



# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
THIRD SESSION  
2000

LEGISLATIVE COUNCIL

Tuesday, 23 May 2000

# Legislative Council

Tuesday, 23 May 2000

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

## **BILLS - ASSENT**

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

1. Coroners Amendment Bill 1999.
2. Acts Amendment (Fines Enforcement) Bill 1999.
3. Prisoners (International Transfer) Bill 1999.
4. Crimes at Sea Bill 1999.

## **VOLUNTARY EUTHANASIA BILL 2000**

### *Petition*

Hon Norm Kelly presented a petition signed by 111 people praying that the Legislative Council debate the Voluntary Euthanasia Bill 2000 as a matter of urgency and pass a Bill allowing for the strict and properly regulated practice of voluntary euthanasia for individuals with an irreversible illness or condition.

[See paper No 982.]

## **SEXUALITY DISCRIMINATION BILL**

### *Petition*

Hon Helen Hodgson presented the following petition bearing 1 883 signatures -

We, the undersigned, being citizens of Western Australia, wish to draw to the attention of the Parliament that:

1. We oppose discrimination on the basis of sexuality and therefore support Hon Helen Hodgson's sexuality discrimination Bill.
2. We call on the Government to allow debate in the Legislative Council on this Bill to continue immediately.
3. We call on the Government to allow a conscience vote for its members in both Houses of Parliament on this Bill.

You petitioners humbly ask the Parliament to urgently consider these matters.

[See paper No 983.]

## **GERALDTON POLICE STATION**

### *Petition*

Hon Kim Chance presented the following petition bearing 137 signatures -

We the undersigned residents of Western Australia believe that the Geraldton Police Station is not adequately staffed as evidenced by the recent call from Geraldton police for volunteer assistance at the station.

You petitioners, therefore, respectfully request, that the Legislative Council inquire into police staffing levels at the Geraldton Police Station.

And you petitioners as in duty bound, will ever pray.

[See paper No 984.]

## **STANDING COMMITTEE ON ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

### *Management and Sustainability of the Western Rock Lobster - Report*

Hon Christine Sharp presented the sixth report of the Standing Committee on Ecologically Sustainable Development, on the management and sustainability of the western rock lobster, and on her motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 985.]

## **STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS**

### *First Home Owner Grant Bill 2000 - Report*

Hon M.D. Nixon presented the fifty-first report of the Standing Committee on Constitutional Affairs, on the First Home Owner Grant Bill 2000, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 986.]

*Denmark Agricultural School - Report*

Hon M.D. Nixon presented the fifty-second report of the Standing Committee on Constitutional Affairs, on the Denmark Agricultural School, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 987.]

**COLLIE COMMUNITY, EFFECT OF GOVERNMENT POLICIES**

*Urgency Motion*

**THE PRESIDENT** (Hon George Cash): I have received the following letter addressed to me and dated 23 May.

Dear Mr President

At today's sitting it is my intention to move an Urgency Motion under SO 72 that the House at its rising adjourn until 24th December 2000 for the purpose of condemning the Coalition Government for its failure to recognise that its policies and this year's budget in particular, are causing the steady decline of the Collie community.

Yours sincerely

Hon Bob Thomas MLC  
Member for the South West Region

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

[At least four members rose in their places.]

**HON BOB THOMAS** (South West) [3.40 pm]: I move -

That the House at its rising adjourn until 24 December.

When people post mail in Collie, they have two post boxes into which they can put their mail. One is marked "Local mail only" and the other is marked "Other". Letters posted in the "Other" post box are taken to Bunbury, sorted and distributed throughout the State. Mail that inadvertently came from Collie that should have been posted in the "Collie" box is returned to Collie for delivery. My point is that the sorting of the "Other" mail could be and should be done in Collie by Collie people, but the work has been exported to Bunbury. Although the people in Collie realise it is a federal government measure, it symbolises the way in which Collie has been sold out by the coalition, and by the National Party in particular. Anyone in Collie would tell us that the National Party is too busy being servile to its bean-counting masters in the Liberal Party to be of any value to the people of Collie.

Several members interjected.

The PRESIDENT: Order! This is a limited time debate and the speaker is entitled to be heard.

Hon BOB THOMAS: The Government's record in Collie is abysmal. Four years ago this Government closed the Water Corporation shopfront in Wittenoom Street. Three years ago it closed Western Power's shopfront office in Forrest Street. A year later it closed Homeswest in Collie and three or four jobs disappeared overnight. Last year this Government closed the traffic licensing branch in Collie and had plans to close the Collie Court House until I and members of the community intervened and forced the Minister for Justice to leave it open. We had to suggest that perhaps the traffic licensing function could be undertaken by courthouse staff rather than be given to the already overworked staff at Australia Post.

At this moment Western Power is in the process of making 190 staff at the Muja power station in Collie redundant. It is part of a package of 250 jobs going out of the south west. Another 60 or 70 jobs have gone due to the closure of the Bunbury Power Station. Only yesterday I was talking to somebody in Bunbury when the power went off. The PABX system was unable to cope with it and my telephone call was cut off. In the past the Bunbury Power Station was a backup station and would automatically come on stream when the Muja Power Station went down and maintain the continuity of power.

Unbelievably, members of this Government in the south west have sold the decision to reduce the number of staff at the Muja and Bunbury Power Stations as being good for the south west. The member for Mitchell said it would mean the price of power would become cheaper and, therefore, would create more jobs in the south west. He believes in the tooth fairy!

Hon Ken Travers: Did he go to school in Eaton?

Hon BOB THOMAS: Yes. Westrail has suffered significant job losses in Collie and the Education Department has not been immune to cuts. This Government recently contracted out school cleaning in Collie. This means that there are probably 30 or 40 fewer pay packets in Collie because the contractors have reduced the number of people working in those positions. Worse still, their wages have been cut by \$2 an hour. That means less money is going into local businesses as a direct result of this Government's policies.

The major impact of this Government's policies on the town of Collie has been to abolish deep-cut, underground mining and replace it with open-cut mining. Hundreds of jobs have been lost and therefore money from hundreds of pay packets have been lost from the tills of local businesses. Two of my brothers-in-law lost their jobs at Wesfarmers Coal Limited on the last on, first off basis. It hurts me because I used to live in Collie and have many relatives there. It hurts me to see the impact this Government's policies are having on a town that was once part of the engine room of the Western Australian economy. It is being destroyed. A Collie councillor, Mick Murray, has estimated that 1 000 jobs have been lost due to this Government's decisions.

One of the things that incenses the people of Collie the most is the way this Government has treated the staff at the Collie Hospital. The hospital was the jewel in the crown of the Collie community. Everybody appreciates that major heavy industry operates in Collie as well as tourism, bringing a lot of traffic in and out of the town. Collie therefore needs a first-class hospital. It had a first-class hospital until this Government came to power.

It is obvious that the amount of nursing time allocated to the Collie Hospital has almost halved. One of the reasons for that is the Government's desire to downgrade the hospital to a nursing post. It wants the nursing post to stabilise any acute-care patients and transfer them to the Bunbury Regional Hospital. The privatised Bunbury hospital is costing much more to deliver health services than did the previous system. Therefore, the Government is leaching money from the other hospitals in the south west to fund the expensive experiment in Bunbury. As a result, the number of nurses at the Collie Hospital has been reduced and the number of people employed in catering and other services has also been reduced.

