available to support victims of crime when the need arises.

It is not as though one can say that the concept does not work. If one had studied the area of victims' rights, and the problems victims must confront, one would know that such a charter has been very successful in some parts of the United States of America, the United Kingdom and also in some eastern States of this country. I hope this is something the Parliament will accept. I intend to propose a charter of rights and will invite the Government and other members of this House to support the proposition. At the moment the laws of Western Australia are framed in such a way that compensation is payable only to a person who is injured or who suffers a loss; that is, the victim of a crime. We must recognise that it is not just the victim of the crime who suffers as a result of the offence; often their family and those close to the victim need additional support and are entitled to some compensation. That is another issue about which I will bring measures before the House in due course. In that case we could extend the provisions regarding compensation in the laws of this State to recognise that those who are close to the victim of a crime are entitled to support.

I realise that other speakers wish to make a contribution to this motion. However, I will relate a number of situations which have occurred involving stolen motor vehicles over the past two years. The first case involved the death of four people last year. I refer to the accident on the Tonkin Highway in which Mario Ambrosino died, along with the occupants of a car which was later found to be stolen. As I did at the time, I express my horror at the situation which developed when the three young occupants careered at high speed down the Tonkin Highway in a stolen car. Members would be aware that five separate incidents involving stolen motor vehicles have resulted in deaths so far this year. That emphasises why the Leader of the Opposition in the other place will introduce a Bill to make such an offence a felony murder in the Statute book in this State.

During today's Rally for Justice I was handed a person's seven page criminal record. I noted with interest that this person's record began when the person was 12 years old. The record outlined charges such as stealing, damage, unauthorised use of a motor vehicle, breaking and entering, driving without a motor vehicle driver's licence, being on premises without lawful excuse and reckless driving; that is only one batch of this person's offences. Various penalties were imposed for those offences, but most of them were dismissed under section 26 of the Child Welfare Act. I acknowledge that the person was 12 years of age at the time, and those were the first offences; however, as one works through the record it can be seen that on a number of occasions the person was charged with reckless driving, failing to stop when called upon, not having a driver's licence, reckless driving again and repeated references to unlawful use of a motor vehicle. Those offences resulted in some detention, but most offences resulted in a fine. At 14 years of age this person's driver's licence was suspended for life. This occurred on two occasions, and having lost the driver's licence for life this person was apprehended for driving offences on a number of occasions. Also this person was convicted for driving under the influence of alcohol, resisting arrest and reckless driving.

Hon Reg Davies: One wonders why the public are upset!

Hon GEORGE CASH: This is the sort of person who is out on our roads, and, regrettably, will probably be responsible for someone's death in the not too distant future.

I am also very aware of the situation which occurred in Carlisle last Sunday in which a 31 year old mother of two was killed in a motor vehicle accident. Once again a stolen car was involved. I would be interested to know whether the occupants of the car which careered into the lady's vehicle had been before the Children's Court on previous occasions, and whether they have criminal records similar to the one to which I have referred; that is, the seven page document which indicates that a young person, still 15 years of age, has been suspended from driving for life on two occasions. This is a horrific situation and is unquestionably the kind of thing to which people referred at the Rally for Justice outside Parliament House this afternoon.

I give my strong support to the motion before the House. Further, I give strong support to the people who came to Parliament House today to tell the Government that they are not happy with the present juvenile justice system. They made it very clear to the Government that they are not prepared to allow the present situation to continue. The Liberal Party has initiatives related to this matter which will be introduced into this House and the other place, and I hope the Government will stand up and be counted on this issue.

HON E.J. CHARLTON (Agricultural) [7.59 pm]: The National Party supports the motion. It is another low point in the history of Western Australia when people march as they did

today. It is a reflection of what is taking place in this State. It is agreed that Australia is in the worst economic situation it has seen for 60 years and people are facing the trials and tribulations of great financial stress. On top of that, an extreme situation exists where young people who receive taxpayers' funds to live on abuse that privilege. Not only does that reflect badly on them and the people who provide that assistance, but also the problem is compounded in the worst possible way by their maiming or taking the lives of their fellow man. As members of Parliament, how can we be given any respect by society when those extreme situations are continually being exposed to the public? It is obvious from today's rally, and from comments by the people who addressed the crowd, that we are held in lower esteem than we have been in recent times. It is very hard to accept the criticism that we do not respond to the needs of the community by dealing with this type of crisis. We, the decision makers who set the rules and regulations, are responsible for setting up the Children's Court. We passed legislation on the penalties to be imposed on the individuals who abuse the privileges given to them by the rest of society and who have at the same time caused destruction of human life and property.

Earlier tonight the Attorney General mentioned some statistics. We cannot simply reflect on those statistics and say that we can acknowledge certain aspects of them. We cannot say, for example, that gaol is not the answer and that this punishment or that punishment is no good and throw our hands up and wonder what we are going to do. We must do something about the matter.

Hon J.M. Berinson: I agree, and imprisonment must be part of the answer. The point I was making is that there is no point in putting all one's apples in that barrel.

Hon E.J. CHARLTON: I agree totally with that comment. Not long ago Parliament passed legislation to establish the present Children's Court and the National Party introduced some amendments in an attempt to give it more strength and to fulfil the community's expectations of a Children's Court. Two of the issues we thought were important were that restitution should be made by an offender and that parents or guardians should be present when young people came before the court. I am advised that in many cases parents or guardians do not attend the courts. The courts should deal with those people if they do not abide by the law. How can we ever expect young people, or their parents or guardians, to be given direction if, first, they do not attend because they do not want to or are not interested? I have been told by police and other individuals that when parents or guardians have been told they must be at the court they say that they are not interested in attending. That is an element of society which exists. Fortunately that attitude is not widespread in the community; generally speaking, other people have been able to foster a respect for human life.

One of the main problems in society today is the lack of respect for human life. People have no respect for fellow individuals and life itself is not given the importance to which some of us cling. We all live by a thread and a very fine line exists between a healthy physical existence and dying from either a disease or an injury.

An open season seems to have been created for some members of our society to destroy the lives and families of innocent victims. What are we going to do about it? We must do two things: One involves a short term approach to the problem and the other a long term approach. The long term solution involves creating a society where respect for one's fellow man and human life is given greater emphasis than it is today. In recent times do-gooders in our society, particularly in community services, have emphasised the rights of the individual with no regard for the rights of those who are being victimised. The onus has swung from respecting one group in society to allowing other individuals to do what they like and that swing has resulted in people not necessarily having to go to gaol for their crimes; they have been recommended for work programs to preserve their rights and to avoid destroying their self-esteem. I have heard someone comment to a young person that it is not a crime to be on drugs; he has not done wrong and it is important that he feels good about himself. That kind of airy fairy comment has come from some of the people in the Department for Community Services. It is not something I dreamt up; they are facts given to me by families who have been unfortunate enough to be directly associated with individuals after they have been through the court system. Instead of working with the parents or guardians to do something positive, the community services people are reassuring children that they have done nothing wrong and that they can go back on the street and continue what they were doing. Surely they should be encouraged not to offend again.

Hon Tom Helm interjected.

Hon E.J. CHARLTON: I am always being told, when discussing these issues, that I am overstepping the mark and that my comments are extreme.

Hon Tom Helm interjected.

Hon E.J. CHARLTON: I am saying that some of the people who are responsible for dealing with these young people are encouraging them, because of their philosophy, to deal with their problems in a certain way. Hon Tom Helm can disagree but the facts are -

Hon Tom Helm: Only you could say that.

Hon E.J. CHARLTON: I cannot understand the people who make those comments and continually take that attitude when one looks at the facts and understands what is happening to these kids. Members should not argue with me but should consider the facts put before them by Mr Berinson earlier. They should ask the parents and the guardians of those kids who want to do something about the problem. I will guarantee that the greater proportion of the repeat offenders do not have a home or anything else to give them a stable background. That is my second point. The long term problem stems from the environment from which these kids come and if we are going to change that environment we have to do a whole host of things that are not contained in the motion. It is a recipe for disaster to give money to kids who do not have family support or a positive background to guide them and influence them through their younger years. Either those kids will have to be dealt with by the court system or we will have to deal with them in another way. The short term problem we have to face is that we cannot continue with the current court arrangement under a president if the court continues to deal with people in the way that we are criticising in this debate. If we believe that the way to deal with the problem is to send these kids back onto the streets with small or even no penalties and hope like hell that they come good, we are living in fairyland. It seems to me that the academics and other experts who deal with these problems believe that these kids are like them; that is, they are able to reason, have understanding and have respect for human life and that they will learn by their mistakes. Yet, repeatedly these young people, these poor unfortunates, these neglected kids, have no respect.

Hon Cheryl Davenport: In the main they are abused young people.

Hon E.J. CHARLTON: Of course. What is the Government doing about it and what are we doing about it?

Hon Tom Helm: Sit down and we will tell you.

Hon E.J. CHARLTON: I will tell the member what the Government should do about it; it should move away from this crazy and extreme view that it has of everybody being equal and that a family consists of one person out working with the kids at home on their own.

Hon Cheryl Davenport: You are behind the times.

Hon E.J. CHARLTON: I am behind the times because I happen to think that young people need assistance in gaining a foundation on which to build their futures and because I do not happen to agree with the sentiments expressed by Mr Justice Murphy and a few other extremists -

Hon B.L. Jones: Justice Murphy?

Hon E.J. CHARLTON: Yes, does the member not know about him? Has she not read about his history and the things that he thought were good for Australia? He and his ilk espoused what they believed was good for Australia and look at what has happened 20 years down the track. What will it be like in another 20 years' time when these kids have brought up their own children?

Hon Tom Helm: Sit down and we will tell you.

Hon E.J. CHARLTON: I ask Hon Tom Helm to shut up. He is an absolute dill. It is people like him who make we wonder whether it is worth being in this place.

Hon Mark Nevill: It is a good argument for abortion.

Hon E.J. CHARLTON: I go along with that. I think that it should have taken place about 30 or 40 years ago.

The points made by the members who have interjected demonstrate their inability to come to terms with what is happening.

Hon T.G. Butler: Mr Davies has put up a proposition which is a good idea. I have not heard you or Mr Cash put forward a similar proposition. Do you have ideas about what we should do in these circumstances?

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I do not mind Hon Tom Butler helping the debate, and I have been allowing interjections. However, it is time that they ceased and the member continued addressing his remarks to the Chair.

Hon E.J. CHARLTON: Members do not accept the two points that I have made or acknowledge that the motion is valid. I have been talking about a long term problem. However, there is a short term aspect that has to be addressed. It is absolutely ludicrous to continue allowing these kids to go back on to the streets to offend again. The only valid way of addressing the problem is that suggested by Hon Reg Davies in his motion. I supported that motion when I began my remarks. Unless the people referred to in the comments by the Attorney General are given meaningful lives, they have absolutely no chance. I agree that gaol is not the answer. However, how can we continue with the Children's Court in its present state when the community is demanding that these kids not be put back onto the streets? The problems that beset our community are caused by a lack of employment for these kids. We have not evolved to a point where we can live a life without work when we are physically fit and healthy. When I promoted previously the belief - I will continue to promote it - that people must have something physical to do I heard cries of victimisation. In fact, it is quite the opposite. Giving people meaningful activities gives them self-esteem and valuable experience to take their places in society. All this Government seems to do is tax businesses, organisations and the people who are employed more and more in order to hand money to other people who sit at home doing nothing. As a consequence many young people are being raised in an environment with no hope, vision or future. Unless society changes direction and gives these people something meaningful in their lives the innocent people in our society will be the victims.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Police) [8.20 pm]: I congratulate Hon Reg Davies for introducing this matter today and on the presentation of his reasoned argument. Although I do not agree with everything he said, at least he presented his position in a reasoned and considered manner.

It is most important to congratulate the people who organised today's rally. I do not include Howard Sattler in those congratulations, but neither do I dismiss the part he played. I refer to the victims who spoke today, and particularly to the Wilson family. Three or four weeks ago I had the opportunity to spend an hour and a half with the Wilson family and I was very impressed by their reserve, and the courageous and dignified manner in which they conducted themselves under very difficult and stressful circumstances. Members in this place should at least endeavour to conduct themselves with similar dignity as they discuss this very complex problem which is of concern to us all. I want to dismiss immediately any hope of achieving a bipartisan or non-political approach to this matter. The speeches made in this House tonight indicate that members come from diverse positions which in part reflect the politics we play and in part the different solutions we seek to apply to the problem of juvenile crime. We must give some credence to, and have some faith in, the work done by the juvenile justice panel, a non-political body established by the Government. We must trust that the work it is doing is worthwhile and that its recommendations will go a long way towards addressing the problems that need to be addressed. As I develop my argument, I want to put a couple of things in context.

Much outrage has been expressed about the deaths on our roads, and I remind members that the greatest cause of death on our roads is alcohol. However, do we hear the same hard line from members of the Opposition as they address that problem? Of course we do not.

Hon E.J. Charlton: That is most irresponsible.

Hon GRAHAM EDWARDS: Of course we do not hear that argument, despite the fact that alcohol is the biggest killer on our roads. Do we hear the same hard options from Opposition members? Of course we do not.

Hon E.J. Charlton: Talk about hopeless!

Hon GRAHAM EDWARDS: I doubt that we ever will, and we must wonder why some

people in the community are so easily drawn towards giving the youth in our community a hard time.

Hon E.J. Charlton: Mr Edwards, Mr Edwards -

Hon GRAHAM EDWARDS: I listened to the member in silence and I ask him to extend the same courtesy to me.

Hon E.J. Charlton: Answer my question: Would a maximum allowable blood alcohol level while driving of .05 or .02 have made any difference to the deaths of those innocent people?

Hon GRAHAM EDWARDS: I have indicated that I will develop an argument, but in doing so I am drawing a parallel with the manner in which we respond to the carnage on our roads. There is no doubt that I have touched a raw nerve of the member who is interjecting because he has not once attempted with any guts or character to address this very difficult problem. Why do some people so easily jump to condemn the youth in our community?

Hon E.J. Charlton: What a bloody disgrace you are.

Hon GRAHAM EDWARDS: Members opposite can make scapegoats of the youth of this country -

Hon E.J. Charlton: You do nothing for the youth of this country. You cause problems. What about those who have lost their livelihood and their future?

Hon GRAHAM EDWARDS: It is timely to remind the House that the majority of young Western Australians do not offend at all.

Hon George Cash: About 90 per cent do not offend and we recognise that.

Hon GRAHAM EDWARDS: The Leader of the Opposition did not recognise it once.

Hon George Cash: It is a pity that 27 per cent of young people are unemployed.

Hon GRAHAM EDWARDS: Members opposite were quick to get up and spruik revenge.

Hon P.G. Pental: They are better behaved than some of your Ministers.

Hon GRAHAM EDWARDS: The great majority of young people in this State do not offend; they are good young Australians battling all sorts of difficult challenges. They show character and they are getting on with the job. They will grow up to be good Australians and they will make a great contribution to our society. I wanted to mention that in the debate because after listening to some people one could believe that every young person in the community is an offender.

Hon George Cash: It is a pity you do not have regard for the victims of crime.

Hon GRAHAM EDWARDS: I gave members opposite the opportunity to talk and basically listened to them in silence. I wonder why they are not prepared to give me the same opportunity.

Hon P.G. Pental: Because you talk nonsense.

Hon GRAHAM EDWARDS: We have not yet heard a contribution to the debate by Hon Phillip Pental. I guess we will hear from him in due course. Any politician who did not get the message today would be somewhat remote from the people. The people gave the Government a message today that they want three things: Further consideration for the victims, further protection for the public, and tougher, different sentencing options. Dealing first of all with the victims, as Hon George Cash mentioned earlier, the Government has initiated a victims of crime unit in Fremantle for a specific purpose, and it has the support of the City of Fremantle. It is in a region where most of the facilities necessary can be pulled together, including police, volunteer organisations, and a host of Government agencies, both Federal and State. That this unit was considered in the first place is thanks to the initiatives of police commissioners around Australia, including our commissioner, Brian Bull, working with the then Minister, Ian Taylor. It was decided to establish a working party in 1989 to examine the setting up of a victims of crime unit. In doing the work necessary they looked at various models inside and outside Australia. There were basically two models, one using paid staff and the other relying entirely on volunteers. It was decided that this State should opt for the model using paid staff simply because other victims of crime units operating in Australia operated with volunteers. However, those units generally were not effective

because they lacked funding and administrative support, had frequent changes in coordinators, had low referrals because they did not have great credibility, lacked police cooperation unfortunately, were under resourced, and endeavoured to rely entirely on battling volunteer organisations. We have opted for a paid unit which, at full strength, will be staffed by an executive officer, a police liaison officer, a counsellor/advocate and a receptionist. They will be working with volunteers in an endeavour to bring to victims the various services available.

The major recommendations of the working party related to the establishment of a victims of crime unit to do three basic things: To obtain information, to access available services, and to navigate people through the criminal justice system. Basically the types of information required have been identified as the status of particular investigations, court results and penalties, parole and prisoner release status, compensation, restitution, financial assistance, crime prevention activities, legal advice, and the range of services currently available for counselling and so on, including transport and accommodation. It is anticipated that as we develop this unit with the support of various community groups we will be able to put a pensioner whose house is broken into in contact with a voluntary carpenter prepared, at little or no charge to the pensioner, to repair the damage.

We recognise and admit without any hesitation that we have a long way to go with our victims of crime unit, but the important thing is that we have started and are now endeavouring to meet what has become a deservedly recognised need for greater assistance to be provided to victims of crime. When the unit has had an opportunity to run for some time we will have it assessed by the crime research centre of the University of Western Australia, and we will look to expand it across the metropolitan area, and hopefully across the State. I do not have any difficulty in recognising the need for greater support for victims; it is something which is well and truly overdue. It is important, following today's rally, to assess even further our approach to victims of crime, and we need to examine what else we should be or could be providing.

David Smith, the Minister for Justice, has indicated that he has been working on a very comprehensive charter of rights for victims of crime which he will shortly bring forward. Rather than try to play the charter that we are bringing forward against the charter the Opposition is bringing forward, I hope that between us we will be able to achieve a meaningful charter which will provide a good description of the rights of the victims.

The second message which I thought was forthcoming from the rally today was that people demand better protection for the public. It is a realistic demand, and one that we should concentrate all our resources on meeting. That is related to the third message, which is the sentencing options, with which people are not happy. With the help of our juvenile justice panel, and as a result of the work that has been going on for some time, we have brought forward a number of good initiatives which will go a long way towards meeting the problem of juvenile crime. Unless we can more efficiently and more effectively deal with the hard core repeat offenders, we will risk losing the balance which hopefully those initiatives we have recently put forward will provide. Unless we can do something to combat those few but very hard core of repeat offenders, all the proposals and initiatives that we are putting forward will in the end amount to little.

When I say that we need to deal with them effectively, I am very strongly of the view that we have to take these hard core offenders out of circulation for longer. That does not necessarily mean that we must take them out of circulation and put them into a place like Riverbank. We must take these people out of circulation for longer and work on them. We must endeavour to teach them a bit about respect, about discipline, and about what it is like to put in a hard day's work and to benefit from it. That is why I am a very strong supporter of the stations program which has recently been worked up and which the Minister for Community Services and the Premier have indicated is to be doubled. It is a very successful program and it relies on those matters which have been referred to by Hon Reg Davies and by me.

It is interesting to reflect on the argument from the other side that there is not much point in throwing these young people into gaol, when at the same time initiatives which have come forward from them seem to indicate that the Opposition's response is to provide for longer gaol terms. I am not saying that is wrong. I am not saying that I agree with it either, but it seems to be to me to be something of a contradiction in terms.



Hon Reg Davies touched on a couple of matters that particularly grabbed my attention. They were undoubtedly based on his experience in the armed forces some years ago. In part, I agree with him. We need to instill a greater sense of respect and discipline in some of these people. No doubt the tried and proven methods of the armed forces generally go a long way towards achieving that. Those methods go a long way towards assisting a person to gain some self-esteem and a sense of mateship together with a sense of being part of a team and a sense of enjoyment from working and contributing. That is something that many people miss today. After talking to a number of young people around the State, both offenders and non offenders, I have discovered that many of them miss that injection of discipline in their lives. As young people grow up without that framework of discipline it is much harder to address the challenges presented to them in life. People who do not have discipline find it impossible to respect other people and their property, or to respect each other's lives.

The issues involved are complex. In some respects, they are difficult to identify totally. Therefore, it is difficult to find the correct response; but find it we must. That message was brought home to us today. It is fair to say that the Government's response is built on five premises: Incarceration for dangerous criminals should be provided to protect the community; the offences committed by the majority of juveniles are trivial and, therefore, should be dealt with by cautioning or minor sentencing options such as bonds, law education, drug lectures or reparation schemes. That would allow more of the resources of the police and the courts to be better directed towards the hard core offender.

Hon Barry House: Judge Jackson's definition of "trivial" may be slightly out.

Hon GRAHAM EDWARDS: It is unfair to focus our anger and criticism on one person.

Hon P.G. Pendal: You did that this morning.

Hon GRAHAM EDWARDS: I had my say. I did not criticise the person; I criticised the sentence. I stand by that. I do not want the focus of our criticism to be on only one person. Judge Jackson is a man of character; he is prepared to stand up for what he believes. He is a man who is prepared to pursue what he believes. I look around here every day and see people who do not have those qualities. I will not focus my attention on that man. However, the courts must be prepared - just as we, as politicians, must be prepared - to review policies and practices. If we are not prepared to review the initiatives and the policies and practices we have put forward, I suggest that today's march was a waste of time. I do not want today's march to fade into the realms of worthlessness. Some good things came from the march and we should be prepared to address them.

As to the Government's rationale, we want to continue work on developing local community owned projects which will aid the prevention of a new wave of young offenders. It is important that we are able to take the hard core repeat offenders out of the system because they will eventually become the role models of others. If they become role models it will be harder to turn around the younger children who look to the exploits of their elders. It is very important to do what we can to promote positive activities, such as sport, in our community. We should continue to direct our initiatives through the Ministry of Sport and Recreation at young children in an endeavour to ensure that the role models they look to are Chris Lewis or Peter Sumich or the other sports stars who are so prevalent in Western Australia today. Politicians should take note of the message delivered today. We must be prepared to review and reconsider some of the issues on which we have been working as well as the policies that we believed in the past were effective. Even if we believe those policies are effective, it is important to recognise that a large section of the community does not hold that belief. Either we must change the policies or better sell them.

I congratulate the organisers of the rally and indicate my respect for the people involved. I refer particularly to the victims and the members of the Wilson family who, with a great deal of dignity and courage, attended the rally today. I congratulate Hon Reg Davies for bringing forward the motion and for speaking in such an admirable way. I hoped that the way in which he put his argument would set the scene for the debate; I regret that has not been the case. While I do not agree with everything said by Hon Reg Davies, his speech contained some value. I encourage him to continue to refine his argument. I assure him that as long as he continues to do that I will be happy to listen to him and to give him any assistance I can as he develops what are in large part sensible arguments. I will be happy to discuss the matters further with him.

**HON TOM HELM** (Mining and Pastoral) [8.48 pm]: I congratulate Hon Reg Davies for bringing forward this motion and for giving us the opportunity to debate all the issues. I note with interest that he asked us to accept the motion for the purpose of discussing the juvenile crime rate and the sentencing of offenders in Western Australia. Debate has strayed from that area and we have talked about victims of juvenile crime and, in some instances, the proposal not to increase sentences for young offenders. We have gone through the whole exercise and the sorts of things which the community must endure as a result of the increase in juvenile crime and the behaviour of certain people; that is, the three per cent of juveniles in this State. I wonder what percentage of that three per cent represents the hard core cases causing such distress. These are the ones who need to be dealt with effectively.

Members will recall that I have a motion on the Notice Paper regarding the need to congratulate the South Hedland community for the reduction in juvenile crime levels achieved in the area. From what I have read in the newspapers and from listening to the debate here the problems of South Hedland are a small mirror of what happens in Perth. I tried to demonstrate to the House how the community of South Hedland addressed that problem. That debate has gone by and I made my contribution; it can be found in *Hansard*, so I will not repeat it in this debate. However, it would be remiss of me not to mention it or to make a contribution to the propositions that have been put forward in this debate tonight. While I was asking the House to congratulate the community of South Hedland I did not establish my own credentials. I am also a victim of crime. My house in South Hedland has been broken into and burgled five times. Nothing could compensate me for the loss of the things that I held dear, that were invaluable to me but valueless to an insurance company. That is not the same as being injured, nor would I even suggest that it could be, and I do not know how we can look at compensating those victims.

I wonder if addressing the issue in an emotional way is getting us to the bottom of the problems we face. Surely we should be concentrating the community effort toward preventing the offences and having no victims. I would rather not have my family and friends become victims; I would rather have crime stopped before it happens. I wanted revenge when I first walked into my home after it had been burglarised and if I had caught those who had done it, they would not have walked away. However, in the cold light of day it would have been difficult for me to act in that way. Surely all our energy should be directed at looking toward ensuring there will be no victims. We must look at these offenders, particularly young people, and discover their reasons for committing crime. Most recidivists are not necessarily without intelligence; they are without family support and are easily led. They demonstrate a high degree of intelligence. Some can break into cars that have quite sophisticated anti-theft equipment. They start cars in the driveways of people's homes, leave them running, and walk away. They just want to prove they can do it. It is the same challenge that makes people want to climb Mount Everest - to prove that they can do it.

In South Hedland 13 people were identified as being recidivist offenders. They were continually sent to Longmore and Riverbank, but they would come back to town and repeat their crimes. Once the community became aware of that and were able to identify these people, instead of waiting for them to commit a crime we were able to get together with the young offenders, their families and peer groups, and through a group called Street Machine, which was run by the Youth Involvement Council Inc in Port Hedland, were able to address not only the problems of the young offender but also his surroundings, his prospects and his ability to apply for jobs; all those issues. The result was that we reduced juvenile crime substantially in that town.

I was surprised to hear the Attorney General talk about officers of the Department of Corrective Services going to Europe and the United Kingdom to look at different correctional methods. That seemed to be in line with what Hon Reg Davies said about the boot camp system and Hon Graham Edwards' short sharp shock. I will establish my credentials by saying that I come from a working class area in Liverpool. It did not produce many academics, engineers, scientists or politicians, but it produced a lot of criminals. In those days a young offender in Liverpool was subjected to the borstal system. Members would recognise the borstal system, and I would recommend their viewing a movie called *Scum* which shows the short, sharp shock. The result was more angry people who were prepared to commit any crime and to go to any lengths to avoid getting caught and going back. I understand there was someone at the rally today who carried a banner saying we

should bring back the birch. Young people of my acquaintance got the birch, but that did not stop them. Experience has shown that that has not solved the problem.

Hon Reg Davies said that as elected representatives we should show some leadership. Leadership is the name of the game. We should not go down the track of the short, sharp shock of producing potential soldiers. I missed conscription by four months - I would not have been called up anyway as I went to sea - but my peers who volunteered for the army to go to Korea, Kenya and Northern Ireland had criminal records before they were conscripted and they still had them when they came out. Evidence suggests that we can put the short, sharp shock treatment together, but it will not necessarily solve our problems. The evidence in Port Hedland demonstrates how we can stop young people from offending. I am asking this House not to consider the short, sharp shock. If members have seen movies about the American marines, or had anything to do with them as I have, they will know that the abuse they receive in the American boot camp system does not make them any better citizens; it makes them into good soldiers, but being a good soldier is not a guarantee of being a good citizen. What has been demonstrated in South Hedland is that the way to address the problem is to look at the total circumstances surrounding the offender, particularly if he is a recidivist or a young first or second offender. Some people think there should be a higher penalty for those people; I do not know if that is wise or not. Revenge is not the right solution. I agree with the Minister for Police when he says that we are edging towards a debate which is suggesting that revenge is the answer. Society will not benefit from revenge. I commend to members a report recently released by the State Government advisory committee on young offenders. The committee chairman is Mr Justice Walsh and its members include Judge H. Jackson, Mr B. Bull, Mr C. Wyatt, Mr D. Semple, Ms D. Warnock, Mr J. Inverarity, Mr G. Maybury and Dr H. Black.

Hon Reg Davies: Is Howard Sattler on it?

Hon TOM HELM: No, his name is not on the list. All of the people on this committee are Perth people; they are not from the north and therefore cannot be accused of any bias, of which I can be accused. At least two pages of the report describe the committee's visit to Port Hedland and outline the cold hard facts of what is happening there. In 1989-90 the number of offences committed in South Hedland was 811 and the number of offences in 1990-91 was 418. The first year's results were good, but we did not get too cocky, because some of the offenders were in Longmore, Riverbank or on the stations, and most of them were the main perpetrators of the crimes. However, when those people had been back in the community for a year, the offence rate dropped by 43 per cent. The people of South Hedland could then do a bit of bragging. The number of offenders in 1989-90 was 130 and in 1990-91, 121. Even though that is only a reduction of nine, the number of offences was reduced by 43 per cent. Those results suggest that only a minority of offenders commit crimes, and that is in line with what has been suggested in this debate today.

Strong criticisms have been made in the Press and in this House about the Children's Court and its slap on the wrist attitude. It has also been accused of being responsible for many of the crime problems experienced in Perth. Appendix 2 of the report shows that youth related services and agencies in South Hedland were responsible for the reduction in the crime rate since 1987. That commenced with a public meeting of which I was chairman held in South Hedland on juvenile crime. Soon after, a community policing officer and youth involvement committee coordinator were appointed to South Hedland. I was also an inaugural member of the youth committee, which held its meetings in my office in South Hedland. The people on that committee had been feeling the frustrations of the high crime rate in South Hedland and wanted to do something about it. As a consequence the Lawson Street project was established. It is run by volunteers. The project takes in young people who are doing community service orders and gives them something useful to do in the community, such as painting, gardening or looking after people who cannot look after themselves.

A basic industrial skills program was also established. That program caters for people who come from undesirable family backgrounds and who may be easily impressed by their peers. It provides them with work skills and shows them how to apply for work. Some of these people have the skills and intelligence but do not know how to apply for a job.

Hon Reg Davies: How long does that program run for?

Hon TOM HELM: It is an ongoing program. We also have a community based education

program. That operates from Hardy House, which used to be a hostel for children from outlying communities and stations who were attending school in South Hedland. However, when station owners were able to find places for their children in Perth schools or places to stay in the towns there was no need for Hardy House. The first thought which came to the minds of the public servants who were responsible for Hardy House was to knock it down. However, we found a use for it; that is, we are taking young people who do not fit into the education system, who are disruptive in normal classes and who would normally be expelled from school, and allowing them to take part in community based education. If they are disruptive they are punished and if they are good they are given rewards. They are exposed to all that education can provide virtually on a one to one basis. There are only about four or six people in each class as teachers can only handle that number. The teachers do whatever is necessary to make sure these people are exposed to educational opportunities to which all young people have access but of which they often do not avail themselves.

The new Children's Court in South Hedland has enabled the community based programs to take effect. The judge who was appointed to that new court can take advantage of those programs. Of course, he is able to send juveniles away to detention centres. However, now young people who were previously sent away have the double whammy of paying the penalty by serving time in institutions and not being able to receive visits from their families. For Aborigines there is no worse punishment than to be isolated from their family groups. Before these measures were implemented in South Hedland, offenders were coming back and committing the same crimes regardless of how long they had served in detention. Nobody can tell me that Longmore or Riverbank are holiday camps, but offenders go back there as sure as eggs are eggs. Our programs in South Hedland were designed to take young people away from that cycle.

Members should keep in mind the 25 per cent reduction and the 43 per cent reduction in offences committed in South Hedland. I do not think members of the Department of Corrective Services need go overseas and study other systems. Overseas country do not have much to teach us. We have learnt lessons in Western Australia and paid the price. I have paid the price. My house has been burgled five times. I have paid the price in insurance claims and in losing things of great personal value to me which cannot be replaced. However, since South Hedland has experienced a reduction in offences my wife is able to sleep at home safely while I am away from home. Although we were never broken into while we were at home we still feel more secure in our home and we have seen the results of hard work in this area.

Hon Reg Davies talks about looking after the victims of crime and that is commendable. We should consider counselling wherever it is possible. One way of looking after the victims is by trying to reduce the number of offenders.

Hon Reg Davies: That was a namby-pamby statement.

Hon TOM HELM: I am recognised as being a namby-pamby kind of person, as Hon Reg Davies knows.

If any member in this House knows how we can compensate someone for the loss of a loved one I would like to know. As I see it the only opportunity we have to do that is to make sure that there are no victims. The station program sounds great, but in many cases it will involve an offender from Perth who will be sent to the Pilbara and put on a station. I inform members that we already have enough problems in the Pilbara, but I can see what the member who moved the motion is getting at.

Hon Reg Davies: What about Kimbolton Station, which is north of Derby?

Hon TOM HELM: On the figures available we do not have sufficient stations to house the offenders. I acknowledge that there is some merit in the station program. However, if it is thought to be the panacea to resolve the current problems with juvenile crime we are a little off track. It may be suitable for some offenders, but we have all heard horrific tales about juveniles who have been sent to stations without any training and who find themselves exposed to the brutality which is often meted out on stations. I am not criticising that because I was subjected to brutality as a young person in the Merchant Navy. If a juvenile has a beef about society it does not follow that he is an appropriate person to be sent to a station. In many cases it could be a backward step. We are faced with two problems: First,

we have to select the juvenile offenders who would benefit from that sort of exercise and, second, we have to find enough stations and qualified people to provide the training necessary. It will be a costly exercise and I wonder whether other programs which are less costly could be put in place.

The proposed boot camp exercise is something which has been tried previously, but not with juveniles, and there is a lot of documented evidence about the borstal experience. These exercises may go some way to solving the problem but I suggest to members that they should consider what has taken place in South Hedland. After all, these programs will be funded with taxpayers' money and I do not accept the argument that the Port Hedland experience is unique. The local police would be able to identify the recidivists. I have heard members say in this House that the people committing the most horrendous crimes from stealing motor vehicles have a list of offences a mile long. We know about them, but it appears that we wait until an horrific offence has been committed before we have a debate of this kind in the House. I have brought to the attention of the House the situation at Port Hedland, but it seems that no-one has taken any notice. If someone can put to me an argument that the Port Hedland experience will not work in Perth I may be prepared to accept it, but that has not occurred to date.

I was sent to this sitting of Parliament with a mission: On 6 August Hon Reg Davies was a guest on an ABC regional radio program with my electorate officer Mr Bob Neville.

Hon Reg Davies: See how I diversify? I do go to the country areas as well.

Hon TOM HELM: Bob Neville is also the chairman of the Youth Involvement Council at South Hedland. He has lived in Port Hedland for about 15 years and in the Pilbara for about 20 years. Hon Reg Davies was asked what he would do to address the problem of juvenile crime.

Hon Reg Davies: Are you referring to the Government media monitoring unit transcript?

Hon TOM HELM: Yes, I am and the honourable member may have a copy of it if he wishes.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order! The Hansard reporter is endeavouring to take down this debate but members are insisting on having a conversation between themselves and I ask them to address the Chair.

Hon TOM HELM: Mr Deputy President I do apologise.