That has occurred deliberately because this Government has reduced the amount of theatre time available at the Collie Hospital. As doctors leave, theatre time is not replaced. The Government did not reach an agreement with the orthopaedic surgeon so his contract lapsed and the Government did not replace him. Other surgeons were prepared to provide that service in Collie on a visiting basis. However, the offer was declined by the Government because it wants to run down the amount of acute care available at the Collie hospital.

That has had a dramatic impact on the midwifery section of the hospital. One registered nurse is responsible for the maternity ward and a general care ward. That person runs backwards and forwards between the two. The care required for a mother and a newborn child is much more irregular than the care required for somebody in a general ward. The Government's policies are placing enormous strain on the people at that hospital.

As I said before, numerous major changes have occurred within the Collie community. They have been sold to the community on the basis of being in the State's best interests. The people of Collie accepted, albeit reluctantly, that those changes would impact on them. However, they expected a social dividend. They were looking to this year's state budget for some new industries and some new hope. They hoped measures in the budget would stop the decline which has occurred in the town of Collie as a result of this Government's policies. However, there is nothing in this year's budget for the town of Collie. The member for Collie admitted that in last Thursday's edition of the *Collie Mail* when she was reported as follows -

Dr Turnbull described the budget as good for Collie in that it would keep the community going steady in light of the recent capital works.

She further said -

A series of important funding allocations to Collie in recent years has meant no new major capital works funding has been allocated to the town in the 2000-01 State budget.

There is nothing in the budget, no social dividend, nothing to provide new hope, new industry or new employment opportunities in the town. However, the member for Collie must have had an attack of the guilts because she is reported as also saying -

The biggest allocation for the Collie electorate was \$21 million to Western Power Corporation . . . primarily maintenance at the Muja Power Station.

Has the member for Collie not heard of the Auckland and Queensland blackouts? If power stations are not maintained, there will be blackouts. Money has been spent on maintenance at that power station every year since it was built in the 1960s, because otherwise there would have been blackouts. The member for Collie also said that Collie would receive part of the allocation to be spent statewide on upgrading and improving waste-water treatment plants throughout Western Australia, \$13m of which is for country areas. That money was allocated in last year's budget; \$1.9m has been spent in this financial year, and \$1.7m will be spent next year. The Government is trying to take credit for that allocation this year as well as last year. Perhaps the most galling statement by the member for Collie was that -

The health budget boost of \$86 million would also have a flow down benefit for Collie, with new statewide initiatives to focus on preventative areas.

Bearing in mind what has happened to the Collie Hospital, the last thing members opposite should do is talk about health services in Collie.

The member for Collie also mentioned the \$20m a year allocated for school computers, and said that Collie would benefit from it. When she made that statement the allocation for school computers for Collie had been reduced by more than 25 per cent. I started to take an interest in this matter last week and it is funny that the Benalla by-election was held the previous weekend, and I learnt that the Collie Senior High School received a telephone call late on Friday afternoon

advising that the school grant had been restored and the money for computers had been returned to its proper level. This coalition Government, particularly the National Party, has sold out the electorate of Collie. It is clear that this Government does not care about the people of Collie.

The Government has lost sight of the fact that Western Australia is bigger than Perth and the metropolitan area. This is a city-centric Government which is committed to building monuments to itself in the central business district; it does not give a damn about people in country areas, as can be seen by its record in Collie.

I conclude by telling the House about the latest insult for the Collie Hospital. Since the rules about smoking in buildings have changed, the staff at the hospital have changed their dining room from its previous location to a new area that has access to a small patio area. This Government has plans to build a morgue right next to the staff dining room. That is an indication of this Government's commitment.

Hon Peter Foss: A morgue or a mall?

Hon BOB THOMAS: A mortuary next to the staff dining room. That typifies the way this Government has taken the people of Collie for granted. I commend this motion to the House.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [3.54 pm]: It is interesting that since the budget came down last week, we heard from the Opposition, first, a statesmanlike approach from the Leader of the Opposition saying that we should set a target for surpluses, both in operating and overall cash balances, and should be financially conservative. However, every time other members opposite open their mouths, they say that the Government does not spend enough money. Hon Bob Thomas is no different. He says we should spend more money in Collie. I pose him a question: If the Government does that, where does he think it should come from? Who should it be taken from? We could then list the places that members think should not get any money at all.

I find these urgency motions interesting. Although last week we all recognised how important remote arts centres are and today we will all recognise how important the town of Collie is, it is interesting that on the two opportunities in two weeks when the Opposition can raise issues of whatever magnitude, it has chosen these two issues for urgency motions. We then find that the whole basis of the argument is wrong, and it makes me wonder what opposition members do. Do they sit around gazing at their navels?

Hon Kim Chance: Do you not think regional Western Australia is important?

Hon N.F. MOORE: Absolutely, I do.

Several members interjected.

The PRESIDENT: Order! There is limited time for this debate, and if members are to interject, they should at least get in line and not interject over the top of each other.

Hon N.F. MOORE: Hon Bob Thomas talked about the decline in the Collie community, whatever that means. Does it mean a decline in numbers, a decline in the economy, a decline in the level of intelligence, a decline in health, or a decline in education centres? The member has not identified in his motion what he is talking about, and I suspect it was put together at the last minute to fill in a quarter of an hour today.

The biggest decline in population in Collie since 1989 occurred during the period 1994-95, when it fell by 3 per cent. I acknowledge that was during the term of this Government. The decline in population last year was 1.9 per cent. However, the second biggest decline in the past 10 years occurred in 1991-92, when the population fell by 2.7 per cent. Who was in government when the second biggest decline occurred in the past 10 years? Members opposite cannot take an isolated example in one period of history as an indication of something fundamentally wrong. The population of Collie has declined over the past 10 years and, regrettably, pretty much the same thing is happening in most country towns. However, the second biggest decline occurred during the term of office of the Labor Government. This is the party which Hon Bob Thomas claims is taking an interest in regional Western Australia. The Labor Party has at last discovered the bush, but the member has not made any sense when talking about it.

The member mentioned unemployment rates, and I presume he was talking about an increase in unemployment figures. Let us consider the unemployment figures in Collie since December 1995. In the December quarter of 1995 the unemployment rate was 8 per cent; in December 1996 it was 9.7 per cent; in December 1997 it was 8.1 per cent; in December 1998 it was 10.1 per cent; and in December 1999 it was 5.7 per cent. In the past 12 months the unemployment figure has fallen from 10.1 per cent to 5.7 per cent. That is a significant improvement in the unemployment rate. To put that into context, the unemployment rate in Western Australia at December 1999 was 6.3 per cent, so the unemployment rate in Collie at that time was lower than the overall unemployment figure in Western Australia yet the member complains about the rate of unemployment. Although the unemployment figure for Collie is nothing to be proud of, it is not an issue that should be raised in an urgency motion in this House when it is below the state average. Therefore, that gives a lie to all that nonsense about unemployment in Collie. I do not know what the member wanted the budget to do. Did he want the Government to buy a new industry for Collie and use taxpayers' money to do it? Is that what he had in mind? Maybe that is what the Labor Party would do, but that is not the way it works. As members know, the Government has put together a very responsible budget.

Hon Ljiljanna Ravlich: An amount of \$1.2m worth of debt. It is pathetic.

Hon N.F. MOORE: The Opposition wants to spend even more. It complains about the Government having a deficit and then says it should spend more money. It comes along here today with an urgency motion suggesting that the Government should spend more.

Hon Tom Stephens: Consultants, advertising, belltower.

Hon N.F. MOORE: Exactly. We learnt it all from the Leader of the Opposition.

Hon Tom Stephens: You are spending too much on them. Cut it out.

Hon N.F. MOORE: I find it absolutely extraordinary that the Leader of the Opposition should talk about being fiscally conservative. The man is the greatest spender unhung. He has an incredible capacity to consume resources. He is avaricious when it comes to money. He cannot get his nose out of the trough when he gets near it; yet he comes in here and tells everybody else to stop spending so much. I will not go through the history of the man's term in office. Let us get this straight: He cannot have it both ways. He cannot criticise people for not spending enough and then claim that he is fiscally conservative. Every time he opens his mouth he wants to spend more money and he criticises everybody for not spending enough. Then he gets on the moral high ground and says the Government should spend less. He cannot have it both ways.

The budget for the Collie electorate shows a number of important matters that have been included this year. For the benefit of the House, I will deal with a couple of them. The Collie business enterprise centre will be funded under the \$300 000 commitment to enterprise centres in the south west. There will be \$450 000 for the construction and fit out of a community house at Collie, and \$21.4m for generation works at the Collie and Muja Power Stations and at Worsley. The Government built a huge power station in Collie, which was a significant capital investment for Collie and a commitment to the future use of coal for the generation of power. There is \$1.8m in this budget to upgrade waste water treatment at Collie, and \$20 000 to construct and primer seal the coalfields highway at Roelands Hill on the back of the recently completed \$2.6m improvement of the Roelands Hill road. There is also money for small business initiatives and improvements, which are part of the statewide program to assist small business and which will benefit small business in Collie.

I could go through a list of things being done in Collie, just as I could go through a list of things being done across Western Australia. A massive public works campaign is going on in this State, and the beneficiaries of that are the people of Western Australia and the contractors who are able to be part of it. A significant decision which the Government has made concerning Collie is to pay \$9.2m for the Wellington National Park, which will be significant from an environmental and tourism point of view.

Hon Ken Travers: The Water Corporation paid for it, not the Government.

Hon N.F. MOORE: Okay. Does the member think that the Water Corporation is a privatised operation?

Hon Tom Stephens: It will be if you are left in office for too long.

Hon N.F. MOORE: It simply is not, but the member opposite seems to have that impression.

Several members interjected.

The PRESIDENT: Order! Hon Ken Travers, do not interject, and Hon Greg Smith, I am trying to listen.

Hon N.F. MOORE: A small area in which the Government made a decision which will support the Collie community was its rejection of the coal companies' request to abolish the levy on the coal mines accident relief fund. Having taken part in the debate on the legislation, members will know that that money now goes into the miners amenities fund. That will add approximately \$80 000 a year for facilities in Collie. The other day I looked at the Collie miners institute, which is in a fairly poor state of repair and which will be repaired under this fund. That is not a huge contribution, but it is a significant decision in the context of money coming from a levy on coal to provide facilities in the Collie community. That will repair a facility, which I thought the Opposition would be pleased to see happen.

[Interruption from the gallery.]

The PRESIDENT: Order! I say to the gentleman in the gallery that it is out of order to interject from the gallery. If he does not interject, he and I will get on fine.

Hon N.F. MOORE: I will repeat that. The Government rejected the coal companies' request to abolish the levy for the coal mines accident relief fund. An amount of \$80 000 a year now goes into the miners amenities fund to assist in the delivery of amenities in the Collie community. That is a significant decision, but one which the coal companies did not support. A number of members on my side of the House are dying to get to their feet, so I will sit down quickly.

**HON BARRY HOUSE** (South West) [4.04 pm]: Like Hon Bob Thomas, I am a member for the South West Region, and I reject everything he said about whatever it is that is causing a steady decline in the Collie community. By coincidence, I have made a summary of the types of things that have been done in the various areas of the south west in the recent past. I will concentrate on Collie. I could go wider and talk about the Collie electorate, which encompasses Boddington, Balingup, Boyup Brook and Donnybrook, but I will not. I will deal with education in Collie since 1996-97.

Hon Simon O'Brien: This is performance, not rhetoric.

Hon BARRY HOUSE: Absolutely. These are actual achievements. In 1996-97, \$143 544 was spent on the Fairview

Primary School to introduce a pre-primary program. Did that contribute to the decline of the Collie community? I doubt it. In 1997-98, \$124 551 once again went to the Fairview Primary School to introduce a pre-primary program. In 1997-98, \$254 199 went to the Amaroo Primary School to introduce a pre-primary program. Surely that did not contribute to the decline of the Collie community. In 1997-98, \$7 900 once again went to the Fairview Primary School to provide shade cover. I would rate that as fairly important to that school. Also in 1997-98, \$2 625 went to the Amaroo Primary School to provide shade cover. That is a useful social dividend to the Collie community for education.

Dealing with emergency services, the 1999-2000 budget allocated \$90 000 to upgrade the Collie fire station. Dealing with employment and training, in 1996-97 there was \$1.2m for the new trades centre in Collie. In 1998-99, \$200 000 was provided for the Collie skills development project. Energy is a very important area. As Hon Bob Thomas knows, energy is critical to the Collie community. In 1998-99, \$170 000 was spent on underground power lines in Steere Street, Collie. Therefore, let us do away with the furphy that all of the Government's underground power line policy money was spent in the leafy suburbs of Perth. It was not. It has been spent all around the State, and underground power is returning a terrific benefit to all the communities in which it has been installed. In 1999-2000, there was \$36.3m for generation works at Collie and Muja Power Stations. I will dwell on the power station in Collie. I go back to 1992. I know the Opposition does not want to be reminded of it, but in 1992 when the Labor Government was in power, it could not even build a 300 megawatt power station let alone a 600 megawatt power station, which was the ambit claim. It took a coalition Government to put together the project to build the new 300 megawatt power station in Collie. That has delivered enormous benefits.

Hon Tom Stephens: Your Government was free to do whatever it wanted to do, was it? It could have gone either way. There was no previous arrangement.

Hon BARRY HOUSE: The Labor Government could not get the project up because of its shocking financial management.

Hon Tom Stephens: Are you saying your Government is free to do what it likes?

The PRESIDENT: Order! The Leader of the Opposition should not interject. I have warned Hon Ken Travers and the Leader of the Opposition not to interject because I am sick and tired of people wasting the time of other speakers.

Hon BARRY HOUSE: The Labor Government could not raise the money to get the new power station off the ground because of its shocking financial record and management. It took a coalition Government to do that.

Hon Ljiljanna Ravlich: You talk about raising money. This year's budget contains \$1.2b worth of debt. Is that raising the money? It is unprecedented.

Hon BARRY HOUSE: The interjection was made by a person representing the same party as Carmen Lawrence. The Government borrowed \$1b a year in her years as Premier. The State went into debt at the rate of \$1b a year. The coalition Government put the Collie Power Station project together; it financed and built the station which now operates for the benefit of Collie and the whole State.

In environmental matters, \$23 7000 was provided in 1998-99 to the Wellington Forest discovery centre for the renovation of a historic mill. In 1998-99, \$92 000 was allocated to the south west local government association for recycling education to assist the establishment of a south west regional waste management authority. The Shire of Collie, along with other south west shires, was included in that very successful scheme. In 1999-2000, \$9.5m was provided for the purchase of 3 000 hectares of forest near the new Wellington National Park. The House has heard about that; Hon Ken Travers claimed it does not count as government money because it was funded by the Water Corporation. That is strange accounting.

The area of family and children's services contributes to the wellbeing of Collie residents. In 1998-99, \$350 000 was allocated for the construction of a family centre in Collie and another \$440 000 was committed in 1999-2000 for a community centre in Collie. These are two significant public buildings. In 1999, the Government provided \$45 180 to the Friends of Collie Aquarium to study the environmental effect on marron. A possibility exists for a new aquaculture industry in places like Collie and other inland centres. The State Government both supports and funds this new industry. In heritage, \$5 000 was provided in 1999-2000 for conservation works at the Collie railway goods shed.