Hon Reg Davies was asked what he proposed for our juvenile offenders. He is guilty of the same offence as I; that is, we always have a go at the academics. He said -

Well, what I'm suggesting is that the academics, the courts, the social workers, the counsellors, the do-gooders, have all had their day, and they've failed, it's now time for a commonsense, down-to-earth, and positive approach. And I'm suggesting something along the lines of a military-type academy, using ex-servicemen, ex-police, or current serving police, the education department psychologists, etc. The aim would be to build up self-esteem, give a lot of discipline, and re-direct those juvenile offenders into a better way of life.

That is the argument the honourable member proposed in his motion. He went on to suggest that basically all that is happening is that juveniles are being locked up or are being punished for an offence and there is no follow up or support system in place to ascertain whether they have benefited from that sort of lesson. Bob Neville was asked what he thought about Hon Reg Davies' plan. He replied -

Well, I was quite surprised to hear it actually, Sarah, and I must say that it's the first time, I suppose, I've been called a do-gooder. Mr Davies said that the do-gooders have failed, well I've got some news for him that us do-gooders in South Hedland have not failed at all. We've come from a catastrophic crime rate, back in 1988, to something which is almost negligible in this town now, and we're handling the situation very well indeed. And all those do-gooders in South Hedland have done an excellent job here, Sarah.

Not only did Bob Neville ask me to give Hon Reg Davies a message -

Hon Reg Davies: What was my reply about do-gooders?

Hon TOM HELM: Hon Reg Davies said -

Oh, look, I congratulate Bob Neville and the people up there, what they've done, I think it's absolutely tremendous and, as I said, we'd use people like Bob in this particular scheme that I'm suggesting. And we're talking about city people, mainly here of course, and perhaps I used the incorrect term there, "do-gooders", but we see a lot of people running around trying to do good, and there's never any follow up.

I'm concerned that there is 30% of youth unemployed in this state, and it's not much good just pointing them towards the CES, I mean, they can go to the CES and register and that's it. We need to try and get them into employment, we need to get the employer groups involved. I would see even some of these kids, perhaps, even being suitable for the military at the end of the day. But, certainly, we need to use a wide range of people within the community.

He goes on to say that so far he has had a positive response and that many people are keen to see a new approach. He says that we do not want to see these kids lost forever and that when we put them in prison they learn more criminal skills and come out to continue with their criminal activities. I will give Hon Reg Davies a copy of some of the information available from the Commonwealth Employment Service as there are many leaflets, pamphlets and booklets available referring to planning a career in the hospitality, building, recreation, retail or newspaper industries, in mainstream medicine or as an apprentice.

Hon Barry House: But there are no jobs

Hon TOM HELM: I do not know about that. We are on a plateau in Port Hedland. If one goes to the CES there one finds there are jobs available. However, the young people available for those jobs do not have the skills to perform them or do not know how to present themselves for a job. This is not a land of milk and honey, but there are jobs available in my area, probably more than down south. That is why a lot of kids go up to Port Hedland. Let us not seek to suggest that anyone going to the CES to apply for a job merely makes his application and is left alone. With the compliments of Bob Neville I will present some of the leaflets available from the CES to members opposite as the argument put forward by them is ridiculous. There are enough jobs in the Port Hedland area. We have demonstrated in that area that we can reduce crime without the short, sharp shock treatment or increasing the incarceration rate. The money we spent addressing that issue was well spent. What we did there can be applied here. I congratulate Hon Reg Davies for raising this issue.

**HON BARRY HOUSE** (South West) [9.22 pm]: I also congratulate Hon Reg Davies for bringing this matter before the House. Today has been a momentous one in many ways. To see a crowd the size of the one outside Parliament House today was a moving experience. Those people had a grievance which they expressed loudly and clearly. I have been associated with young people for a long time. I am sick and tired of a hard core group of young people giving all young people in our society a bad name because the vast majority of them are fine, upstanding people. I have no fears about leaving the future in their hands. However, that small minority are creating a reputation for all young people that is largely undeserved.

As previous speakers have said, a small group of hard core recidivists are causing problems for our community. I presented a petition earlier today that I drew up in my office a couple of weeks ago in response to numerous contacts by telephone, letter and in person from people fed up with the current situation. I drew up the petition to express in general terms what people were saying to me. It was meant as no more than an expression of community frustration and anger - an appeal for something to be done. It was presented today and contained 996 signatures which came mainly from the Bunbury-Busselton area. One lady in particular who was in the crowd today, Mrs Helliwell from Busselton, took the matter to heart and made it a point to get in touch with as many people as possible. Not one person rejected her request to sign the petition, which was not pushed hard but which in a couple of weeks carried many signatures, and more will come later. For the information of members, that petition states, in part -

Express our outrage at the continued high incidence of juvenile crime, especially car theft leading to death and injury of innocent victims.

That is an expression of how the community feels and of its anger and frustration. The

second part of the petition was more a demand for action from the people who are in the driving seat in this State; that is, the Government. The petition continued -

Demand that the Government of Western Australia respond to community concern by:

(a) installing more discipline in our education system.

We hear a lot about rights in the education system, but responsibilities go with those rights. I was privileged recently to hear the new Vice-Chancellor of the Notre Dame University, Professor David Link, mention as a newcomer to this State the fact that with rights go responsibilities. He outlined that concept as the cornerstone of his study of ethics, on which he is a world renowned figure. My concern about the education system relates to the heavy emphasis on rights; for example, the rights of the individual, of young people as young adults and of consumers to equality in terms of gender, race, age, disability and so on. I have no objection to that. However, on the other side is the need to emphasise responsibility. For instance, there is a need for an emphasis on the responsibility to do a fair day's work for a fair wage. There should be an emphasis on the responsibility of young people as producers as well as consumers and as community participants as well as beneficiaries of what that community offers.

The petition also refers to allowing the victims of crime to put their story to the courts when offenders are being tried. We have heard from numerous speakers tonight that the victims of crime unit, which I welcome, will give those victims advice. I have met the police liaison officer from that unit, Lillian Cvijic, and have a high regard for her ability to do a good job. It is important this happens because the perpetrators of crimes must be made aware of their actions, otherwise I do not think they will ever fully comprehend what they are doing. Some of them are totally unconcerned and unrepentant, but eventually they will grow up.

The last part of the petition relates to the introduction of more effective ways of punishing offenders. Like most speakers tonight, I do not agree that institutions like Longmore and Riverbank provide an effective solution to this problem. They are universities of crime for young people. However, the community is demanding a strong response to the hard core perpetrators of crime. Adult crimes committed by juveniles aged between 15 and 17 years who have young minds but physically mature bodies should be treated as such. Therefore, there is a need to enforce the sentencing very severely for these sorts of crimes and these sorts of people. The real solution is to intercept these people before they reach that hard core status and remove them from the environment in which those crimes are being committed. We have seen some response from the Government in recent days, I suspect because the Government has been led kicking and screaming to the barriers to produce that response.

One response in which the Government is partly involved - it is also partly a private initiative - is the Lake Jasper project in the south west. Members may have heard something about this. It has only just begun but I want to endorse it at this stage as a very positive initiative. I sincerely hope it will work. Over the last couple of weeks I have become reasonably familiar with the project and some of its aims. It is a little early to judge whether it will be a success, but I certainly want to encourage it and to offer my support to the people involved. I organised a briefing between the project coordinators, Hon Barry MacKinnon, the Liberal leader, and me, and Mr MacKinnon was also impressed with the project's potential.

Credit for the Lake Jasper project must go to two project coordinators, Mike Hill and Bob Anderson, and also to Bill Webb and his father, George Webb, from the Gnuraren Progress Association in Busselton, which is the sponsoring body. The project is certainly a welcome initiative from the Aboriginal community to take responsibility for the development of some of their young people who have been caught up in crime. Young offenders are referred to the Lake Jasper project from the juvenile courts and are accepted if they express a wish to be involved. It is very important that they should want to take part, as some of the initiative must come from the young people themselves. The young Nyoongah Aborigines will be billeted with Aboriginal families in the south west and encouraged to renew traditional cultural links with Aborigines from that area. The aim is to give them some sense of belonging and responsibility. Part of the scheme is an arrangement with the Department of Conservation and Land Management to work in the D'Entrecasteaux National Park on rehabilitation programs and on establishing walk trails around Lake Jasper, which is the

largest freshwater lake in Western Australia. As well, they will be involved in flora and fauna identification, seed collection, and so on, all of which sound like very positive things to do.

I sound a word of caution, however, about expecting immediate results from a project like this. It would be very unfair to ask for successful outcomes from such a project in two or three months. It is a long term process, although certainly in the short term the people running the project will be able to claim that they have taken a certain number of young people and are working with them. The project has an excellent prospect of success if it is given a chance, and I hope it is not torpedoed, for instance, by Government Ministers seeking publicity through the program. I heard a rumour the other day that a Government Minister was planning to fly into the remote areas of the D'Entrecasteaux National Park in a helicopter, with a television crew, and claim the glory. That horrified the people involved, and rightly so. I am sure they will have a better chance of success if the Minister butts out and lets them get on with their work.

We should never forget that the real cause of the problem of juvenile crime is unemployment among those young people, and they will need jobs at the end of projects such as the Lake Jasper program and station programs. The real problem at the moment is the economic situation and the social consequences it brings, including family breakdown and drug and alcohol abuse. I was interested in the figures quoted earlier by the Attorney General. I forget the exact figures, but there was a very strong correlation between offenders who come from single parent homes and repeat offenders - I think it was in the order of 63 per cent. These are young people who do not necessarily understand their responsibilities to the community in a family situation.

The current economic climate has been mentioned before. Western Australia has a general unemployment rate of 11.2 per cent, which is the worst in Australia. Our official youth unemployment rate is 27 per cent, but I suggest that the real figure is closer to 40 per cent, if we take into account the large numbers of young people who are at school in years 11 and 12 and who would be in the work force if they could get a job.

Hon T.G. Butler: That is an outrageous suggestion.

Hon BARRY HOUSE: Why?

Hon T.G. Butler: Are you including those people in the unemployment figures?

Hon BARRY HOUSE: Many young people would not be in years 11 and 12 if they could get jobs. Does Hon Tom Butler dispute that?

Hon T.G. Butler: Of course I do - it is a load of nonsense. They are at school because they want to be.

Hon BARRY HOUSE: Cut it out! Hon Tom Butler should have a look at some of the schools in his electorate.

Hon P.G. Pendal: The schools cannot cope with them anyway.

Hon BARRY HOUSE: The schools have no resources to cope with all those young people.

Hon T.G. Butler: You are absolutely pathetic.

Hon BARRY HOUSE: That illustrates just how far out of touch the member is.

Hon T.G. Butler: I just cannot follow how you can include those people in the unemployment figures when they are at school.

Hon BARRY HOUSE: I can do so because they would not be at school if they could get jobs.

Hon T.G. Butler: That is supposition and absolute nonsense.

Hon BARRY HOUSE: I suggest the member do a little homework. He should go to schools in his electorate and ask some of the teachers how they cope with year 11 and 12 students who are at school but who do not really want to be there.

Hon T.G. Butler: That is totally irrelevant to the proposition that they should be included in the unemployment figures.

Hon BARRY HOUSE: No, it is not. I am saying the official unemployment figure is around 27 per cent.



Hon N.F. Moore interjected.

Hon T.G. Butler: You would try to include in the unemployment figures in Sweden those people who are in training.

Hon N.F. Moore: Exactly, and you have done the same.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order! Hon Barry House is making a speech.

Hon BARRY HOUSE: Thank you, Mr Deputy President. A more damaging effect on young people who do not have permanent careers is the large number who consider they are working but, when it gets down to tin tacks, are doing only one or two days a week of part time work here and there. They are doing a day's work at a take away food outlet, and another day's work when it can be picked up elsewhere. They claim they are working and are not included in unemployment statistics. However, those jobs are taking these people nowhere in their search for careers. They are certainly better off doing these jobs than doing nothing, but they are not developing career structures. Also, this is not overcoming self-esteem problems or putting these people in their rightful place in society. Many young people are in retraining schemes; some of these schemes are useful and others are useless.

A large number of people in rural areas, such as the one I represent, have completed their studies in Perth, but as no opportunities are available in the city they drift back home. They live with their parents, but they are not doing anything meaningful. Although the unemployment figure for young people indicates that 27 per cent are without jobs, I suggest the real unemployment figure is nearer 40 per cent. This situation causes me to consider future job prospects for young people. Unemployment results in a lack of self-esteem and no income. In a very materialistic society this represents a problem because young people have been brought up perceiving that they have a right to a colour television and to a car the day they turn 17. However, these people do not have the income to purchase these and other expected commodities, which results in the temptation to steal them. Boredom is also a problem.

A very serious situation among young people in Australia is the increasing rate of suicide. This is not something which is openly discussed because it is a distasteful subject. However, statistics clearly indicate that the suicide rate among our young people is increasing. Comparisons have been made with Japan, a country with a very high suicide rate over many decades. I do not have the figures with me, but I recently saw a graph which indicated that the suicide rates in Japan and Australia are very much on a par. The noticeable thing was that the trend in Australia was increasing sharply, and in Japan it was decreasing. That is something about which we should be concerned. The need exists for more preventive action. The long term solutions must address the root causes; that is, the economic situation and family breakdowns due to drug and alcohol abuse.

I referred earlier to the Jasper project, which is a positive initiative and one I wish well. It is in its early days and will involve large amounts of taxpayers' money, Federal and State. I hope those involved in the project are given encouragement and resources, and are left alone to get on with it. I encourage bipartisan support for this matter. On such a topic political point scoring is not appropriate. This is a real problem which must be addressed - that is our job. I support the sentiments expressed by Hon Reg Davies.

HON MURIEL PATTERSON (South West) [9.44 pm]: A great deal has been said today about juvenile justice, but whenever one deals with the misconduct of human beings there are no clean cut solutions. We have seen lives torn asunder from the devastation caused by repeat offenders. We have a social system which is hell-bent on protecting the perpetrators of crime and not the victims and their families and friends. The distress caused to these victims is immeasurable, and today the public endeavoured to convey that message to us politicians.

We place many young criminals in institutions such as Longmore and Riverbank, but these places have not been a deterrent. I have been to such places and frankly I am horrified at the thought of locking anyone up in them. As Hon Joe Berinson indicated earlier, the incarceration of juveniles leads to greater problems. We must look at alternative punishments. One such system is the placing of offenders on stations and pastoral holdings. I know something about this issue because in earlier days my husband and I had offenders stay on our farm.

One man has offered a solution. He said he had approached the Government and spoken to the Minister for Police, who he said was a friend and had been on his property, but I understand that the Minister said he could not help. This man needed a few transportable huts on his property. I estimate that the cost of this would be between \$15 000 and \$20 000. After such a payment all he would require was \$250 per week per person for board and training. When compared with the cost of gaoling a person, that is approximately \$1 000 a week cheaper per person. The man involved with this project is Roy Walker, who has known great personal hardship and sorrow. He was raised in the Parkerville home and later lived in Bunbury with his aunt who owned a winery. He was recognised as drunk at the tender age of 10 years, and as a young stockman he was a horse breaker of national renown. Nine years ago Mr Walker had a spiritual experience which altered his life and forced him to look closely at his way of life. As a result he decided to devote his life to helping people in trouble, particularly young people in trouble with the law, because he felt an affinity with them. This project is now known as the Roy Walker training and accommodation retreat and this was recognised and incorporated last week.

The property is located near Lake Argyle on 8.5 hectares of land which has been excised from the Long Michael Plain Station. This is a magnificent area and is surrounded by gorges from the Carr Boyd Ranges. A river runs through the property and even in dry times pools can be found in which fish can be caught. Mr Walker has had some people staying on his property. I spoke to a lad of 14 years who was staying there. His mother and father had separated. His father had later committed suicide and the lad blamed his mother for what had happened. After this event William ran amuck for a period, but he was given the opportunity to go to Mr Walker's retreat. He told me that he was scared stiff of horses, but he had learnt to ride. He was very proud of himself. He worked hard and loved the life in the Kimberley, and, amazingly enough, he loved the discipline. It was a relief to him to get out of the city and to have a job on the property. This provides a chance for these young people because it is an opportunity to change direction in a healthy environment.

While I was at the property I noticed a board with the camp laws: These were, "Respect for women; no smut"; "Do not interfere in anyone else's beliefs"; "Always respect one another"; "Self-respect; no booze"; "Remember the meaning of the word 'mate'"; "Help one another all of the way"; "Hygiene in oneself"; "Neatness in oneself and in all things you do"; "Always look in a man's eyes when talking"; "Always do your best no matter what the job"; "Always do your chores willingly"; "Put things back where you find them"; "Always pick things up; do not walk over things"; "Listen, then ask questions; you can never stop learning no matter what"; "Cleanliness is next to Godliness"; "You can bark but you can never bite in this camp", and "Heaven and Hell are what you make on this earth". Few members would not have heard some of those rules and encouragements from their parents.

As was indicated by the list of repeat offences by one young offender quoted by Hon George Cash, not much is working in the present system. Tonight Hon George Cash provided a list of offences from just one person which indicated that the Government's methods are not working. I recommend that the Minister for Police have another look at this project. The Walkers would do the rest. The kids are taught personal development; for example, there are no rules about when their lights go out at night. They can talk and mess around all night if they wish but the consequences are felt when they must get up early the next morning.

At 62 years of age Mr Walker is an unusual man. He would need to be, to want to care for those young people voluntarily. He is not a run of the mill chap. He has led a hard life and is a tough man doing a tough job. Last week when I was in Kununurra I accepted an invitation to see his place. I walked for miles over the property with him and I met his Swiss wife, Olivia, a beautiful young woman of 22. She is an accomplished pianist, speaks five languages and is a professional horsewoman and horse breaker. She too has a vision to help readjust those people. The Walkers plan to train the offenders in station work including camp cooking, fencing, leather work and horsemanship. The retreat's aim is to keep the voluntary offenders for 12 months to break the peer group pressure and to give full training to equip them to work on stations if that is their wish. The stations would be chosen with care and the youths would be provided with follow up support.