In housing, \$7.9m was allocated in 1998-99 to provide 21 new dwellings in the Collie region. That is a healthy vote of confidence in the Collie region and shows great support for the Collie community. In 1998-99, \$200 000 was provided for the upgrade of Collie's Homeswest rental stock and in 1999-2000, \$398 200 was allocated for the Collie New Living upgrade. In law and order, the Government provided \$10 000 in 1998-99 under the Safer WA initiative for the Shire of Collie to conduct a security audit. The list goes on. In primary industry, funds were provided in 1998-99 for a study to ascertain the viability of growing grapes in Collie. In regional development, \$38 000 was provided in 1998-99 for a concept plan of the Wellington Weir discovery centre and a further \$8 000 was provided to improve the aesthetics of the Collie River. In 1999-2000, \$50 000 was provided for the Collie south west driver training and club motorsports complex. The member for Collie, Dr Hilda Turnbull, worked hard to get those funds and that support for Collie. The Opposition should have been happy about that. In 1998-99, funding was provided to the Collie River Valley marketing committee to promote the region, while \$600 was given to the Collie River Valley Busy Fingers arts and crafts event in 1999-2000. Money has also been provided to support the Collie leg of Rally Australia.

I am running out of time and I have not got through my list of items relating to funding provided specifically for Collie, let alone other areas of the Collie electorate.

**HON PETER FOSS** (East Metropolitan - Attorney General) [4.15 pm]: I rise to mention a few matters associated with

my portfolio. Members will recall a report by the Auditor General on Local Courts in country areas. The Auditor General found that a number of country courts did not have enough work to justify keeping them open. I disagree with the Auditor General: I do not think keeping a court open is purely an economic matter. Access to justice is important, although it may come at a significant price. It is not simply a matter of adding the number of people using the court and the number of hours it operates and deciding money is wasted. At times, there may be no alternative. However, the alternative suggested in this case was to close the Collie court and to use the Bunbury court as the Local Court. The recommendations contained in the Auditor General's report were fairly strong and the Government could not ignore them. The report also recommended the closure of the Local Court at Pinjarra. There is a degree of reluctance to close courts because they are seen as providing an important service to the local community. When this proposition was put forward, I received strong representations from, among others, Hon Barry House, who was keen for the Collie court to remain open. The Government had to find a way of providing the service to the people of Collie while justifying it financially, even though the Collie court was not really needed. It is good that there are few Local Court litigations or prosecutions in Collie. It is commendable that the people of Collie get along so well with each other, both civilly and criminally. The Government came up with the idea of tendering for the transport licensing requirements contract, and the Local Court at Collie was able to secure that contract. As a result, employment in the Local Court has increased by half a full-time equivalent. The number of staff the Auditor General found to be uneconomic was a Clerk of Courts and two full-time equivalents. The Government has been able to justify financially- on a service basis - one Clerk of Courts and 2.5 full-time equivalents. As a result, five people are employed at the court: A full-time clerk, another full-time employee and three people who share half a full-time equivalent. The extra four people are all women.

Hon Bob Thomas: How many people were lost from the traffic licensing division?

Hon PETER FOSS: I do not know. All I know is that the Government managed to keep the whole thing. If it had not been for us, three FTE positions would have been lost. The Government was able to retain half a full-time equivalent from the Department of Transport's work and keep the Local Court open. The service was kept, despite a recommendation by the Auditor General. I have often heard opposition members, particularly Hon Ljiljanna Ravlich, say the Government should pay more attention to the Auditor General. If our Government were uncaring and listened to the strident remarks about what it should do with the Auditor General's recommendations, it would have simply accepted the recommendations and not looked at the alternatives. We have shown ourselves to be a Government that cares.

I give the House a further reassurance of the Government's efforts to retain services in country areas by mentioning the other court that was recommended to be closed; that is, the Pinjarra court. Pinjarra is a town with a long history. In size Pinjarra has been overshadowed by Mandurah. The recommendation of the Auditor General was that the people who used the Pinjarra court would go to Mandurah, because the distance from Pinjarra to Mandurah is considerably less than the distances people travel in the metropolitan area to go to most Local Courts. The State's courts operate on a computer network, and the Government was able to redirect computer inputting work to Pinjarra. The staff were not sitting around doing nothing; they were inputting material into that computer network.

I am pleased that Hon Bob Thomas raised this point, because it has given me an opportunity to point out the philosophy and principle behind the way the Government addresses these issues. Notwithstanding the clear economics that showed it could not keep open the Collie court, and an adverse finding by the Auditor General, the Government looked for ways to maintain that service. Even though it is a little-used service, because the people of Collie get on reasonably well civilly and criminally, the Government made a special effort to keep open the Local Court in Collie. I am pleased that the local members on our side of the House greeted that decision with some enthusiasm. The member for Collie, Dr Hilda Turnbull, and other members were enthusiastic about the support the Government had given in that area. Unfortunately, I had to leave the House on parliamentary business earlier, and in case it was not mentioned, I refer to the support given through one of my former portfolios, the Water portfolio.

Hon Barry House: I have the details.

Hon PETER FOSS: That is fortunate, because I do not recall with absolute certainty the particular projects in that area. I remember that when I was Minister for Water Resources the Government put a huge amount of effort into projects on the Collie River in particular. The concerns of people about the quality of water in the Collie River were raised with me by local members. I do not blame any particular Government for pollution of the river, because support for power generation and mining in Collie is fairly longstanding. Hon Colin Barnett, the Minister for Energy, and I as the Minister for Water Resources put in a huge effort which would not be evident in the consolidated revenue budget, because it came out of the budgets of Western Power and the Water Corporation as the agencies responsible. The Minister for Energy and I put huge amounts of work into providing water for people to drink and ameliorating the condition of the river. I cannot remember all these projects offhand, because it was some time ago that I was Minister for Water Resources, but a list provided by Hon Barry House shows that in 1996-97, \$2.2m was provided for the new Dardanup sewerage scheme. In 1998-99 funding was provided for an infill sewerage scheme for the residents of Wilson Park. In 1998-99, funding was provided to the Collie water advisory group. That group was set up by the Government in 1995-96 and money has been spent in that area for years. In 1998-99, \$2.75m was provided for the Harvey Dam project. In 1999-2000, \$1.9m was provided for the upgrade of the Glen Irwin Dam to increase storage capacity by 50 per cent. In 1999-2000, \$750 000 was provided to be spent over five years to support the Harvey River Restoration Trust; \$420 000 to upgrade the Munglinup Dam near Collie; \$2.9m for the infill sewerage works at Donnybrook; \$3.4m to upgrade the Collie waste water treatment plant; and \$700 000 to upgrade the Collie sewerage pumping station. This Government expended more on almost every one of those projects than Labor managed to do in its whole time in government. In 1999-2000, \$1 000 was provided to the living streams of water group



for its work on streams, and \$10 000 to the Shire of Donnybrook at Balingup for the Noneycup Creek management plan. That expenditure occurred in just a couple of years.

I can remember as Minister for Water Resources spending even larger amounts of money to ameliorate the situation in the Collie River which developed over many decades. It appears Hon Bob Thomas has found some new interest in Collie. However, he does not have the depth of understanding of the issue, otherwise he would not have brought on this motion. The member has given the Government the opportunity to tell the people how much it has done. The member knows so little about Collie that he thought he had found one little thing that would give him an opportunity to have a go at the Government. If the member had bothered to find out more about Collie he would know he was on a loser, because the Government has spent a tremendous amount of money and effort in this area.