I asked Roy whether he was frightened of leaving his wife alone with the offenders as it is not possible for him to be nearby at all times. He replied that he tells them to look after her. He maintains the kids are just screwed up in the head and need to work, to be disciplined and

to be listened to. I am pleased that early in the debate the Minister for Police said that he also believes that.

In the future, the retreat plans to increase its number of horses comprising beautiful Appaloosas which are being crossed with Arab mares. They believe that breeding program will produce a better horse and there is a good market for well trained horse flesh. Also on the property is a young orchard with mango trees, American dates, almond trees, passionfruit and grapevines. I see the retreat as a positive alternative to some of the present programs and one which the Government owes it to the public to try. The retreat with Ray and Olivia Walker have been made on national TV, written about and filmed at length for overseas publication. I strongly urge this State to take the opportunity offered and I support Hon Reg Davies' move to debate the matter.

**HON FRED McKENZIE** (East Metropolitan) [9.55 pm]: I am grateful that Hon Reg Davies moved the adjournment motion to enable this matter to be debated. To some degree I am surprised, I suppose, at the bipartisan attitude displayed tonight. No attacks have been made on the Government, as I would have expected; the climate is right for it, there is no doubt about that. I am fairly battle scarred and worn from trying to defend, in the community, the Government's actions.

Hon Max Evans: Indefensible, aren't they?

Hon FRED McKENZIE: They are not indefensible. That has been demonstrated in this debate. What is indefensible is that we have been slow off the mark. I do not think anybody realised how grave the situation was becoming. However, since the realisation of the situation about three or four months ago some measures have been rapidly put in place. Nonetheless, there is no quick fix solution; it will take time and new methods must be tried.

Over the past month it has been realised that recidivists make up a very small percentage of the community and the answer to the problem is in how they are dealt with. Most people will say that the easy solution is to imprison them for longer terms. That is not the answer and I have argued that with many people, including friends. I say argue because some pretty harsh words have been spoken between us owing to the soft attitude I allegedly adopt. It is not a soft attitude. A number of the Opposition speakers have indicated the necessity of looking at the cause of the problem before it can be cured. Finding a cure is not easy, especially in the light of the high unemployment rate of 27 per cent of young people and 11 per cent of the overall population. Hon Barry House has acknowledged that unemployment plays a large part in the problem. I will not become involved in an argument about figures; I accept the 27 per cent, but he quoted 40 per cent. Someone said that was outrageous and an argument took place across the Chamber about the matter. Nevertheless, 27 per cent unemployment among youths is too high.

To be perfectly honest with members opposite I never thought I would see a Labor Government preside over the same levels of unemployment as those which were experienced under a Liberal Government.

Hon Peter Foss: Come off it.

Hon FRED McKENZIE: In 1983 the same overall average of unemployment occurred. When the Labor Party took office it developed a range of programs which the present Federal Government has not supported. Hon Barry House would know about that because for a number of years he was chairman of the Busselton community youth support scheme; I was chairman at Belmont for the same period. It was a very good scheme. The Federal Government was crazy to abolish that program and replace it with SkillShare, because some of the youths who are now offending are the type we took into the scheme and who would not fit into SkillShare. I argued the matter at the time but without success. The number would be very small, but they have still contributed to the problem. The more rotten apples put into a case, the quicker the case will go rotten.

It is clear that as a result of the Government's initiatives in the last few months the attitude in the community to incarcerating people in detention centres has changed. A member admitted to me today that she had been there and witnessed it. I subscribe to that. Someone - I think it was Hon Barry House - called them universities of crime. Nothing is more clear than that. In these detention centres and through their lines of communication they learn more and become more proficient in the methods of stealing motor vehicles. My car has had windows

broken in attempts to steal it. That does not happen any more. The thieves go straight for the locks and open the car without breaking the windows. I have an alarm on the car now and there have been two attempts since the alarm was installed. It prevented the thieves from succeeding.

The group that organised the rally outside Parliament House today was very careful not to party politicise the issue. That meant that the debate has been more productive. I think the group deserves credit for doing that. I have witnessed so many debates in this Parliament develop into party political point scoring that one becomes somewhat expectant of that happening in a debate like this. However, that has not occurred because politicians were kept out of it. We witnessed what was said, but none of us was asked to speak.

Hon T.G. Butler: Nevertheless, we were attacked by Mr Sattler.

Hon FRED McKENZIE: As politicians generally, but not in a party political sense. I do not think even Howard Sattler attempted that. I was on his program a few weeks ago with Hon Phil Lockyer. I endeavoured to defend the Government's actions because I was sure they were the correct methods for solving the problem and I said so to Howard Sattler. I told him that he had a good program but that he was stirring up the community. I sincerely believed that. He challenged me and invited people to ring in. He asked his listeners, if they felt he was stirring up the community, to ring in and let him know whether he was right or I was right. The next thing, the board lit up. I got through it okay, but it was clear that many of the callers did not support me, but supported Howard Sattler. From that came the rally that we witnessed today. Because it was kept apolitical by the organisers and, I expect, by Sattler - I am not sure about Peter Newman, who is much more harsh on the Labor Party - we have had a sensible debate in this House and in another place. We are now all working together to try to find a solution to this problem.

As I said, I do not think there will be a quick fix solution to the problem. We will have to try new methods, of which some will fail. However, those that succeed will give us direction. Detention centres will be a thing of the past. They are not the answer to the problem because if we continue to put kids into those places, they will come out more hardened than they were when they went in and the juvenile offenders of today will become the adult criminals of tomorrow. We will have to deal not only with juvenile justice problems, but also with an increasing number of adult criminals. We need to avoid that. We all have different ideas about how the problem should be solved. We should pool those ideas and allow them to filter through to the Government. In that way, we will succeed. I have been told that some programs, one of which is Teen Challenge, have been very successful. I have no knowledge of the Teen Challenge program, but I understand from parents that it has worked very well.

An editorial in *The West Australian* was very encouraging when it said the justice system is not working. However, the editorial stated -

But promising results from station and farm programs suggest that the Lawrence Government is on the right track in expanding these projects as a way of dealing with some juvenile wrongdoers.

That editorial was heartening. It recognised the Government's commitment to pumping \$20 million into the juvenile justice system.

Hon Reg Davies: But it is not an extra \$20 million. It has been topped up.

Hon FRED McKENZIE: That might be so. The total cost of the program is \$20 million, which includes an increase in the funds allocated. I remind members opposite that when we came to Government in 1983 - the community does not recognise this - Western Australia had the worst ratio of policemen to population in Australia. Following the current commitment to the Police Force we will have the best ratio. We have increased the protection for the community by providing 1 000 additional members.

Hon B.L. Jones: As well as a lot of sophisticated detection equipment.

Hon FRED McKENZIE: Yes; however, I am talking about manpower.

Hon George Cash: Those statistics beg a couple of interesting questions.

Hon FRED McKENZIE: We can have a couple of policemen on every street corner, but that will not overcome crime. We can arm them with machine guns, but that will not overcome it either.

Hon George Cash: We need not go that far.

Hon FRED McKENZIE: I agree, but arming the Police Force has not improved matters; in fact, it has got worse. People ask for more police. Not only have we done that, but we have also tried new methods, one of which is Neighbourhood Watch, that are worthy of mention and that have advantaged the community. Neighbourhood Watch had been tried in other States before it was introduced here, and it was certainly a step in the right direction.

Two deaths occurred on the roads during the weekend and they were perceived to have resulted from juvenile crimes, but I remind members that the first accident involving the untimely death of a 73 year old woman occurred because of the actions of a 23 year old man. I do not know whether he has a juvenile crime record, but he was responsible for one of the two deaths that added fuel to the fire and contributed to the extra number of people attending the rally today. It created additional concern in the community, yet it involved an adult criminal as opposed to a juvenile criminal.

Hon Barry House: They are adult crimes even if they are committed by 15 or 16 year old youths.

Hon FRED McKENZIE: Certainly stealing cars is an adult crime because a person must be 17 years old to get a driving licence. Juveniles are committing adult crimes. However, I reject the proposition of imprisoning them for longer periods. I do not think that will overcome the problem facing us. We must try new methods and I support the Government's efforts in that regard. We must prevent these crimes. Hon Barry House mentioned that 63 per cent of these juvenile offenders are from single parent families. If that is the case, some consideration must be given to that aspect.

Society has changed since I was a young fellow, and different methods were employed. I was dead scared of being put into a reform school. However, those days have passed. Hillston Reception Centre has disappeared and been replaced with other centres. The cat-o'-nine-tails and the birch were commonly talked about then, but we would never bring back those things. Society has changed. Some people may advocate bringing back those old methods but I think they have gone for all time. When one is the victim of crime, as I have been, for a fleeting moment there may be a temptation to subscribe to those methods but that does not last for long.

I wanted to contribute to the debate because I was pleased with the bipartisan approach to it. I thought the Government would be in for a rough time because members of the Government can expect to be attacked when things are not travelling well in spite of the fact that they may be doing all they can to try to overcome the problem. I am convinced that the problem would have arisen no matter which party was in office. I am happy to have heard the debate progress in the manner it did, and I am grateful to Hon Reg Davies for giving us an opportunity to spend a considerable time discussing this very important question now facing the community.

**HON REG DAVIES** (North Metropolitan) [10.15 pm]: I thank members for their contribution to and participation in this debate. It was very obvious to me throughout the debate that there is no simple solution to the growing problem of juvenile crime. It was interesting to hear Hon Fred McKenzie say that in 1982 Western Australia had the lowest ratio of police per head of population. It is interesting to note that at that time Western Australia also had the lowest crime rate, and had a very moral and law-abiding society. We could ask what went wrong.

I offer my congratulations to Mr Howard Sattler, together with the victims of crime, particularly the Wilson family, for their efforts in organising the rally. The rally was designed to get the message to members of Parliament and action from the State Government. I hope in the end that we shall work together and take notice of the initiatives proposed to solve this problem of juvenile crime in society. I will be happy to produce a program for the Minister for Police on my initiative for the boot camp idea and I hope he will take those suggestions to the juvenile justice panel. I reinforce the most important issues; that is, education for our youth, the right of each person to a good education, a follow-up of the programs available at the moment and future programs, correct staffing and funding for the programs, and the assurance of a job at the end of the incarceration period. We must get these offenders back into the community where they belong. It has been said several times

tonight that the majority of young people in the community are good kids; we should continue to reinforce that and let them know that we appreciate their efforts.

Motion, by leave, withdrawn.

### SELECT COMMITTEE ON PAROLE

#### *Final Report Tabling - Extension of Time*

On motion by Hon T.G. Butler, resolved -

That the date fixed for the presentation of the final report of the Select Committee on Parole be extended from Friday, 16 August 1991 to Thursday, 29 August 1991.

### ROAD TRAFFIC AMENDMENT BILL

#### *Second Reading*

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [10.20 pm]: 1 move -

That the Bill be now read a second time.

This Bill provides for the reintroduction of a mandatory term of imprisonment for persons convicted of a second or subsequent offence of unauthorised use of a motor vehicle. Under the terms of the Bill the courts shall be empowered to sentence persons convicted of a second offence, within a period of five years following the conviction on the first offence, to a mandatory term of imprisonment of not less than three months or more than two years. For persons convicted of a third or subsequent offence of unauthorised use of a motor vehicle the penalty shall become a mandatory term of imprisonment of not less than three months or more than seven years. The option of a purely financial penalty for persons convicted of a second offence under section 89 of the Road Traffic Act within five years of a previous conviction, or of a third or subsequent offence, will no longer be available.

These provisions are intended to serve as a deterrent to the repeat offenders who are responsible for a significant proportion of the rising number of car thefts in Western Australia. They represent the restoration of a penalty laid down in the original wording of section 89 of the Road Traffic Act 1984, but which was removed by the Road Traffic Amendment Act of 1988. That Act, which was introduced to this House by the then Minister for Consumer Affairs, Hon Graham Edwards, removed a mandatory term of imprisonment of between three months and two years for a second or subsequent offence of unauthorised use of a motor vehicle. It substituted the current penalties of a fine of not less than \$800 or more than \$5 000, or imprisonment for a term not exceeding two years, or both the fine and the imprisonment.

The continuing rise in the number of cars reported stolen in this State - before and after the Road Traffic Amendment Act received the assent of Parliament in 1988 - indicates that a fine is not an adequate penalty for a second or subsequent offence of unauthorised use of a motor vehicle. Police statistics show that 14 410 motor vehicles were reported stolen in 1988-89. In 1989-90 that figure rose by almost nine per cent to 15 835. The Minister for Police told this House in March, in response to a question on notice, that 12 869 motor vehicles had been reported stolen between July last year and the end of February this year. If that rate is maintained, the number of cars stolen in 1990-91 will be around 19 500, an increase of more than 20 per cent on the previous year's total.

This Bill also provides for an increase in the minimum fine the courts may impose upon a person convicted of a first offence of unauthorised use of a motor vehicle. Under the Bill the financial penalty for a first offence is increased from a fine of not less than \$400 or more than \$2 000 to a fine of not less than \$500 or more than \$2 000. The Bill retains the option of a sentence of imprisonment for a first offence of not less than one month or more than 12 months.

I commend the Bill to the House.

Debate adjourned, on motion by Hon J.M. Brown.

**JUSTICES AMENDMENT BILL***Introduction and First Reading*

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

*Second Reading*

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [10.24 pm]: I move -

That the Bill be now read a second time.

Legislation was proclaimed on 1 January 1989 to establish an alternative method of enforcing unpaid and uncontested infringement notices. This is referred to as the INREP system. Since that time approximately 53 000 matters have been diverted away from Western Australian courts and enforced under the INREP scheme. However, the 1989 Act did not apply to a person under the age of 18 years, although juveniles can be issued with infringement notices. Action against juveniles required court proceedings to be commenced.

The Bill now before the House seeks to amend the INREP legislation to include persons 16 years and older, but will contain the following safeguards -

The INREP registrar will not have the power to issue a warrant against a juvenile offender should the order remain valid; and

where the INREP order to pay remains unpaid, the matter will be referred to the Children's Court to have the defendant brought before the court.

The advantages of the proposal are that it will assist in keeping more juveniles out of the court system, and it will also enable juveniles to make arrangements for time to pay at an earlier stage. The President of the Children's Court, Judge Jackson, has been consulted and fully supports these provisions.

Also included in the Bill are other amendments to the INREP legislation. These are -

1. A provision to enable adult offenders to perform community work in lieu of imprisonment on INREP registry orders.
2. A provision to allow agencies to refer matters registered at INREP to Courts of Petty Sessions. This will overcome problems which arise where offenders give false names to authorities.
3. A provision to clarify the status of registry certificates when referred to Courts of Petty Sessions so that they may be treated as complaints made under the Justices Act.
4. A provision to confirm that no fee is payable by prosecution authorities in respect of enforcement certificates when matters are lodged at the registry.

The Bill before the House also proposes to amend section 135 of the Justices Act. Section 135 provides for hearings in the absence of defendants and for the receipt of affidavits of evidence in support of complaints laid under Acts prescribed for the purposes of subsection (2) of section 135. Difficulties have arisen where persons fail to enter pleas to charges relating to parking offences. These are offences under the Local Government Act, and council staff must sometimes spend long hours at court waiting for the matters to be dealt with. In such cases it would be more convenient if the actions could be dealt with by affidavit.

Section 135 presently provides for the prescription of the whole of an Act. In many cases, of which the Local Government Act is an example, there are good reasons why complaints should not proceed on affidavit evidence in respect of all offences under the Act. However it frequently will be the case that certain offences can be identified where the interests of justice will be served by allowing the complainant to prove the case on affidavit evidence when no plea is entered to a charge. It will still be necessary for the complainant to prove service. It is therefore proposed that subsection (2) of section 135 be amended to provide that Acts, portions of Acts, subsidiary legislation and portions of subsidiary legislation can be selectively prescribed for the purpose of the subsection.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

**EAST PERTH REDEVELOPMENT BILL***Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Education), read a first time.

*Second Reading*

**HON KAY HALLAHAN** (East Metropolitan - Minister for Education) [10.30 pm]: I move -

That the Bill be now read a second time.

The East Perth project is the largest urban renewal project ever to be proposed for Western Australia. The project aims to provide the catalyst for the revitalisation of East Perth by transforming an unattractive area of industrial land into a new urban community, attracting thousands of Western Australians back into the inner city to live, study, work and play. The major objectives of the proposal are to -

rejuvenate East Perth by promoting and assisting the development of a mixture of land uses which reflect the main living, working and recreation elements of urban life;

create an attractive, vital and functional environment;

support the development of, and accessibility to, the Perth central area;

create new recreation opportunities focused on public enjoyment of the Swan River;

promote development which is viable and attractive for private investment; and

provide a staged and flexible planning approach which can respond to changing economic conditions and community needs.

The main redevelopment area extends from Summers Street in the north to Wittenoom and Nile Streets in the south. The western boundary is Lord Street and the Swan River forms the eastern boundary. Most of the area is currently in some form of Government ownership. Sections of this land will not be redeveloped as the land is being used for appropriate purposes that will be ongoing.

An outline development plan for East Perth has been released for public comment. It is intended that a formal development scheme will be prepared after public input has been considered.

The economic and social benefits of the project will be significant. The project will, directly and indirectly, generate several thousand jobs. The early stage of the project will provide more than 600 medium density dwellings which will cater for those people who can benefit from inner city living, including smaller families, single people and the elderly. Later stages of the project are intended to provide additional housing and short stay apartments. In time, it is expected that more than 1 000 additional homes could be built in the wider East Perth area. The proposed focus of residential, commercial and recreational development is an inlet at Claisebrook on the Swan River. Development around the inlet will create an exciting urban atmosphere attracting people from all over the metropolitan area.

A new education and training centre catering for up to 10 000 students is proposed to provide specialist training in industrial technology and applied science - two areas recognised as cornerstones of the State's economic growth and prosperity. The centre will be the catalyst for commercial research and development facilities to locate in the area.

In addition to the extensive housing and recreation developments, it is expected that over the next 20 years a significant number of employment opportunities will be created in East Perth in a range of office, commercial and research activities. By channelling the business and support functions into the most suitable areas, other sectors of the central city - such as around the East Perth hill - can be given more of a residential emphasis.

An innovative development approach is necessary for the efficient and effective redevelopment of East Perth. The benefits of such an approach can be seen internationally through urban renewal projects such as the London Docklands and various centres in North America, and nationally by projects such as Sydney's Darling Harbour, the South Bank



projects in Brisbane and, more recently, the Dockland project in Melbourne. In each case, special planning and management processes were seen as necessary to realise comprehensive redevelopment.

The existing machinery of Government in Western Australia is also not adequate to deal with redevelopment of this project area in a proactive way. No single authority presently has the full range of resources and expertise necessary to implement the project. Moreover, the existing division of powers between the Perth City Council and the multitude of State Government departments is not conducive to the complex planning and management task required for comprehensive redevelopment. The challenge for successful implementation of the overall project is to devise arrangements which provide sufficient management focus and control over development while deferring to other authorities or established processes on specialist matters, including assessments under the Environmental Protection Act and the Aboriginal Heritage Act.

Government leadership and a clearly identifiable project proponent are essential to attract private sector investment. A positive project image is also needed and a tangible commitment to the redevelopment of the area must be demonstrated. A high standard of project management is equally important. The management structure must be responsive to community needs and fully accountable to Government. At the same time it must have a fine appreciation for the commercial and technical requirements of successful development.

Special project legislation is necessary to facilitate development. The legislation will provide the required focus, together with the management and organisational arrangements to assist redevelopment. A development authority must be established under the legislation to provide a consistency in decision making and approach. The development authority would include representation from the Perth City Council and be made up of persons with knowledge or experience in urban planning, business management, property development, financial management, engineering, transport, housing and community affairs. The main functions of the development authority would be to plan, undertake, promote, coordinate and control the redevelopment of land in the project area. This will generally involve -

- overall planning, urban design and development coordination;
- land assembly, site preparation and property management;
- arrangement for the provision of service infrastructure and community facilities;
- disposing or leasing of land in accordance with the approved development scheme;
- and
- assisting and facilitating development undertakings, particularly housing.

The authority will be bound to a formal development scheme established under the legislation. It will control development within the project area, in consultation with the appropriate public authorities, and provision will be made for appeals. Provisions have also been made for the Minister to exercise development approval powers where the authority is the applicant or has financial interests. The operations of the development authority will be subject to ministerial policy direction and fully accountable under the Financial Administration and Audit Act.

The involvement of the private sector will be essential in the overall realisation of the project through the development of land for a range of residential and other purposes.

The sale or lease of land would normally be subject to agreements to ensure that development reflects the project's overall objectives and design standards.

In summary, the management arrangements proposed in this Bill will provide both accountability and integrity in the development process.

The Government has committed funding to the project this financial year and is considering further commitments for the coming year. This will allow the first stage to commence while more detailed planning proposals are being resolved. The funding will mainly be directed towards works and services including upgrading roads and service infrastructure, landscape improvements, land assembly and site works and preliminary works aimed at cleaning up the Swan River foreshore.

The East Perth project is a major initiative to breathe new life and vitality into this run-down

part of the city. The State Government is taking the lead by providing a framework for development. The East Perth project is, however, a long term project that will need all levels of government and the private sector to work together with a common purpose, to achieve its goals. The project deserves the support of both sides of the House. It is a tangible demonstration of urban consolidation and revitalisation of the central city. I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

### ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.39 pm]: I move - That the House do now adjourn.

#### *Adjournment Debate - State Government Insurance Commission - Bad Investments*

HON PETER FOSS (East Metropolitan) [10.39 pm]: We have had another landmark today in the saga of this Government's mismanagement of the financial affairs of the State. I was rather intrigued today, when I asked the Leader of the House whether he or the Government accepted responsibility for the disastrous results announced by the State Government Insurance Commission today, to note that he was somewhat embarrassed to either say yes or no. He was not prepared to say no because plainly that was not a tangible answer. Clearly, the Government is responsible for the disastrous results which were announced today. On the other hand, he did not like to say yes because it has been the habit of this Government for some years not to admit to the responsibility that it has had in this respect.

I should probably start by pointing out to members that before this Government passed the current State Government Insurance Commission Act, two separate statutory authorities existed - the Motor Vehicle Insurance Trust and the State Government Insurance Office. The MVIT had an enviable record throughout Australia for the good management of its investments and the way in which Western Australia had always had a reasonable amount of third party premiums. Because of its good management and investments, it had accumulated over the years a considerable reserve of money which attracted the attention of the Government and its advisers. In particular, Mr Laurie Connell saw this as another honey pot that could be used for the purposes of the State in looking after its mates. That is exactly what happened. When the Motor Vehicle Insurance Trust was incorporated in the State Government Insurance Commission I understand it had a net surplus of assets of \$30 million - a very respectable surplus. The announcement today is that, in that short number of years, that corporation has gone from having a net surplus of assets of \$30 million to having a deficit - not just a loss, but a deficit - of \$186 million. I admit that in the monopoly money figures that we have been hearing in this State under this Government over the past few years that seems an insignificant amount of money, but it is a huge amount of money. This corporation, were it not for the fact that it was Government backed, would be closed down, bankrupt, and all its directors would be gaoled, but because it is not an ordinary company it continues to operate. It has behind it a Government guarantee. I hope that is sufficient. The poor suffering public of Western Australia must be wondering how many more things they can support when the Government cannot even mend the roofs in primary schools. One wonders how good it is to have the Western Australian Government backing it like it backed Petrochemical Industries Co Ltd, Rothwells, and many other useless financial institutions in this State. The guarantee of this Government is starting to count for very little.

Still, what we need to rehearse and not to forget today is that despite what the Leader of the House said when these investments, which have at long last shown their true colours, were first made this Government denied that it had anything whatsoever to do with the decision by the SGIC to make those investments. That is patently a lie - the first lie. The second lie is that it was stated, when these investments were made, that they were made for purely commercial, sound reasons. That was a lie; they were not made for commercial, sound reasons; they were made to bail out Rothwells and Holmes a Court. That is why those investments were made, and that lie is revealed in the McCusker report. The third thing we have been told time after time is that, notwithstanding all this, those investments were good investments. The Government even trumpeted as it shuffled the property around town, as it made artificial paper profit, that it was doing a good job. That was lie too.

Hon T.G. Butler: It is a case of being wise after the event.

Hon PETER FOSS: No, it is not, because we were telling the Government at the time. Why was the Government lying? The reason the Government was lying was that the Opposition was pointing out that each of these things was a lie -

The PRESIDENT: Order! When I say "Order" it means stop what you are doing and sit down. I ask the honourable member to be very careful about the way he uses the word "lie" and who he relates it to, because he certainly cannot use that term in relation to any individual in this place.

Hon PETER FOSS: My remarks were addressed comprehensively to the Government.

The PRESIDENT: I am listening to what you are saying, and I am asking you to be careful.

Hon Mark Nevill: What about the falling property values?

Hon PETER FOSS: Most of these property values in this State were artificially inflated by the fake deals that were being put into place by Government authorities and by people associated with the Government.

Hon J.M. Brown: It is the same for farmlands.

Hon PETER FOSS: What is more, and as members opposite very well know, some of these deals on which we have lost money consisted of things such as the purchase of Bell shares. I will not go into detail about them, but there is a long line of investments which any sensible commercial person would have told the Government were completely untenable, yet this Government has denied every single fact put to it by the Opposition. Time after time the Opposition has been proved correct. I have sat in this House while Hon Max Evans has stood in his place and pointed out to this Government what was wrong with the investments that were being made by the SGIC. I have heard the ridicule that has been heaped on those statements both in this House and in another place about whether he was correctly assessing those assets. We have regularly questioned the value that has been put on those assets on the books of the SGIC. Over the years we have been proved correct. We have been down to the SGIC and have queried its assets. I am pleased to say that at long last we have somebody in the SGIC who is not a craven servant of this Government, who is prepared to come out and tell this Government that it made useless investments. I give great commendation to Mr Ron Cohen. I am pleased to see the other people who have been placed on the SGIO board. I am at long last happy to say that we are getting people of integrity who will tell the people of Western Australia the true position.

Hon Mark Nevill: They are all competent are they?

Hon PETER FOSS: It is well past the time that the people of Western Australia were told the truth by this Government. Up to now the Government has refrained from telling the truth and it has been helped by people who have lacked the integrity to come out and say that these things were done for the wrong reasons, that the figures were wrong, that the investments were made for the wrong reasons and that they were bad investments.

Hon Mark Nevill: Is this a criticism of every property trust in Australia?

Hon PETER FOSS: No, it is not. If one looks at those investment one will see what was done with the valuations of these properties.

Hon Mark Nevill: Your mates down in the Terrace valued these properties.

Hon PETER FOSS: I will mark the anniversary of a particular event. Once more what we have been saying has been proved correct. Even though it has been clearly proved correct I notice that the Government has considerable difficulty in coming out and saying, "Yes, we unreservedly admit responsibility for what has happened." Unfortunately, I do not expect Government members to take the consequences of that responsibility.

HON J.M. BERINSON (North Metropolitan - Attorney General) [10.48 pm]: Hon Peter Foss would not be playing true to form if he did not take the opportunity to make the sort of point that he has made tonight. Perhaps the first thing I should say is that if he were looking for me to say yes, I am surprised that he did not take from my comments earlier today the fact that in part the answer was yes. That will be clear on a reading of *Hansard*, and it should have been clear this afternoon too.

Hon Mark Nevill: The former Premier accepted responsibility.

Hon J.M. BERINSON: Mr Foss, in his anxiety to carry on his crusade is hardly fair -

Hon George Cash: A crusade on behalf of the taxpayers to try to save them some money.

Hon Kay Hallahan: How is he going to do that?

Hon J.M. BERINSON: The least that can be said is that if Hon Peter Foss wants to be so upright about this situation he should at least look at all the facts involved and should not be so selective in his choice of the arguments he uses. He indicates, for example, that when the Motor Vehicle Insurance Trust was first amalgamated with the State Government Insurance Office the MVIT had an enviable record and favourable premiums. As to the enviable record summarised, as I understand it, by the surplus of funds which it had at the amalgamation date, it is really hard to think of any reasons that it should not have had a healthy balance given the sort of increases in premiums which had been imposed under the previous Government. In four particular years of the previous Government's being in office the premiums were increased by no less than 50 per cent twice, by 33 per cent once, by 25 per cent once and by 10 per cent once. By contrast with that, in the eight years of the present Government, from 1983 until now, MVIT premiums have increased by 22 per cent in total. That amounted, as the SGIC indicated today, to a decrease in premiums over the period of 5.3 per cent in real terms. That is not for one moment to deny the serious effect of the property and share purchases and their decrease in or loss of value. In the same way neither should Hon Peter Foss ignore the cumulative effect of a situation where premiums, in real terms, over an eight year period have decreased each year on average while the cost of servicing MVIT claims has increased, in real terms, in each year. There is a contribution of both.

I do not deny the aspect which Hon Peter Foss draws to attention, but the least he might do while he is being so self-righteous about it, is give the whole story instead of part of it. The whole story cannot ignore the enormous impact of the increased cost over a period of decreased premiums.

Hon George Cash: That is no reason to knock off the reserves.

Hon Peter Foss: You would have a quarter of a million reserves otherwise, would you not?

Hon J.M. BERINSON: Hon Peter Foss should grow up.

The next point Hon Peter Foss made was by reference to the reasonable rate of premium in this State in 1983. The comparable rates over recent years have not been reasonable. It can fairly be said they have been unreasonably low and the test of that is that even after the 30 per cent increase which has been flagged to be introduced on 1 October the rates in this State will not only compare favourably but more than favourably with all other States.

Hon George Cash: Were the premiums kept low artificially to make the Government look good over a period of time?

Hon J.M. BERINSON: Hon George Cash can ascribe whatever motive he likes, but the fact remains the premiums were kept low and even with the 30 per cent increase they remain more than reasonable by comparison with the other States. That has also been brought to attention by the SGIC in its release today. I am quite certain Hon Peter Foss has absorbed the contents of that release and has even devoured it in terms of its unfavourable aspects, but he then found it unnecessary to make any reference at all to the matter which the SGIC certainly regards as important and which we all should.

I bring to the attention of the House, given the absence of any attention to it in Hon Peter Foss' tirade, the premiums that will apply even after the 30 per cent increase foreshadowed for 1 October.

Hon Peter Foss: I did not complain about increased premiums. I complained about the loss of investments only.

Hon J.M. BERINSON: I know the member was being selective to suit his purposes and I do not deny him the right to do that. We have become accustomed to it. The fact is that Hon Peter Foss did introduce into his argument a reference to how good things were in 1983. According to him one of the good things about 1983 was the reasonable premiums. All I am suggesting is that even after the significant increase we now have to face that position is

more than maintained. The figures speak for themselves and they were provided by the SGIC today. They indicate that even after the 30 per cent increase the premium for private sedans on a given base will be \$199. The comparable figure in Victoria is already \$281 and the comparable figure in New South Wales, that paragon of Liberal virtue, is already between \$230 and \$335.

I hasten to add this so as not to follow Hon Peter Foss' bad example: It is true that the comparable figures in South Australia and Queensland are \$186 and \$166 respectively. However, we can be very confident that as we hear of the Queensland and South Australian Governments' responses to the current conditions in their forthcoming Budgets they will leapfrog over this State again. The real figure to compare South Australia and Queensland with would be our starting figure of about \$154, which was below them both before. I am sure that in the next few months we will again be below them as well as below the other three States to which I have referred.

The PRESIDENT: Order! The Minister's time has expired and he has closed the debate.

Question put and passed.

*House adjourned at 10.59 pm*

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## QUESTIONS ON NOTICE

PORTS AND HARBOURS - ESPERANCE PORT  
*Hazardous Cargo Ships - Accident Safeguards Report*

124. Hon D.J. WORDSWORTH to the Minister for Education representing the Minister for the Environment:

- (1) Has the report on safeguards available to the people in Esperance in the event of an accident by a ship entering Esperance port carrying hazardous goods been finalised?
- (2) If not, when may it be expected?
- (3) Is the Minister aware of the international shipping chart being used by the Master of the *Sanko Harvest* which was wrecked in February 1991 on the Recherche Archipelago?
- (4) Is the Minister aware of the date the chart used was prepared?
- (5) Is the Minister aware that no up-to-date shipping charts for this area have been produced by the Royal Australian Navy?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The company proposal for importation of ammonium nitrate has not been finalised for submission to the Environmental Protection Authority.
- (2) I am advised that the Environmental Protection Authority expects the company to make its submission in the near future.
- (3)-(4) The investigation by the Federal Department of Transport found that the chart used by the Master of the *Sanko Harvest* had not been corrected.
- (5) The Royal Australian Navy is in the process of producing new charts.

CARRANAH PARK - ENVIRONMENTAL PROTECTION PROCLAMATION  
*Development Protests*

367. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Is the Minister aware of protests by people living on special rural zone properties at Neerabup who complain that Carranah Park was proclaimed an environmentally protected area 10 years ago?
- (2) If so, why is the land now to be developed?
- (3) Have alternatives been submitted to him and/or the Minister for Planning?
- (4) If so, what is his response to such alternatives?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

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

Note: This matter is really the responsibility of the local authority.

ARUM LILIES - GARDEN ISLAND  
*Spraying Contract*

383. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Was the contract for spraying for Arum lilies at Garden Island let in 1990 to a person who was not registered as a pest control firm?
- (2) Who authorised the awarding of the contract?
- (3) Is it correct that his department allowed the contract to continue for many months?
- (4) Will the Minister assure the House that his practice will cease forthwith?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The contract for spraying Arum lilies at Garden Island was let to a person who -  
was registered as a pest control spraying business with the Corporate Affairs Department; and  
held a pesticides operators licence - specific to Glean - which was issued by the Health Department.
- (2) The Manager, Metropolitan Region, Department of Conservation and Land Management.
- (3)-(4) Not applicable.

LAND ADMINISTRATION DEPARTMENT - BROOME LAND RELEASE  
*Horticultural Development*

523. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Lands:

- (1) Is the Department of Land Administration releasing any land for horticulture uses in Broome?
- (2) If so, where?
- (3) What is the reason for the release?
- (4) Has a need for this land been identified and by whom?
- (5) What method of release is being carried out?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) There is an intention to release eight blocks for "commercial tropical agricultural/horticulture" purposes. The release is subject to the land being excised from Roebuck Plains Station.
- (2) Skuthorpe, approximately 25 kilometres north east on the Broome Road.
- (3)-(4) The area has been subject to intensive investigations by the Department of Mines, the Water Authority of Western Australia and the Department of Agriculture; and found suitable for horticultural development. Owing to the constant demand for such land in Broome, the Department of Land Administration has sought and obtained from the relevant authorities the necessary approvals to allow development to occur.
- (5) Once the land is excised from Roebuck Plains Station, applications will be called for leasing the blocks over 21 years under section 116 of

the Land Act. The usual development conditions for such leases with a provision for freehold will apply. Should there be more than one application received for individual blocks, a land board will be convened to determine the successful applicant.