**HON KEN TRAVERS** (North Metropolitan) [4.25 pm]: The Attorney General informed us of the contribution made by the Water Corporation to the area. The Attorney General did not mention that the Water Corporation's expenditure on infill sewerage will be recouped from the rates and charges paid by the people of Western Australia, and can be compared with the capital costs involved.

Several members interjected.

The **PRESIDENT**: Order! I ask members on my right not to interject. I am trying to listen to the member speaking.

Hon **KEN TRAVERS**: It was interesting that the Attorney General included expenditure on projects like the Harvey River restoration which is located in the electorate of Murray-Wellington and not in Collie. The Government has to draw in projects from around the State. The Attorney General did not provide facts and figures in the budget on what the Government is doing in Collie this year, which is the issue raised by Hon Bob Thomas. Although the Government pork-barrelled in Collie in the past it is not doing so this time, although it is obvious that the Liberal Party intends to target the electorate of Collie because its members are defending the Government's actions there today.

The Attorney General also mentioned the expenditure of \$9.2m to buy the land around Wellington Dam and claimed credit for the Government. He also talked about the Government's treatment of reports by the Auditor General. It clearly did not look at the last Auditor General's report on the purchase of that land.

Hon **Barry House**: Is the Water Corporation a government agency or not?

Hon **KEN TRAVERS**: No; it is an independent corporation. This Government does not understand legislation that it put through in 1995 which set up the Water Corporation as a completely independent body at arm's length from the Government. If members opposite read the thirty-sixth report of the Standing Committee on Public Administration they might have a better understanding of these issues. I am sure Hon Kim Chance would happily talk to them at length about that report. The Auditor General's report got stuck into this Government, and that is not to mention that the land was overvalued in a dodgy deal made by the Chairman of the Water Corporation. The Auditor General was also critical of the way this Government instructed the Water Corporation and used it to further other aims.

That was not the most telling point in all of this debate. I have listened to the Attorney General state the amounts of money that were expended in this area. The Collie power station was built after this Government came into power. However, it followed a commitment given by the Labor Government prior to the election. The coalition Government built a coal-fired power station because it was obligated to do so. The Minister for Energy preferred gas. I tried to total the amounts stated by the Attorney General which were expended in the town of Collie over the past four or five years. Not only was there no new expenditure this year, but also when one totals the historical expenditure in Collie, it does not equal what the Government is spending on the Barrack Square redevelopment and the belltower - an area in the central business district that is 100 metres by 100 metres. This mob opposite will spend more on that little square than it was prepared to spend on the people of Collie over the past five years.

When I talk to people from regional Western Australia I can see why they are angry and annoyed. They have had enough of this Government, but they have only to wait nine more months and they will have a decent Government that cares about regional Western Australia.

**HON BOB THOMAS** (South West) [4.30 pm]: Is it not interesting that the Government has trawled back through many years of expenditure in Collie? It has included expenditure that one would expect to be included in everyday government expenditure in that electorate, to show that it is doing something for Collie. Hon Ken Travers is right: The Government's expenditure in Collie does not add up to one belltower. I find it amazing that Hon Barry House can come into this House and tell us that the Government should be applauded for spending \$2 000 on shade cloth at Wilson Park Primary School and another \$2 000 on shade cloth at Amaroo Primary School. Whoopy do, Mr President! At least 1 000 jobs have been lost in that community because of the Government's policies.

Motion lapsed, pursuant to standing orders.

## **CHILD WELFARE AMENDMENT BILL 1998**

### *Second Reading*

Resumed from 11 May 1999.

**HON CHERYL DAVENPORT** (South Metropolitan) [4.31 pm]: I oppose this Bill. I find it very interesting that it has

had such a tortuous passage through both places. It started its life in the Legislative Assembly in 1998. It was withdrawn in September of that year and then was dealt with from about March and concluded its passage on 6 May 1999, which is over a year ago. I have some real concerns with this Bill which I will outline.

We are dealing with retrospective legislation because the child protection services register was created in July 1996. I have closely read the debates in the other place. I note when it was last debated in about May 1999, questions were raised about the potential for an evaluation of the register. At that time no evaluation had been made. I wonder whether in the past 12 months it might have occurred. I will be interested to hear the minister's comments when he responds. This afternoon I have been advised by my colleague Hon Norm Kelly that he has negotiated a range of amendments on this legislation. I agree that they make it a better piece of legislation. However, a range of issues still need to be aired and dealt with before I would be prepared to support this Bill.

I regret that 12 months have elapsed since this legislation was last debated; it could very easily have been dealt with by the Standing Committee on Legislation. There is no doubt that this Bill would be one very good piece of legislation to be looked at by that committee. At the end of the second reading debate, when I have no doubt the Bill will pass the second reading stage despite the fact that the Labor Party will oppose it, I will seek to move that this Bill go to the Standing Committee on Legislation so that the committee can examine certain areas of it which I feel need to be tightened up.

Like many other members, I have received a significant amount of correspondence from various organisations which are concerned about the potential for this register to put children and young people at risk. I intend to raise some of those issues this afternoon. One of the matters that continues to concern me is the definition of an approved person, which does not appear in the legislation. It will be left to guidelines or regulations to define who can be an approved person. The definition of a reporting agency is also extremely wide; for example, as I read it, any public service department can be a reporting agency. I presume that means a state government department, but I wonder about commonwealth departments, and whether they would have the ability to be a reporting agency. Across the spectrum of departments, I wonder how one might approve a person from Agriculture Western Australia or Fisheries WA and how they would have the necessary qualifications to become an approved person.

There is also the question of the status or the level of a person who could be an approved person. I can understand that there may be a need, given that the State is vast and that there may not be a Family and Children's Services outlet in every place in the State, but I have real concerns about the whole area of an approved person and the definition of a reporting agency. Those areas could be very usefully tightened up and refined by the Bill's being referred to the Standing Committee on Legislation. The Bill provides for mandatory reporting and therefore there should be a requirement for the definition of an approved person and of a reporting agency.

As I said earlier, the register has existed in Family and Children's Services since July 1996, over two years ago. I note from debates in the other place that 1 900 people's names were already on the pilot register. Given that we are now 12 months further down the track, I wonder how many more names have been added. The break-up of the names concerns me because they are predominantly children.

Hon M.J. Criddle: Did you say 1 900 names?

Hon CHERYL DAVENPORT: The way I read the debates in the other place, that figure existed in about 1998.

Hon Norm Kelly: I think it is more like 3 000 now.

Hon CHERYL DAVENPORT: Yes, and Hon Norm Kelly has had contact with the minister's office, which I have not had. There has been no more contact than a brief discussion between the minister and me in February of this year, when I suggested that it might not be a bad thing if this legislation were to go to the legislation committee. I have heard nothing. The first I knew that we would proceed with this Bill was when the Minister for Transport spoke to me in the Chamber the other week. In the interim period, I still heard nothing from the minister. The first I knew that negotiations had taken place and that amendments were flagged was when Hon Norm Kelly spoke to me at 3.00 pm today. Other than a very brief look at the amendments, I have not been able to get my mind around them totally. On the face of it they seem to me to be an improvement. However, they do not deal with the two issues that I have raised.