# **GRAVEL - DANDARAGAN SHIRE, COCKLESHELL GULLY ROAD VICINITY**

## *Mt Lesueur National Park*

533. Hon MARGARET McALEER to the Minister for Education representing the Minister for the Environment:

- (1) On what grounds does the Minister claim that there are ample reserves of gravel on private land in the Dandaragan Shire in the vicinity of Cockleshell Gully Road and for use in the Jurien area?
- (2) Can the Minister specify such gravel deposits?
- (3) Is the Minister aware -
  - (a) that the gravel pit north of the proposed boundaries of the Mt Lesueur National Park which he has indicated as a substitute for Dandaragan Council pit off Cockleshell Gully Road belongs to the Coorow Shire; and
  - (b) that this gravel pit has only an estimated life of two years with its current usage by the Coorow Shire Council?
- (4) Is it correct that the Department of Conservation and Land Management uses borrow pits of marl and gravel within the Nambung National Park for making roads internal to that park?
- (5) Is it correct that CALM obtains road making material from borrow pits in other national parks?
- (6) Where will CALM obtain gravel for internal roads in the proposed Mt Lesueur National Park if the present pit off Cockleshell Gully Road is included within the boundaries of the park?
- (7) Would it not be sensible for CALM to access gravel from the current pit off Cockleshell Gully Road for Mt Lesueur internal roads?
- (8) If the answer to (7) is yes, why should the Shire Council of Dandaragan not continue to use the same pit for its roads?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(2)

The existence of gravel on Crown land indicates that it is present on other lands. I have asked CALM to prepare a map which indicates gravel deposits in the area.

- (3) (a) I am aware that Coorow Shire has a sand and marl pit within the proposed park boundaries and a gravel pit north of the proposed boundaries, and that the Dandaragan Shire has a gravel pit within the proposed boundary.
- (b) Yes. However I was referring to a MRD gravel reserve which is different from this one.
- (4) In part. For marl, yes. No gravel reserves exist within Nambung.
- (5) Yes, only for use within park from which it is extracted.
- (6) Sources of gravel will be determined when the park comes under CALM's management.
- (7) It depends on where adequate environmentally safe sources can be found.
- (8) Not applicable. See (7).



**SWIMMING POOLS - ROEBOURNE PROPOSAL**  
*Government Funds*

546. Hon N.F. MOORE to the Attorney General representing the Treasurer:

- (1) Have any State Government funds been provided to construct a swimming pool in Roebourne?
- (2) If so -
  - (a) when were the funds allocated; and
  - (b) what has happened to the money?
- (3) If not, will the State Government give consideration to providing funds for a pool at Roebourne?
- (4) If not, why not?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (1) No.
- (2) Not applicable.
- (3)-(4) Funding for the proposed pool at Roebourne could be considered under CSRFF funding which is currently being considered as part of the budget deliberations.

**SWAN RIVER - NUTRIENT POLLUTION**  
*Environmental Protection Authority Press Release*

556. Hon GEORGE CASH to the Minister for Education representing the Minister for the Environment:

- (1) Was the Minister aware of the Press release as reported in *The West Australian* on 4 May 1991 by the Environmental Protection Authority on the nutrient pollution of the Swan River prior to it being released?
- (2) If yes, did the Minister support the statements by Mr Barry Carbon?
- (3) If not, why not?
- (4) Was the Western Australian Water Authority aware of the Press release by the EPA on the nutrient pollution of the Swan River prior to it being released?
- (5) If yes, did the WAWA support the statement by Mr Barry Carbon?
- (6) If not, why not?
- (7) If no to (5), what is the position of the WAWA on this matter?
- (8) Was the Swan River Trust consulted by the EPA before the Press release on the nutrient pollution of the Swan River?
- (9) If yes -
  - (a) did the Swan River Trust support the statements by Mr Barry Carbon; and
  - (b) did the Swan River Trust agree to the Press release?
- (10) If not, why not?
- (11) If no to 9(a), what is the opinion of the Swan River Trust?
- (12) If no to 9(b), why not?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1)-(3) The Environmental Protection Authority did not issue a Press release on the nutrient pollution of the Swan River. *The West Australian* of

4 May 1991 was actually reporting on a paper given by Mr Barry Carbon at a conference organised by the Institute of Valuers on 2 May 1991, along with a report by the Swan River Trust on an algal bloom in the upper Swan. The Environmental Protection Authority is not accountable for headlines carried in *The West Australian* newspaper. I was not aware of Mr Carbon's conference paper prior to its being presented on 2 May 1991.

(4) No.

(5)-(7) Not applicable.

(8)-(10)

As stated in (1) above, the Environmental Protection Authority did not issue a Press release on the nutrient pollution of the Swan River. However, on 3 May 1991 *The West Australian* newspaper contacted the Environmental Protection Authority seeking data on the water quality of the Swan River. Monitoring data was obtained from the Swan River Trust which was subsequently provided to *The West Australian* newspaper.

(11) The Swan River Trust believes, as I do, that the Swan River is not dying. It is however under pressure from excess nutrients and the trust is working closely with local government, relevant State Government agencies and community groups to reduce nutrients at the source.

(12) Answered by (8).

#### POLLUTION - NITROGEN AND PHOSPHORUS

*King George Sound, Albany*

561. Hon GEORGE CASH to the Minister for Education representing the Minister for the Environment:

- (1) Which organisation is the largest contributor to the nitrogen and phosphorus pollution of King George Sound, Albany?
- (2) What is the total loading of the nitrogen and phosphorous to that environment?
- (3) Which organisation discharges the most nitrogen to the marine environment in Western Australia?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The Water Authority of Western Australia which manages discharge of the community's municipal wastes is currently the largest direct contributor of nutrients into King George Sound, Albany. However, major additional nutrient loads to King George Sound arise as a result of activities in the cleared catchments, particularly those of the King and Kalgan Rivers. Nutrients from these sources flow into King George Sound via the channel at Emu Point. In Princess Royal Harbour, where serious pollution problems have been encountered, industry and urban/rural runoff have been significant contributors of nutrients. It is estimated that about 20 per cent of the Water Authority discharge at King Point in King George Sound enters the Princess Royal Harbour.
- (2) Total direct loadings of nitrogen and phosphorus to King George Sound from the Water Authority of Western Australia are currently about 33 tonnes per annum, and seven tonnes per annum, respectively. Additional loadings to King George Sound from the cleared catchments are likely to be important, but are not quantified at this stage.
- (3) In association with large coastal towns and cities, the Water Authority

of Western Australia discharges the significant quantities of nitrogen - the community's wastes - directly to the marine environment. It should be noted that there is also major riverine discharge of nitrogen to the marine environment, resulting from current agricultural and other catchment practices.

# SWAN RIVER - DYING REPORT

## *Swan River Trust Funding*

562. Hon GEORGE CASH to the Minister for Education representing the Minister for the Environment:

If the Swan River is dying, as reported in *The West Australian* on 4 May 1991, why does the Minister not allocate more resources to the Swan River Trust?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

The Swan River Trust is already devoting considerable resources and is working closely with the CSIRO and a number of tertiary institutions to determine the cause of algal blooms in the Swan River. Additional resources will be allocated in the 1991-92 financial year. I would emphasise again that the Swan River is not dying. It is still healthy and the work of the trust will ensure it remains so in the future.

## GOVERNMENT DEPARTMENTS AND AUTHORITIES - ENVIRONMENTAL SECTIONS

563. Hon GEORGE CASH to the Attorney General representing the Premier:

Given that the Government is trying to reduce expenditure, why do the following departments and authorities all have environmental sections -

- (a) Environmental Protection Authority;
- (b) Western Australian Water Authority;
- (c) Department of Conservation and Land Management;
- (d) Chemistry Centre of WA;
- (e) Waterways Commission;
- (f) Health Department; and
- (g) Department of State Development?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (a) Environmental Protection Authority  
The Environmental Protection Authority has been given the overall charter of protecting the environment of Western Australia, however as outlined in the annual report of the authority of 1988-89, every individual and organisation has a responsibility to manage the environment. Therefore, in the activities of the organisations such as the Water Authority and CALM, managing the environment is essentially a responsibility which is shared by all of us.
- (b) Western Australian Water Authority  
The Water Authority has a key role in environmental management in that -

it provides environmental services such as waste water collection and treatment, and water resources management;

water is a vital link in environmental systems and the authority, as the custodian and major centre of knowledge of the State's water resources, plays a major role in protecting those water resources; and

it is directly responsible for the management of the environmental effects of its own activities.

From the above it is clear that there is a strong need for an environmental management section in the Water Authority to help coordinate environmental aspects of its activities. As well, I believe that the community expects that authorities such as the Water Authority should have a high profile in environmental management.

- (c) **Department of Conservation and Land Management**  
The Department of Conservation and Land Management is responsible for the management of the State's conservation estate, the conservation and protection of flora and fauna throughout the State, and to promote and encourage the development of the forest production requirements of the State. It is essential that CALM have environmental expertise which is commensurate with its primary functions.
- (d) **Chemistry Centre of WA**  
The Environmental Chemistry Laboratory of the Chemistry Centre of WA provides chemical services to a number of Government departments, industry and the public. There is no suitable single alternative facility for these services, either within Government or the private sector.
- (e) **Waterways Commission**  
The Waterways Commission's duty under the Waterways Conservation Act is to preserve, conserve and manage the waterways and associated land in declared management areas. It is therefore primarily an environment protection arm of Government and it is entirely logical that it have a strong environment component in its structure.
- (f) **Health Department**  
The Environmental Health Branch is a vital and integral part of the Public Health Division of the Health Department. This branch carries the responsibility for monitoring environmental health issues on a Statewide basis, as well as for implementation of a number of key health protection programs. The formation of the Environmental Health Branch in 1988-89 represented a substantial saving, as this branch was created by combining three branches from the previous organisational structure - Pharmaceutical Services, Health Inspection Services and Radiation Health.

The branch administers three major and two minor Acts. These are -

- The Health Act 1911 - except parts VIII, IX, X, XI, XII, XIII.
- The Radiation Safety Act 1975 - formerly the Radioactive Substances Act 1954.
- The Poisons Act 1964.
- The Anatomy Act 1930.
- The Cremation Act 1929.

While much of the Health Act is administered by local authorities, many functions, such as the maintenance of regulations and other subsidiary legislation are the responsibility of central government. It is worth stressing that the Health Act remains the earliest and most fundamental Act to ensure that our environment is safe to live in. Western Australia's outstanding record in this area is based on sound fundamental legislation, and the implementation of effective health protection programs by this branch in conjunction with many others inside and outside the Health Department. The Environmental Health Branch liaises with WAWA, the Chemistry Centre, which provides the analytical services, and the EPA very regularly and the other agencies

regularly but less frequently. They provide supportive but not overlapping roles.

(g) Department of State Development

The Department of State Development offers a central facilitation service to proponents wishing to establish new projects. Part of that service is to assist developers in their environmental management work. It is more efficient that this work is done in conjunction with the departments most closely involved - in this case the Department of State Development. It is EPA policy to devolve this work which is always complementary to the work of the EPA itself and does not involve any duplication of resources.

**MINERAL SANDS - BEENUP, JANGARDUP**  
*Transport Option*

564. Hon BARRY HOUSE to the Minister for Police representing the Minister for Transport:

- (1) Has the transport route from the transfer of mineral sands from the proposed mines at Beenup and Jangardup to the Bunbury Port been finalised?
- (2) What are the latest estimated costs of the road and rail options?
- (3) Has the budget for the road option recently been reassessed to make allowance for unanticipated difficulties in putting the road through a steep section of the Whicher Range?
- (4) Will the proposed new road have priority over the Vasse Highway where the two roads intersect?
- (5) Is the option to take the power line to the mine areas, in conjunction with the road, being considered?
- (6) If so, will it follow the new road from Picton to the Augusta area?
- (7) Is the option of building a road to the Jardee rail head and transporting the mineral by rail from there still under consideration?
- (8) If so, will this transport corridor also take the State Energy Commission line?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) A transport route has been selected but a section from the north end of Sues Road to Capel is currently subject to the outcome of a public environmental review.
- (2) The total cost for the road option is approximately \$42 million. The rail option has not been explored since May 1990, it having been concluded at that stage that it was not viable without a capital subsidy. The latest comparable estimate for rail and the road option chosen showed rail to have higher capital costs and indicative 1990 resource costs of some \$8 million higher than the road option.
- (3) Consideration is being given to an amendment to improve the alignment at the Whicher Range. Costs have not yet been assessed.
- (4) Current planning provides for the Vasse Highway to be the through road. However, the results of the public environmental review may affect this.
- (5) Yes.
- (6) A route following the new road from Picton to Augusta is being considered.
- (7)-(8) No.

**LOTTERIES COMMISSION - LOCAL GOVERNMENT**  
*Funds Allocation*

566. Hon MURRAY MONTGOMERY to the Minister for Police representing the Minister for Racing and Gaming:

Will the Minister detail the allocation of funds by the Lotteries Commission to local government for the 1989-91 financial year?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following reply -

Grants are listed up to 31 May 1991. Grants for June 1991 are still being processed/recorded. Information can be provided at a later stage if required.

[See paper No 617.]

**KEWDALE MARSHALLING YARDS - DIESEL FUEL SPILLAGE**

567. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Is the Minister aware of a spill of 200 000 litres of diesel at the Kewdale marshalling yards towards the end of last year?
- (2) Has there been any environmental damage as a result of this spillage?
- (3) What measures, if any, were taken to prevent any damage to the environment?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(3)

There was a spill of approximately 200 000 litres of diesel at Westrail's Forrestfield marshalling yards in late 1989 and early 1990. The diesel contaminated the ground in the vicinity of the leak and diffused into surrounding areas. Some diesel flowed into at least one of the nearby streams as indicated by a sample taken by an EPA inspector. The issue was identified by public notification to the EPA, which required Westrail to implement clean up and recovery. There has been an ongoing recovery program and about 130 000 litres has been recovered by the use of pumps. The balance of the spilt diesel will probably be recovered via a 'bio-remediation' process being trialled. The trial will be completed by September this year.

**KAGOSHIMA PARK - AREA AND TENURE**

569. Hon PETER FOSS to the Minister for Education representing the Minister for Lands:

- (1) What was the area of Kagoshima Park prior to its involvement in the Burswood Casino Hotel development?
- (2) Under what tenure was it held and in whom was it vested?
- (3) What is the area of Kagoshima Park now?
- (4) How much of the area is under car parks and roadways?
- (5) Under what tenure is it now held and in whom is it vested and by what authority?
- (6) To the extent that the land is a reserve -
  - (a) of what class is the reserve; and
  - (b) for what purposes?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) Prior to the Burswood Casino Development Kagoshima Park comprised reserve 35275, south of Great Eastern Highway. At that

time the reserve's area was 9.6327 hectares. On 17 January 1986 the name Kagoshima Park was revoked from reserve 35275 and applied to reserve 39361. reserve 35275 was renamed "G.O. Edwards Park" at Perth City Council's request in 1987. The area of reserve 35275 remains 9.6327 hectares.

- (2) (i) The former Kagoshima Park, reserve 35275, was set apart under the Land Act and vested in the City of Perth for "recreation" on 5 May 1978.
- (ii) The present Kagoshima Park, reserve 39361, prior to 1986 comprised vacant Crown land.
- (3) Kagoshima Park now comprises part of reserve 39361 which contains an area of about 97.4444 hectares. Under the Casino (Burswood Island) Agreement Act the name Kagoshima Park applies to only that portion of reserve 39361 south of the south western prolongation of the southern boundary of Swan Location 10662, and excludes Charles Paterson Park - also portion of reserve 39361.
- (4) Total area of public roads excised from that part of reserve 39361 comprising Kagoshima Park is 2.5460 hectares. This comprises -
  - (a) unnamed road - 2.0571 hectares;
  - (b) Glenn Place - 4 012 square metres; and
  - (c) Dome Place - 877 square metres.

The area of land within Kagoshima Park used as either internal roads or car parks and not excised from the reserve is unknown.
- (5) Reserve 39361 was set apart under the Land Act and vested in The Burswood Park Board under the Parks and Recreation Act 1985 for "parks and recreation" on 6 January 1986.
- (6) (a) Reserve 39361 is a C class reserve.
- (b) Parks and recreation.

[See paper No 618.]

**GREEN TAX - CONSERVATION COUNCIL OF WESTERN AUSTRALIA**  
*Environmental Protection Proposal*

575. Hon GEORGE CASH to the Attorney General representing the Premier:

- (1) Does the Government intend to support the Conservation Council of Western Australia by introducing a green tax to help protect the environment?
- (2) If yes, what will be the amount of the levy on water, sewerage, electricity and fuel bills?
- (3) If no, why not?

Hon J.M. BERINSON replied:

The Premier has provided the following response -

(1)-(3)

The issue of an environmental levy is a matter for consideration in the Budget process. On a national level, the Ministers of the Environment at the Australian and New Zealand Environment Council are considering the issue of green tax across Australia.

**POLLUTION TAX - CONSERVATION COUNCIL OF WESTERN AUSTRALIA**  
*Plastic Containers, Tyres, Batteries, Etc, Initiative*

577. Hon GEORGE CASH to the Attorney General representing the Premier:

- (1) Does the Government support the Conservation Council of WA's initiative to introduce a pollution tax on items such as plastic containers, tyres, batteries and other items which contribute to litter and pollution?

- (2) If yes, what will be the amount of this pollution tax?
- (3) If no, why not?

Hon J.M. BERINSON replied:

The Premier has provided the following response -

(1)-(3)

Although there are no proposals for a pollution tax at this time on items such as plastic containers, tyres and batteries, the Minister for the Environment is engaged in discussions at a national level through the Australia and New Zealand Environment Council, ANZEC, to initiate pollution control measures for throwaway items such as these.