As I have said, our principal concern is the register and the fact that 3 000 names are already on it, probably 80 or 90 per cent of which are children's names. I am led to believe that they will not be able to be removed from the register until those children reach 18 years of age. A range of issues have come into play in relation to that. I will shortly read into the record certain material I have received from various people. It is of grave concern to me that not only the child's name but also the child's address will be on the register. In the light of the frequent instances of computer hacking we hear about, it will be easy for people who have evil intent and who do not have the welfare of children in mind to access that information. I must be assured that the security on the register will be sufficiently tight to ensure that does not occur.

I received a letter in 1999 from a group called Helping All Little Ones. I do not believe too many of the issues the group raised have been addressed. The letter reads -

3. Seems as though there is more consideration for the suspected offender than there is for the suspected victim. Victims do not have the same rights of removal of their names from the Register as the convicted offenders do.

4. In fact FACS statistics show that 90% of cases on the Register are referred by FACS. We have concerns that cases are not being referred to the Police for investigation.
5. A child protection group's website published their concerns about the Child Welfare Amendment Bill and the Manager and have since been served with an injunction. The provider was approached and the website was removed from the Internet.
6. This register is open to misuse on the part of FACS in that it specifies children 'at risk' also being listed. We are aware of one incident where a father grabbed his daughter by the shirt in response to verbal abuse, observed by a school teacher FACS were called. The 13 year old girl was apprehended for the night and her name is on the Register and it will not come off until she is 18 years of age. At which stage it can be used for the purposes of research.
7. The stigma that will taint these children's reputation is totally against the Convention of Rights of a Child. Article 16 protection of privacy, honour and reputation. The child has the right to protection from interference with his or her privacy, family, home or correspondence and to protection from libel or slander.
8. When a parent has been abused as a child they are seen by FACS as most likely to abuse their own children and in many cases this is being used as grounds for putting their children under care and protection orders.
9. The Freedom Of Information Act will be changed so that any information held on the Register will not be subject to current laws. The victims listed on the Register will not be able to access information pertaining to themselves.

Organisations supporting the welfare of children have a range of concerns yet to be satisfied.

One of the arguments put extensively in this Chamber some time ago is the need for a children's commissioner or an office of children that has independence from the Department of Family and Children's Services. Events have overtaken the introduction of this legislation. Although the Government has created an office of children, it is effectively a policy office within the Department of Family and Children's Services and as such does not have the independence that I believe is necessary. Most of the information I have seen on paedophilia, particularly out of the Wood and Fitzgerald royal commissions, highlights the need to have an independent office of children. It seems to me that either an independent children's commissioner who reported directly to this Parliament, or an office of children residing within the Ministry of the Premier and Cabinet, would have sufficient independence to house a children's register. Unfortunately, that opportunity has been lost. Such an independent office would allay the fears of many of the opponents of this legislation.

If a register were housed in such an agency, it would lead to much more coordination of resources throughout the sector to deal with a range of issues that affect children. Coordination of the roles of juvenile justice, Family and Children's Services, Health and Education would also be enhanced. All too often we see so-called demarcation disputes about how resources should be dispersed for the wellbeing of children. The creation of an independent office of children would lend itself to not only a proper place for the housing of a register but also a range of rehabilitation and preventive measures that might help children across the board.

Another issue is the wide-ranging powers the Bill will give to the manager of the register. Are such powers necessary? Without having had the opportunity of examining it in depth, I note on the Supplementary Notice Paper an amendment to address that to some extent.

I will read into the record some material from press releases put out in March last year by my colleague, the member for Willagee, when the Bill was debated in the other place. He felt that the minister was unable to allay fears that sensitive information on the register might be misused, was unable to show that information on the register would be completely secure, was unable to justify her assertion that no list of abused children could be created from the register, was unable to substantiate her assertion that the creation of the register could be justified by reference to the New South Wales Wood royal commission recommendations, and was forced to admit that security of the register and freedom from potential abuse relies on the integrity of the register manager. The minister was also unable to demonstrate how her assertion that the overwhelming majority of parents and guardians would be notified if their child's name were placed on the register could be tested in any meaningful way, was unable to tell the Parliament exactly how many approved persons had been given access so far to information on the register, and was unable to provide an adequate explanation why no assessment of the register's two-year trial was carried out before the current legislation was introduced into the Parliament.

Those concerns arose before the committee stage of the debate occurred in the other place. Many areas of significant concern existed and were not overcome. There is a range of concerns about provisions in the Bill dealing with natural justice and the rights afforded to the person who has perpetrated the abuse, but those same concerns and rights do not apply to the child who has been abused. We should not forget there will be two names on the register - that of the abused child and that of the perpetrator. I have real concerns about the need to include both names. If the purpose is to protect children, why is it necessary to put both names on the paedophile register? I thought we were trying to guard against paedophilia. Is not the mission of Family and Children's Services the welfare of the child? Who advocates on behalf of the child in this instance? I assume that FACS has that role and I guess it is trying to do that in the creation of this register. However, I query why it is deemed necessary to list the children's names on the register.

In July 1999 I received a letter from the then chairman of the WA Grandparents Reform Organisation. Other members will also have received a copy of that letter. I will read into the record some paragraphs from that letter, which state -

Much notice should be taken of arguments presented and the many doubts raised as to the need for such a Register and the burning question of how, would this personal, confidential information remain guaranteed confidential once passed to other agencies? Could it be used as a weapon by Officers within FACS, in retaliation against families seeking justice against FACS incorrect decisions? Could it be used to fabricate "client lists" to ensure continuation of funding depending on numbers produced? Could it turn into a Xmas card mailing list between paedophiles? And so on . . .

Conspiracy is not a word that I use however, in the light of information being constantly placed before an established substantial network that extends from Western Australia to Queensland, there is no other word that accurately describes the destruction of families and resultant deaths that have occurred, that has been inflicted by FACS in pursuit of their own questionable agenda and to this date not one Officer has been held responsible or accountable.

It further states -

Incidentally, in the two years this pilot scheme has been operating, the controllers have managed to have the names of over 1,600 children placed on it with only 154 "perpetrators" (individuals whom the Department itself or Officers within have obviously substantiated allegations against those named). 1,600 divided by 154 - does not appear feasible. I am also aware of names of children being placed on this "list"-Register in simple retaliation or retribution because of action taken by extended family members whom refuse to allow this department to intimidate them. Their crime, major concern for the best interests of children.

As we all know, many families break up and often, as a result of that, grandparents do not have access to their grandchildren. Obviously the members of this organisation have concerns about the creation of the register and they are trying to bring to our attention the fact that they are not happy with the safeguards which are part of this legislation.

At the end of June last year, following the passage of the Bill through the other place, I again received a letter from the Helping All Little Ones group. The following are some of the issues raised which that group feels have not been dealt with and need further inquiry -

A meeting of community groups has studied the proposed Bill and have serious concerns about the sensitive information which is being gathered. We are also amazed that the rights of children are disregarded, however offenders rights are of paramount importance.

It further states -

Names, date of birth, addresses and details of child victims of abuse are held on the 'Register'. Offenders names will be placed on the Register if convicted, however they will be notified and have the right to have the information removed if they request. . . .

The information on the Register will be available to several Government agencies, even the Prisons Department. What would the Prisons Department need information about child victims for? . . .

According to the letter, in *The West Australian* the former minister is quoted as saying -

the "fine will be from \$5,000 to \$20,000 and from one year jail to two", this penalty will do little to deter an offender.

The letter further states -

Letters advising parents of their children's details being placed on the Register are supposed to be sent. This will create a mailing list somewhere. We have approximately 50 families who would have children on the Register, however none of our families appear to have received a letter from the Acting Manager. . . .