#### MINERAL SANDS - BEENUP, JANGARDUP

##### *Bunbury Port - Road Transport Safety Claim*

580. Hon GEORGE CASH to the Minister for Education representing the Minister for the Environment:

- (1) Is it correct that the Minister has claimed it is safe to transport low level radioactive mineral sands from the Beenup-Jangardup mine to the Bunbury Port as reported on page 28 of *The West Australian* on 28 May 1991?
- (2) Does the Government consider that it is safe for the Health Department to transport low level radioactive waste to a toxic waste storage area at Mt Walton, and why?
- (3) Is it correct that the amount of radiation given off by the mineral sands to be road transported from Beenup-Jangardup to Bunbury is millions of times higher than that given off by the Health Department wastes?
- (4) How are the mineral sands packaged for transport?
- (5) Will the Health Department's radioactive wastes be packaged to ensure safe transport?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The Minister for the Environment has set legal conditions for the safe transport of low level radioactive mineral sands from the Beenup and Jangardup mines to the Port of Bunbury in association with the Minister for Health.
- (2) Following the recommendations to the Minister for the Environment for transport and storage of low level radioactive wastes by the Environmental Protection Authority in 1988-89, a management plan is presently undergoing public review.
- (3) The radiation level from the mineral sands from Beenup and from Jangardup fall within the normal range for mineral sands commonly transport in WA.
- (4) The mineral sands are transported in specialised bulk road transport containers.
- (5) Yes.

#### PASTORAL LAND TENURE LEGISLATION - DRAFT LEGISLATION

##### *Implementation Date*

587. Hon BARRY HOUSE to the Minister for Education representing the Minister for Lands:

- (1) Has the drafting of the Government's legislation on pastoral land tenure been finalised?
- (2) When will this draft legislation be circulated to the rural organisations concerned for their comment?
- (3) When will the legislation be introduced into Parliament?



Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) A further draft has been prepared for referral to the industry for further consultation.
- (2) Following Cabinet approval.
- (3) Spring session 1991 if the industry indicates its support for the Bill.

**KEWDALE MARSHALLING YARDS - DIESEL FUEL SPILLAGE**

592. Hon DERRICK TOMLINSON to the Minister for Education representing the Minister for the Environment:

- (1) In the past four years, have there been any major spillages of diesel fuel in the Kewdale marshalling yards?
- (2) If yes, how many and when?
- (3) What volume of diesel fuel, either known or estimated, was spilled on each occasion?
- (4) What area of the surrounding land was contaminated on each occasion?
- (5) Have there been any tests to determine if there has been seepage of contaminants below the water table?
- (6) Was there any run off into watercourses or wetlands?
- (7) Who is/was responsible for cleaning up?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) There have been major spillages of diesel at Westrail's Forrestfield marshalling yards.
- (2) Two: A pipeline leak in late 1989 and a spill in February 1991.
- (3) About 200 000 litres in late 1989 and about 10 000 litres in February 1991.
- (4) About 2 000 square metres in 1989 and about 30 square metres in 1991.
- (5)-(6) Yes.
- (7) Westrail.

**SWAN BREWERY SITE - DEVELOPMENT PLAN TABLING**  
*Car Bays*

593. Hon P.G. PENDAL to the Minister for Education representing the Minister for Planning:

- (1) Will the Minister table the latest Swan Brewery development plan which was submitted to the Perth City Council in January 1991?
- (2) Is this the current plan?
- (3) Is it correct that it provides for 107 car bays and that this is substantially fewer than Perth City Council requirements for the site?
- (4) If so, how many car bays would the Perth City Council require?

Hon KAY HALLAHAN replied:

The Minister for Planning has provided the following reply -

(1)-(4)

The development plans to which you refer were submitted to the Department of Planning and Urban Development on 5 October 1990 for planning approval renewal. This process included the submission

of a supplementary information form under the City of Perth planning scheme, which was considered by council at its meeting of 31 January 1991. These plans, for a community and cultural centre, were significantly amended when on 25 November 1990 the Premier announced the Government's plans for a brewery conservation project.

Details of these plans are yet to be submitted to planning authorities and will not be so submitted ahead of a report on the project from the Western Australian Heritage Council. The Minister for Heritage has indicated the report will be prepared over the next two to three months. The plans for the brewery conservation project do not extend to public facilities, as the project covers only the protection and restoration of the external fabric of the buildings.

#### ENVIRONMENTAL PROTECTION (OZONE DEPLETING SUBSTANCES) LEGISLATION

##### *Purpose - Repairer Inspections*

594. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) What was the purpose of introducing the environmental protection (ozone depleting substances) legislation?
- (2) What percentage of repairers have been inspected?
- (3) Why is it that 18 months after the legislation came into effect has there been no prosecutions when there are so many repairers blatantly flouting the law?
- (4) How many of the repairers that have been passed on to the Environmental Protection Authority by the Motor Trade Association of Western Australia have been inspected?
- (5) Were any found to be in breach of the legislation?
- (6) What action has been taken against those who were found to be in breach?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The Environmental Protection (Ozone-depleting Substances) Policy has the objective of preventing deliberate releases into the environment of ozone-depleting chlorofluorocarbons when used as refrigerants.
- (2) At present the Environmental Protection Authority does not know the total number of refrigerator and air-conditioning repairers operating at any point in time. The EPA has however conducted 128 random inspections of premises on which refrigeration and air-conditioning repair work is performed.
- (3) The EPA is unaware of repairers "blatantly flouting the law". Whenever the EPA receives a complaint alleging deliberate releases of CFCs, an inspection of the premises is made immediately. The person against whom the complaint was made is advised of legislation related to CFCs. Where the EPA inspector is in any way suspicious of the circumstances surrounding the complaint, a follow up random inspection is made within three months.
- (4) All repairers passed to the EPA by the Motor Trade Association have been inspected.
- (5) No breaches of legislation in respect of the repairers identified by the Motor Trade Association have been discovered. The EPA is however undertaking further inquiries in one case.
- (6) Since no breaches were discovered, no legal action with respect to these cases has been proposed by the EPA.

**NATIONAL PARKS - BUNGLE BUNGLE NATIONAL PARK**  
*Purnululu Aboriginal Corporation - Coordinator Advertisement*

595. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Is the Purnululu Aboriginal Corporation currently advertising for a coordinator to help manage the Bungle Bungle National Park?
- (2) Does the Government recognise the claim made in the advertisement that the park belongs to "... the Aboriginal traditional owners of the Purnululu (Bungle Bungle) National Park"?
- (3) If so, what is the legal basis for that ownership?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The Purnululu Aboriginal Corporation - PAC - has advertised for a coordinator to provide administrative support, land management and economic advice to the PAC.
- (2) The Government recognises that the Purnululu Aboriginal Corporation represents those Aboriginal people with traditional Aboriginal custodianship of the area now reserved as the Purnululu (Bungle Bungle) National Park.
- (3) There is no legislative basis in Western Australia for recognition of Aboriginal traditional ownership of land.

**LAKE RICHMOND, ROCKINGHAM - STROMATOLITES**  
*Government Protection - Garden Island Highway Rerouting*

596. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Is it correct that stromatolites are located at Lake Richmond at Rockingham?
- (2) What protection has the Government afforded to them?
- (3) Have any steps been taken to reroute the proposed Garden Island Highway which is designed to go through the south west corner of the lake?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) Lake Richmond is identified for conservation in the System 6 report and much of it is reserved for parks and recreation under the Metropolitan Region Scheme. This enables the State to control usage.
- (3) No. However the road reserve review has identified a need to consider a reduction of this reserve and a review of its alignment.

**LAND ADMINISTRATION DEPARTMENT - ANNUAL REPORT 1989-90**  
*Vacant Crown Land - Local Government Areas*

597. Hon P.G. PENDAL to the Minister for Education representing the Minister for Lands:

With reference to the area of vacant Crown Land shown in the 1989-90 annual report of the Department of Land Administration, would the Minister provide the break-up (both by percentage and area in hectares) of this vacant Crown Land into the various local government areas within Western Australia?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

The area of vacant Crown land shown on the graph at page 17 of the DOLA 1989-90 annual report was arrived at by deduction only. This was done by

aggregating all other tenure types and then subtracting these from the total area of WA. The figure arrived at - 83 278 346 hectares - is at best an estimate only, and more precise information would be difficult to gather as extensive areas of vacant Crown land are by their nature unsurveyed or of otherwise indeterminate area.

No records are kept in DOLA indicating areas of vacant Crown land either across the State or broken up by local government areas. To gather the relevant information it would be necessary to inspect all the various public plans individually for each of the 139 local government authorities. Estimating areas would be a major undertaking for which staff resources are not available.

#### ENVIRONMENTAL PROTECTION AUTHORITY - DEVELOPMENT APPLICATIONS

##### *Ministerial Conditions - Waiting List*

598. Hon GEORGE CASH to the Minister for Education representing the Minister for the Environment:

- (1) How many proposals are currently awaiting ministerial action in respect of the imposition of ministerial conditions on proposed developments?
- (2) Is the determination of ministerial conditions in respect of the Environmental Protection Authority applications causing a significant delay in the processing of such applications?
- (3) What is the average time taken for an application which is presented to the Minister, and is the subject of conditions, for the Minister to agree to such conditions?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) 56 proposals, 20 of which are the subject of appeals or the appeal period is still open.
- (2) The time taken to reach agreement with all the decision making authorities and set conditions is of concern, and mechanisms are in place to reduce the time taken.
- (3) Latest statistics indicate that, on average, ministerial conditions are set 41 working days from the closure of the appeal period or the determination of appeals. The fastest 80 per cent are dealt with in 37 days.

#### RURAL ADJUSTMENT SCHEME - RURAL ADJUSTMENT AND FINANCE CORPORATION

##### *Rural Reconstruction Authority - Farmer Grants*

599. Hon W.N. STRETCH to the Attorney General representing the Treasurer:

- (1) How many farmers have been granted part A or part B loans by the Rural Reconstruction Authority, the Rural Adjustment and Finance Corporation and the rural adjustment scheme annually since the assistance scheme's inception in 1971?
- (2) How many farming clients have fully repaid their loans referred to in (1) and in what years were they repaid?
- (3) Of those clients who repaid their loans, how many -
  - (a) continued farming on the same farm; or
  - (b) sold out and repaid their loans out of sale proceeds?
- (4) How many farming clients referred to in (1) -
  - (a) have loans in arrears by more than two years; or
  - (b) have failed to survive in farming and been foreclosed on?

- (5) In how many farm mortgagee sales have the rural adjustment scheme, or its predecessors, been involved as a creditor, and in what years since 1971?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (1) There have been 2 613 applications approved since inception of the schemes to 30 June 1990. These included both loans and interest subsidies, as separate data are not maintained.
- (2) 820 accounts are current as at 1 June 1991.
- (3) This information is not available.
- (4) 94 clients - 112 accounts - have arrears older than 1 October 1989; data as at 12 June 1991.
- (5) This information is not available.

**TREES - HERDSMAN'S LAKE**  
*Parliament Centenary Plantings*

600. Hon MAX EVANS to the Minister for Education representing the Minister for the Environment:

- (1) Of the 100 trees planted at Herdsman's Lake last year to commemorate 100 years of the Parliament in this State, how many are still growing?
- (2) Does the Government consider that the number of 100 trees should be maintained to recognise this very important date in the history of the Parliament of Western Australia?
- (3) Can the Minister advise what has been or will be done in respect of the replacement of the trees?
- (4) If they are not to be replaced, will the Minister advise the reason for not replacing the trees?
- (5) Is the Minister aware that Department of Conservation and Land Management officers chose positions for the planting of trees which made it really impossible to ever get any growth?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) I will have this matter examined and advise the member in writing.
- (2) Yes.
- (3) Any trees which have died will be replaced.
- (4) Not applicable.
- (5) This is not correct. The trees were planted in a close spaced formation to achieve the effect of a natural grove.

**SHARK BAY SALT - USELESS LOOP SALT PROJECT EXTENSIONS**

602. Hon P.H. LOCKYER to the Minister for Education representing the Minister for the Environment:

When will a decision be taken with regard to the application by Shark Bay Salt to expand its operation at Useless Loop?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

The Environmental Protection Authority's report and recommendations have been released. Appeals on this report are still to be determined subject to the appeals being determined, and following consultations with relevant Ministers I will then make my decision.

**TEACHERS - WORK HOURS**  
*Three Hours Additional Work - Wage Increase Proposal*

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

- (1) Is it the intention of the Government to instruct teachers to work three hours longer in return for wage increases?
- (2) Has agreement been reached with teachers with regard to this proposal?
- (3) Have teachers agreed to that proposal?

Hon KAY HALLAHAN replied:

(1)-(3)

No. Several matters are being discussed with the State School Teachers Union as part of current salary negotiations. Included in these discussions is the need to clarify the roles and responsibilities of teachers, including work undertaken outside student instruction hours at school and off site.

**EDUCATION MINISTRY - PUNDULMURRA COLLEGE**  
*Hedland College Amalgamation*

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

- (1) Is it the intention to amalgamate Pundulmurra College with Hedland College?
- (2) If so, what are the advantages of this amalgamation?

Hon KAY HALLAHAN replied:

I responded to a similar question on 29 May 1991. The report of the review of Pundulmurra College has not yet been presented to me.

**BUSES - SCHOOL BUSES**  
*4.5 Kilometres Charge*

612. Hon MURIEL PATTERSON to the Minister for Education:

Will children living 4.5 kilometres and over from the nearest public or private school be required to pay fees for travelling on the school bus?

Hon KAY HALLAHAN replied:

All functions of Government are currently under review in the Budget process.

**TEACHERS - WORK HOURS**  
*Three Hours Additional Work*

614. Hon N.F. MOORE to the Minister for Education:

- (1) Is it correct that Western Australian teachers, on average, work longer hours than their counterparts in other States?
- (2) What is the rationale behind the proposition of the Minister for Education that teachers be required to work an additional three hours per week?

Hon KAY HALLAHAN replied:

- (1) In 1989 the Ministry of Education commissioned Integra Pty Ltd to conduct a large scale survey of teachers' duties and responsibilities. It is understood that this is the largest study of what teachers do and how they allocate their time. The study found that teachers work for a substantial amount of time outside student instruction hours. Insufficient comparable information is available to give a definite answer about the workload of teachers in other States. However, the result of the Western Australian survey corresponds closely with several international studies of teacher workloads sponsored by the International Labour Organisation.

- (2) As indicated previously, in answer to question on notice 604(1), several matters are being discussed with the State School Teachers Union as part of current salary negotiations. Included in these discussions is the need to clarify the roles and responsibilities of teachers, including work undertaken outside

student instruction hours at school and off site. Clarification is also being sought about duties associated with devolution to, and accountability by, schools, which have been addressed in general terms in previous salary decisions.

# TOBACCO TAX - INCREASE

## *Sport and Arts Allocation*

617. Hon P.G. PENDAL to the Attorney General representing the Treasurer:

- (1) How much will the State's tobacco tax raise in the current financial year?
- (2) Of this, how much will be allocated to sport and the arts?
- (3) Of the remainder, how much goes into -
  - (a) consolidated revenue; or
  - (b) other specified projects?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (1) It is estimated that collections for 1990-91 will be around \$113 million.
- (2) The Tobacco Control Act specifies that 10 per cent of the total amount of fees paid under the Business Franchise (Tobacco) Act 1975 to the Commissioner of State Taxation during 1990-91 is to be directed to the Western Australian Health Promotion Fund. The Tobacco Control Act provides that not less than 30 per cent of these moneys is to be disbursed to sporting organisations, and not less than 15 per cent of these moneys is to be disbursed to arts organisations.
- (3) Apart from the component which is applied to the Western Australian Health Promotion Fund, all fees paid under the Business Franchise (Tobacco) Act are directed to the Consolidated Revenue Fund.

# RIDING AGAINST TROUBLE PROGRAM - LEONORA

## *Government Funding Reduction*

619. Hon N.F. MOORE to the Minister for Education representing the Minister for Community Services:

- (1) Is it correct that Government funding for the program "Riding Against Trouble" (RAT) in Leonora has been reduced or terminated?
- (2) If so, what is the reason for this decision?
- (3) Does the Government consider that the program has been successful and if not, why not?

Hon KAY HALLAHAN replied:

The following answer has been supplied by the Minister for Community Services -

- (1) No. Government has increased its funding to the RAT program from \$21 000 in 1989-90 - Department for Community Services \$11 000 and Aboriginal Affairs Planning Authority \$10 000 - to \$25 000 in 1990-91 - Department for Community Services \$25 000.
- (2) Not applicable.
- (3) The program is successful and will continue to receive support from the Department for Community Services.

**WETLANDS - BRIXTON STREET WETLANDS**  
*Housing Development - Future*

620. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

I refer to the Brixton Street wetlands and ask -

- (1) Has the Minister or the Environmental Protection Authority received any approaches over the Brixton Street wetlands and their future?
- (2) If so, is their future in doubt because of proposals to develop the site for housing?
- (3) Can the Minister indicate the conservation value of these wetlands?
- (4) What action is proposed by the Minister to assist in their preservation?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1) Yes.

(2)-(4)

The Environmental Protection Authority has advised me that it will be considering a draft environmental assessment report relating to the proposed housing development at lots 372 and 47 - land bound by the railway, Brixton Street, Alton Street and existing housing along Wanaping Road - Brixton Street, Kenwick at its meeting to be held on 22 August 1991. The authority's report and recommendations will be forwarded to me when finalised.