It would not be a difficult exercise to track children to their schools once their addresses are known. Children are particularly vulnerable at school, because of the lack of appropriate fencing around playgrounds and the lack of staff parolling children at play.

Families may not necessarily remain at the address where the offenses took place. Addresses would need updating and could result in contaminated data. A child with a common name may not be recognized as the same child previously reported at another address. Therefore addresses may cause the problems FACS are creating the Register to avoid.

Substantiated abuse offenders and convicted offenders names need to be on the Register. Without this information linking offenses will be more difficult. Often evidence by one child may not be strong enough on its own, however children disclosing similar details of offender behaviour may enable a case to proceed to court.

We now know there are 3 000 names on the list, which means there is some relevance to the concerns raised about the difficulty of linking offences. The letter further states -

Parents are in a panic about this sort of information being held and accessed, especially with the children's

addresses, and one would presume, their schools. The concern is an appropriate one considering research confirms that children who have been abused are vulnerable and experience abuse from more than one offender. Information of this nature would be very valuable.

I can but share the concerns they raise. It is one of the reasons the Opposition will continue to oppose the Bill at its second reading. The organisation also states -

If a Register is necessary at all the only appropriate place for this information to be kept would have to be a "Commissioner for Children's Office".

I argued that earlier. The letter continues -

The whole point of this Register as I understand it was to ensure that children were receiving appropriate services and the 'child protection' agencies were helping the children appropriately. There is a conflict of interest for this information to be kept at FACS. . . . When there are children receiving inappropriate treatment in the Department there is nowhere to go at present, except the Ombudsman.

They are concerned that the office of the Ombudsman does not have appropriate expertise in children's issues and, therefore, their cases may not be dealt with as well as they should be.

In concluding my remarks, I will summarise the reasons for opposing the Bill. The Opposition argues that if such a register is required, it should be kept in an independent office for children. The Opposition also queries why a child who has been the victim of physical or sexual abuse, by any member of the community, where there is no risk of that abuse recurring, should have their name kept on a register in perpetuity. By that I mean that a child's name will remain on that register from maybe the age of two years, or even younger, until the time he or she is 18 years of age.

The Opposition also raised the question of the risk of the creation of a list of abused children. As I said earlier, the minister has failed to give a guarantee that a list could not be compiled. Unfortunately, human beings are the keepers of information, and we have certainly had proof from the Wood royal commission and the Fitzgerald inquiry in Queensland that these sorts of records are not kept the way they should be.

#### [Questions without notice taken.]

Hon CHERYL DAVENPORT: The Labor Party does not support the Bill because the minister has failed to give a guarantee that a list could not be compiled from the register. We saw a demonstration of human frailty in both the Wood and Fitzgerald royal commissions when the names of children fell into the hands of paedophiles. The Labor Party does not believe that has been properly dealt with through the safeguards in the register. It is worth noting that neither the Wood nor Fitzgerald royal commissions recommended the creation of such a register. However, they did recommend the creation of an independent office for children. Queensland and New South Wales created such an office. The Western Australian Government did not see fit to take that opportunity but chose to create a special policy unit that is housed within Family and Children's Services. However, that does not give that unit independence from the department that has responsibility for the care and protection of children in this State.

Hon Peter Foss: What office are we talking about?

Hon CHERYL DAVENPORT: An office for children.

Hon Peter Foss: I thought you were talking about an office of child protection.

Hon CHERYL DAVENPORT: No.

We have grave concerns about the fact that the minister has not been able to answer a question that we asked her 12 months ago about the number of approved persons who have been given access to information on the register. We also have grave concerns about the definitions of approved persons and approved agencies to deal with the register.

Hon M.J. Criddle: What do you mean by the number of approved persons who have been given access?

Hon CHERYL DAVENPORT: The register has been in place since July 1996. We asked 12 months ago how many approved persons have been given access to the register; and presumably other approved persons have been given access in the past 12 months. The register has been in place for sufficient time to evaluate whether it is serving the purpose for which it was created. Given the length of time we have been waiting for this Bill to be debated, this Bill could have usefully been referred to the Legislation Committee to iron out the areas of concern that I have raised. This is not a Bill about which we should play politics. This Bill is about the welfare of children, particularly young children, and it should be referred to the Legislation Committee and be dealt with by getting together the relevant officers from the department and the people who have written to us with their concerns and ironing out the details. The Opposition will not support the second reading of this Bill, but I am under no illusions that the second reading will not pass. I therefore intend at the conclusion of the vote on the second reading to move that this Bill be referred to the Legislation Committee.

**HON NORM KELLY** (East Metropolitan) [5.43 pm]: The Australian Democrats will support the second reading of the Child Welfare Amendment Bill, although we also have some serious concerns about the structure of the Bill. As stated in the minister's second reading speech, this Bill seeks to establish a child protection register. Such a register has now been in operation for almost four years, although in a limited fashion, and its operation will be expanded greatly by the provisions of this Bill. This Bill will also allow for interagency cooperation in dealing with child protection matters. That interagency

cooperation should be encouraged, so long as sufficient safeguards are in place for the passage of information between agencies and individuals within those agencies.

The Australian Democrats would prefer that an independent office for children be established to have control of such a register. If a number of different agencies, such as Health, Justice, Family and Children's Services, Police and Disability Services are to operate in a coordinated fashion, it would not be right to have one of those agencies control the whole process. It would be more beneficial to have one body oversee and coordinate all those agencies. Given that about 80 per cent of the cases reported to the register are generated by Family and Children's Services, it makes sense that that department be the principal agency of those agencies I have mentioned. Good arguments can be put for the establishment of an office for children, as outlined in this place in 1997 when we debated Hon Barbara Scott's motion to establish such an office, and I believe that is the way to go. However, the fact that we do not have such an office is not sufficient reason to vote against this Bill.

Another matter of serious concern is the confidentiality of information on the register. Confidentiality of information is of primary importance when it comes to child protection, and in formalising the register through this Bill, we must ensure that we do not make it easier for people to gain access to not only individual names but also lists of names, whether it be of children or offenders. I will not go into the details that have been brought out in previous inquiries and commissions about paedophile rings and the like, but we can understand the attractiveness of such a list to certain people. That is why the points raised by Hon Cheryl Davenport are very relevant. I am surprised that the Government has not engaged the Australian Labor Party more fully in discussions on this Bill, because this Bill should have the support of all parties and should address the concerns of all parties before it is passed in this place.

With regard to the Democrats' amendments, unfortunately I was provided with a draft version of our amendments only today. A few weeks ago, I had arranged a meeting with the Labor spokesperson for Family and Children's Services, the member for Willagee, but unfortunately that appointment was not kept, and due to the demands of parliamentary work, we have not been able to arrange a new meeting to discuss this Bill.

The Bill contains provisions about the number of people who can have access to and provide input into this register. I understand that access will not be available to all departments but only to those specified in proposed new section 120A. The reporting agencies specified are Family and Children's Services, the Police Service, the Education Department, the Health Department, the Ministry of Justice, the Disability Services Commission and the Alcohol and Drug Authority. Unless officers of other departments or agencies, such as Fisheries WA, are given specific powers under a department's administrative Act, wider access will not be possible.

Wider access is provided for in subparagraph (ii) of the definition of "reporting agency", which contains reference to public or private hospitals, as those terms are defined in the Hospitals and Health Services Act 1927. That could mean any hospital in the State. However, I understand that those hospitals would have to be gazetted to be included within the scope of this Bill. Such prescription of hospitals would therefore be subject to disallowance procedures.