### QUESTIONS WITHOUT NOTICE

**OCCUPATIONAL HEALTH, SAFETY AND WELFARE COMMISSION -  
 MANUAL HANDLING REGULATIONS, GENERAL WORKPLACE STANDARDS**  
*Industry Consultations*

387. Hon GEORGE CASH to the Leader of the House representing the Minister for Productivity and Labour Relations:

- (1) Is the Minister aware of the concern of many firms involved in commerce and industry that Division 4 - Manual Handling, of the Occupational, Health Safety and Welfare Regulations 1988, in Part 3 - General Workplace Standards, which was recently gazetted and, in particular, regulations 357 1(a), 358 2(f), 358 2(h) and 358 2(j) were not the subject of debate with the Occupational Health, Safety and Welfare Commission, thus denying industry the opportunity to be involved in the formulation of these regulations?
- (2) Why was industry not consulted?

Hon J.M. BERINSON replied:

(1)-(2)

I thank the Leader of the Opposition for some notice of this question. The Minister for Productivity and Labour Relations has provided the following reply.

The Government is aware of concern, caused it seems by erroneous statements that industry was not consulted in the making of these regulations.

- (a) Development of National Standard/Code of Practice: The regulations introduced into Western Australia were taken from model regulations adopted by the tripartite National Occupational Health and Safety Commission (NOHSC) in December 1989. This package when agreed at a national level was supported by the Confederation of Australian Industry.



- (b) Industry consultation and involvement: Following the adoption of the national package the tripartite Western Australia Occupational Health and Safety Commission in February 1990 agreed that this package should be released for public comment in Western Australia.

Advertisements appeared in *The West Australian* in February and April 1990 declaring that the commission was considering the formulation of regulations and/or code of practice on the prevention of injuries associated with manual handling. The advertisements stated that the commission was examining the national standard and code with a view to incorporation of the national standard in the Occupational Health, Safety and Welfare Regulations and the development of a code of practice closely based on the national code for adoption under the Occupational Health, Safety and Welfare Act.

Public comment and submissions were invited; only three submissions were received. These submissions were considered by the Occupational Health, Safety and Welfare Commission in June 1990. It was agreed that a code of practice on the manual handling should be adopted in Western Australia. After extensive debate within the commission at four meetings over a six month period drafting instructions for regulations were finally determined in December 1990. In considering the recommendation from the Occupational Health, Safety and Welfare Commission the Government assessed that it would be desirable for the regulations to be extended to reflect the national package. This approach would ensure that companies with interests in other States would not be required to adhere to different laws in each State.

- (c) Uniformity: The action taken in Western Australia is in accordance with the consensus at recent special Premiers' Conferences on the necessity for a consistent national approach with regulations for industry. The national model regulations are based on regulations applying in Victoria since 1988. Regulations based on the national standard have been adopted in South Australia since January 1991 and in New South Wales since July 1991. New South Wales has opted to pick up by citation the national package in full.
- (d) Cost to industry and need for regulations: Statistics on work related injury and disease show that manual handling injuries are the largest single cause of lost time injury in Western Australia. In 1989-90 overexertion occurrences caused 38 per cent of all injuries to females and 26 per cent of all injuries to males. Typically such occurrences result in sprain and strain injuries often to the back and neck. Sprain and strain injuries account for more than one-third of all injuries which, when calculated against the workers' compensation insurance total premium of \$325 million, equates to a cost of more than \$100 million per annum. Therefore, I believe I have clearly demonstrated that -

there was extensive consultation with industry at both national and State level;

the risk of injuries associated with manual handling is high and represents a significant cost to industry and the community; and

these regulations are needed to reduce these injuries and costs.

#### STATE GOVERNMENT INSURANCE COMMISSION - LIABILITIES *Ministerial Responsibility - Resignations*

388. Hon PETER FOSS to the Attorney General:

In view of the fact that it has been announced today that a previously quite successful corporation - the State Government Insurance Commission, which

had assets of \$30 million - has been turned into a financial wreck with liabilities exceeding assets by \$186 million, in view of the fact that this is due to poor investment directed and guided by the Government, and in view of the fact that one of those investments was, as to its value, arranged by the Attorney General, is it not time that the Government, and the Attorney General in particular, accepted their responsibility and resigned?

Hon J.M. BERINSON replied:

Hon Peter Foss has managed to confuse a number of separate issues and to confuse himself on each of them. I did not arrange the value of that purchase or the purchase.

Hon Peter Foss: You checked it, did you not?

Hon J.M. BERINSON: I made some inquiries in it.

Hon Peter Foss: You did not do a very good job.

Hon J.M. BERINSON: Whether I inquired about that is a matter on the record in *Hansard*. What is not in *Hansard*, because it could not be in *Hansard*, is that I approved the purchase.

#### SCHOOLS - PREVENTIVE MAINTENANCE POLICY *Cost Increase and Deterioration Concern*

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

- (1) Is the Minister aware that the present Government policy of not carrying out preventive maintenance on school buildings, but rather of attending only to very urgent matters, will lead in due course to massive costs and rapid deterioration of school buildings in Western Australia?
- (2) If the Minister is aware, what does the Government intend to do about the situation?

Hon KAY HALLAHAN replied:

(1)-(2)

Questions in a similar vein have been asked a number of times in this House. Certainly I am aware of representations to me by some parents and citizens' organisations about maintenance they would like carried out. I make it clear to the House that all maintenance of a security nature or maintenance which involves the health or safety of students, staff or members of the public coming onto school grounds is attended to as a matter of urgency. In response to correspondence from some parents and citizens' associations I have indicated that the Government is aware of concerns in this regard and that the matter will be given priority in the Budget deliberations.

As members know, the State Budget will soon be announced and it is not possible for me to give any indication of what may or may not be possible within that context. Suffice to say, I am aware of the concerns, as are other members of the Government, and if it is possible to make some special allocation for preventive maintenance work that will be done.

#### SCHOOLS - SCHOOL RENEWAL REPORT *Administration Costs Comparison*

390. Hon E.J. CHARLTON to the Minister for Education:

In view of the school renewal report and the associated comments within the community, will the Minister advise the House whether comparisons have been made in administration costs of schools over the past 10 years? I refer in particular to small primary schools which may be under consideration for closure.

Hon KAY HALLAHAN replied:

I am not sure whether the information the member seeks is available, but certainly I will look into the matter for him. I wish to make a couple of

comments: Firstly, the Government has no intention of closing several small schools. I have to say with some regret that some country members - not the member who asked the question, but one of his colleagues is included among these - have made it their business to create a great deal of anxiety in a lot of country towns. That is regrettable. I have written to assure people that there will be very full community consultation in areas where some amalgamation of schools or facilities may be considered beneficial. I guess this anxiety is understandable, because the school is very often the hub of small communities. If one closes the school and takes away one or two teachers, one virtually takes away the heart of community life in that town. With things being so difficult for the rural sector, it strikes a note of great urgency into the hearts of many people. Those who have scared people in such an unfortunate economic time have done them no favour whatsoever.

In regard to the member's question about comparisons and perhaps a cost evaluation, if one wants to offer students a range of options and school experiences, quite clearly some sizes of school make that more possible. One can say that unequivocally about secondary schools. There are schools within the metropolitan area with multiple rooms sitting vacant, and that is not a good use of resources. I doubt that any member would consider that a good use of resources. We must have a process where communities can be involved and can discuss, if there is an amalgamation of closely located schools, how they can benefit from that process, how the education experiences of those students can be enhanced, and how to reduce wastage. Debate needs to go on at that level rather than about the closure of small country schools.

**ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT  
AND OTHER MATTERS - TRANSCRIPTS**  
*Attorney General's Access*

391. Hon GEORGE CASH to the Attorney General:

- (1) Does he have access to the daily transcripts of the Royal Commission?
- (2) Is he aware of the claims of some witnesses to the Royal Commission about the level of participation and the degree of involvement of some Government Ministers, including the Attorney General, in the purchase of the Bell shares by the State Government Insurance Office?
- (3) Do these claims accord with his statements and answers to question given to the Legislative Council?

Hon J.M. BERINSON replied:

(1)-(3)

I do not have access to the transcripts, although I suppose if I wanted to request access I might be able to arrange it. I have not made a practice of doing that, and I have not looked at any transcripts of evidence to date. It follows from that that I am not aware of everything that might have been said. I am, however, aware of some media reports of what was said, and I took the opportunity to issue a public statement immediately indicating that in each and every respect of the reported comments, either the report was wrong or the statement on which it was based was wrong. I correct that. I could hardly say that my statement said the reports were wrong. To be more accurate, what I said was that the matters referred to in the reports were entirely contrary to the facts.

**STATE GOVERNMENT INSURANCE COMMISSION - LIABILITIES**  
*Ministerial Responsibility*

392. Hon PETER FOSS to the Leader of the House:

Does he or the Government accept any responsibility for the devastation of the State Government Insurance Commission as announced today?

Hon J.M. BERINSON replied:

I do not think that is a question which will take us very far. Whatever I say, Hon Peter Foss will come back with the same comment. It is the same comment that we have heard for the last two years. The Government has never taken the position that it has no responsibility for the serious losses to the State which occurred over a number of issues, including the position of the State Government Insurance Office. That has never been denied.

Hon Peter Foss: It was earlier on.

Hon P.G. Pandal: You have been three years denying.

Hon Peter Foss: You denied there was even a problem.

Hon J.M. BERINSON: At the time the problem was denied, the problem was not discerned.

Hon P.G. Pandal: Absolute rubbish! You told us a week after the first one.

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: Let me suggest that the Opposition, having pressed so hard and so long for a Royal Commission, should be prepared to wait on all the facts which emerge from that Royal Commission.

Hon Peter Foss: You are not accepting the responsibility.

Hon Max Evans: The balance sheet gives the facts.

Hon J.M. BERINSON: So what? What are members opposite going to say about the R & I Bank's losses of \$200 million?

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: Mr Charlton says the same. Does Mr Foss say the same as Mr Charlton?

Hon Peter Foss: I am asking the question.

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: Is the member saying -

The PRESIDENT: Order! I ask the Leader of the House, when I call order, to come to order, so that having got him to come to order, I can then get on to Hon Peter Foss and get him to come to order. Hon Peter Foss has asked a question, and in the interests of ensuring that some other honourable members have an opportunity to ask questions in the 30 minutes that we have, it would not be a bad idea to let the Leader of the House answer the question in as short a time as he can.

Hon Peter Foss: But he won't.

Several members interjected.

Hon J.M. BERINSON: Perhaps I could summarise -

Hon P.G. Pandal: Resign.

Hon J.M. BERINSON: - resign -

Several members interjected.

Hon P.G. Pandal: We accept!

Hon J.M. BERINSON: I am delighted that Mr Evans and Mr Pandal -

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: I am delighted that Mr Evans and Mr Pandal see the humour of that small slip and the very great distance between that slip of the tongue and anything which is likely to happen.

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: I intended to summarise the position by saying that the Government has never denied responsibility for the various factors, or for a number of factors which have contributed to the losses which the State has faced, and the positive and constructive thing that it has done is not simply to acknowledge the problem but to do a number of things about it. In particular we have made the most comprehensive set of decisions possible in order to ensure that the sort of problems which gave rise to those losses can never recur.

#### ROAD TRAFFIC ACT - AMENDMENTS *Moped and Power Assisted Bicycle Differentiation*

393. Hon DERRICK TOMLINSON to the Minister for Police:

I note that on 1 May this year the Minister indicated that the Government intended to amend the Road Traffic Act to differentiate between a power assisted pedal cycle or moped and a power assisted bicycle. At that time he did not indicate when the amendments would be introduced. Have those amendments been drafted, and when will they be introduced?

Hon GRAHAM EDWARDS replied:

I will be able to give the member an exact answer in about 24 hours if he will put that question on notice.

#### HEALTH PROMOTION FOUNDATION - COUNTRY SPORT *Funding Refusal*

394. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation:

- (1) Is the Minister aware of the Health Promotion Foundation's refusal to allocate funds for country sport, namely football and cricket, particularly when those funds would be used for the promotion of those sports among young people, and for coaching?
- (2) Was that the Government's intention when the Bill was being enacted?

Hon GRAHAM EDWARDS replied:

(1)-(2)

The Health portfolio does not come within my responsibility, unfortunately. I do not have the power to direct the Health Promotion Foundation where it should spend its money. I wish I did have that power, but the fact that the Government does not have that power rests fairly and squarely on the amendments which were forced on it by Opposition members of Parliament.

#### SCHOOLS - AUDITING REQUIREMENTS *Annual to Biannual Audit Change*

395. Hon BARRY HOUSE to the Minister for Education:

Given the Government's professed belief in more accountability, why has the school auditing requirement in Western Australia been changed from an annual audit to a biannual audit?

Hon KAY HALLAHAN replied:

I cannot recall when the change was made. I will look at the situation and give the member the reason for that change.

#### POLICE - BULLSBROOK POLICE STATION PROPOSAL

396. Hon DERRICK TOMLINSON to the Minister for Police:

- (1) Have officers of the Police Department over the past 18 months investigated a proposal to establish a police station at Bullsbrook?

- (2) Did the proposal involve the restoration and refurbishment of a derelict building, and was that costed at \$60 000 including the cost of providing a vehicle and computers?
- (3) Did the proposal include an offer of two houses from the Defence Service Homes Authority at a weekly rental of \$85 each?
- (4) Has that proposal been rejected?

Hon GRAHAM EDWARDS replied:

(1)-(4)

I invite the member to place the question on notice. If members have questions which require such detail, Ministers should be given some prior notice. In that case, we can attempt to provide the details on the day that the question is asked.

#### POLICE - BULLSBROOK POLICE STATION PROPOSAL

397. Hon GEORGE CASH to the Minister for Police:

- (1) Does the Minister believe that a police station should be established at Bullsbrook?
- (2) Should a facility be made available in the form of an existing house, would that encourage the Minister to have a police station developed?

Hon GRAHAM EDWARDS replied:

The member is asking for an opinion. I do not think that the opinions of politicians form the criteria on which decisions are made regarding the provision of police stations.

The PRESIDENT: Order! The Minister is correct. The question is out of order; therefore, it does not require an answer.

#### CREDIT - UNIFORM CREDIT LEGISLATION

##### *Federal Proposal*

398. Hon GEORGE CASH to the Minister for Police representing the Minister for Consumer Affairs:

- (1) Is the Minister aware of a Federal Government proposal to introduce legislation to achieve uniform consumer credit laws across Australia?
- (2) Was the draft legislation endorsed recently at a meeting in Canberra of the Standing Committee of Consumer Affairs Ministers?
- (3) Did the Minister attend this recent meeting and vote in favour of the proposal?
- (4) Will the Minister provide a detailed statement on the proposals?
- (5) If not, why not?

Hon GRAHAM EDWARDS replied:

(1)-(5)

I thank the member for notice of this question. I have been advised that at a recent meeting of all State, Territory and Commonwealth Consumer Affairs Ministers, agreement was reached to release for public discussion a draft uniform credit Bill. This Bill has been prepared by a working group representing all jurisdictions in liaison with a consultative committee representing peak industry and consumer groups. It is proposed, once agreement is reached on a final draft, to introduce the Bill into each State and Territory Parliament with a view to extending uniform credit legislation to the whole of Australia. It is expected that the Bill will be released for three months' public discussion shortly. The Minister has advised that she will ensure that the member is provided with a copy.

**SCHOOLS - COUNTRY HIGH SCHOOL HOSTELS**  
*Rural Downturn Affects*

399. Hon MARGARET McALEER to the Minister for Education:

Is the Minister aware that the rural downturn has significantly affected the number of students residing at various country high school hostels, and consequently the revenue for the hostels? Can the Minister advise which hostels are affected and the action the Government will take to pick up the short fall which will undoubtedly occur?

Hon KAY HALLAHAN replied:

It is correct that the downturn in the rural sector has resulted in reduced numbers of students residing at some hostels. I had a meeting with the chairman of the Country High School Hostels Authority last week. We discussed the authority and the conduct of its hostels. In the past, where problems regarding income and maintenance of the facilities have occurred, some arrangement has been reached with the Government. If it were necessary to do that again as a result of the extraordinary circumstances in which the rural sector finds itself negotiations would be undertaken regarding which direction we would take. At this stage of the financial year, it has not been put to me that this is an urgent matter. There has been a history of negotiation between the authority, the ministry and the Government in an attempt to consider matters of particular difficulty. I assure the member that where problems exist we will consider the situation in a sympathetic light in an effort to see what we can do to overcome or accommodate them.

**EDUCATION MINISTRY - TERTIARY ENTRANCE EXAMINATION PAPERS**  
*Single Marking Cost Cutting Measure*

400. Hon DERRICK TOMLINSON to the Minister for Education:

- (1) Were recent Press reports correct that as a cost cutting measure some Tertiary Entrance Examination papers would be marked once only?
- (2) If so, which papers will be marked once only, and what measures will be taken to ensure that no errors are allowed to slip through?

Hon KAY HALLAHAN replied:

(1)-(2)

The Secondary Education Authority has been reviewing its marking procedures for all subjects over the last three months. One of the options considered was single marking of some examination papers. The matter is still being considered by the authority. The single marking of papers has been carried out in two other States of Australia, and the monitoring procedures have proved satisfactory in those States. The SEA has not reached a final decision on the matter.

**EDUCATION MINISTRY - DISTRICT HIGH SCHOOLS**  
*Employment Commitment Withdrawal*

401. Hon BARRY HOUSE to the Minister for Education:

Is the Minister aware that the Ministry of Education has withdrawn from a commitment given in December 1990 for a reclassification of schools assistants class 2 working in district high schools and, if so, what is the reason for reneging on this commitment to this group of employees?

Hon KAY HALLAHAN replied:

I would be very surprised if the ministry had reneged on an undertaking about employment conditions, but if the member were to put his question on notice, I would have the matter followed up and I would come back with further information.