A large number of people will have access to and be able to provide input to this register. The Bill deals with the classes of approved persons and provides -

**"approved person"**, in relation to a reporting agency, means a person who holds an office or position in the reporting agency that is prescribed, or belongs to a class that is prescribed, for the purposes of this definition.

This might refer to headmasters or teachers at a certain level in different schools and administrators at different levels in hospitals. I would like the minister to tell the House whether this legislation also allows for certain people to be prohibited from being an "approved person". If a person is of a prescribed class but it is determined that it is not appropriate that that person be involved in the register, can that be achieved under this legislation?

As I said, the security of the register is one of the main issues of concern. Currently, the names of offenders and children at risk are recorded by Family and Children's Services and security concerns have been raised. Consolidating the information in one register will make it easier for someone with the wrong intention to gain access. If case management files are held at a district office, such a person may be able to get his hands on a dozen names by corrupting one departmental officer. If we have one departmental officer in charge of the entire register, a person with the wrong intention could get his hands on many names. That is a legitimate concern that must be addressed in this debate.

Hon M.J. Criddle: Everyone understands that.

Hon NORM KELLY: That is understood. I would like those concerns addressed before this Bill progresses. As I said, it is important that we have a multi-partisan approach to this legislation.

Hon M.J. Criddle: It has been around for a long time.

Hon NORM KELLY: That is another issue. We still have some 1998 Bills on the Notice Paper. Why has this Bill been languishing at the bottom of the Notice Paper for so long?

Hon M.J. Criddle: You are outlining the reasons.

Hon NORM KELLY: I would like some elaboration. I have been involved with the current minister and the previous

minister in dealing with this Bill and looking at ways in which the Democrats can support it. However, if the Government really wants it to pass, I am surprised that it has not engaged the Labor Party in similar discussions.

The debate in the other place dealt with many issues to a certain degree, but other areas need further attention. I will discuss Hon Cheryl Davenport's suggestion about a committee inquiry a little later.

We must realise that, irrespective of this legislation's being passed, at the moment we have a register containing the names of more than 3 000 children. The system is open to corruption and access can be gained to that information.

Hon Cheryl Davenport interjected.

Hon NORM KELLY: I do not have copies of the questions I have asked in this place about the number of children on the register; I can probably get them during the dinner break. I have also asked about the number of convicted offenders on the register. In response to one question, I have been told that the names of the convicted offenders have been removed. The proposal is that the names of offenders will be on the register but those suspected of offending will not be included for reasons of natural justice.

Hon Cheryl Davenport: What about the presumed victim of the person whose name has been taken off the register?

Hon NORM KELLY: I understand the names of the presumed victims will remain on the register. The argument is that that is in the children's interests, which are paramount. That is valid if the Government can show that the best interests of the children are served by keeping the names on the register until they reach adulthood. That is also proposed in the Bill. It was suggested earlier that the names of children who have been victims of a one-off case of abuse, with no likelihood of further abuse, should be removed from the register. However, there is a danger in having people try to determine the degree of risk. If the register is to be protected, it may be best to retain those names in case of further abuse.

The strength of this register or any other form of child protection depends on adequate funding. We must have enough people with enough time to deal with the issues. This is very much a people issue; it is not a facts-and-figures issue. It has a human element and it must be appropriately resourced.

*Sitting suspended from 6.00 to 7.30 pm*

Hon NORM KELLY: I was saying that many of the issues relating to the adequate protection of children's interests come down to proper funding of the agencies involved, and staff of Family and Children's Services have advised me of their concerns about inadequate funding. Funding is always a difficult issue, because more resources are always needed. However, the cases relayed to me concerned case managers being given too many cases to deal with, which makes it difficult for those managers to contact other involved people such as teachers and doctors to look at what is in the best interests of those children. No amount of legislation will provide proper security or protection for those children unless it is also matched by funding. It is one of those instances in which it is probably better to err on the side of too many staff dealing with too few cases, so that we get the best results for those children.

I was also talking about a build-up in the number of children on the child protection services register since it was established in July 1996. On 21 October last year, in question without notice 408, I asked the minister representing the Minister for Family and Children's Services how many children's names were on the child protection services register as at 30 June 1998, 30 June 1999 and 21 October 1999. The answer was that 2 519 children were on the register on 30 June 1998, 3 853 on 30 June 1999 and 4 060 on 21 October 1999. People would be alarmed if they realised that over 4 000 children in this State are considered to be at risk of abuse or have been victims of abuse. This register is used not only to identify children at risk, but also to list children who have been abused. No mechanism exists to remove children from that register when it is deemed they are at no future risk. As I said earlier, it is dangerous to try to determine future risk if the child has been involved in a one-off incident, because that requires an individual officer making a difficult judgment.

In my discussions with departmental officers I raised concerns that this mechanism and the mandatory reporting associated with it may prove to be a deterrent for children to report abuse. If children know that reporting abuse, or fear of abuse, to a teacher will result in their name being placed on a register, it may be a deterrent to their seeking help. We want to ensure that does not occur. A couple of cases have been related to me in which children have been victims of abuse and there is absolutely no threat of further abuse. For example, the abuser had died but the child wanted to deal with that abuse and trauma by relating it to somebody in a trusted position, such as a teacher. This legislation will ensure that child's name is placed on the register until he or she turns 18. The child may or may not be aware that his or her name is on the register, and there is not necessarily anything wrong with that so long as we have the strongest possible assurance that the personal details of those children are protected.

Hon M.J. Criddle: It is erring on the side of safety.

Hon NORM KELLY: That is right. One of the arguments used against that scenario was that being a previous victim of abuse makes a child more susceptible to future abuse by other people. I am not sure whether that is necessarily the case, but we need to look at the issues on a case-by-case basis. If funding is inadequate to provide case workers for these children, it makes it far more difficult to determine these sorts of outcomes.

Hon M.J. Criddle: Have you got evidence that funding will not be available, or is that just a statement?

Hon NORM KELLY: I do not have the figures. However, a media release by the Minister for Family and Children's Services since the budget was tabled says that funding for children at risk will be maintained at current levels. I raise these

concerns because I have evidence from departmental staff that those funding levels are inadequate. I cannot see anything in the budget papers about specific funding for the register. That concerns me if the department wants this register to be within the department but separate from it.

Hon M.J. Criddle: That is probably because the full gamut of the legislation was not passed.

Hon NORM KELLY: That is not necessary. The register has operated for four years, and departmental staff have recorded 4 000 children on this register. A separate staff operates this register. When I visited the department I saw how the register operates in a couple of offices. Ideally the Australian Democrats would like an independent office for children to operate this register. The next best option is to segregate a section of Family and Children's Services which would operate the register. We would prefer to see line items in the budget papers refer to the separation of the task of maintaining the register from the department's other tasks.

On page 528 of the *Budget Statements* the following paragraph appears under significant issues and trends -

The need for modern child and family welfare legislation will be met through the proposed Family and Children's Services Bill. The new legislation will enable the implementation of interstate agreements that better protect children. Drafting instructions for the new Adoption Amendment Bill will commence.

That is the only reference to legislation in the area of child welfare. The page also contains a simple, two-line statement, which I imagine refers to the child protection services register, which states -

National and international research indicates that child protection services may be improved through better coordination between child welfare, police and medical service providers.

That is what this Bill is seeking to do but there seems to be an inadequate response in the budget papers to the question of this being a segregated task of Family and Children's Services.

My amendments on the Supplementary Notice Paper deal largely with the powers of the manager of the register. The Bill in its current form allows for quite huge powers of discretion for the manager. Although we recognise that there is a need for responsible people to exercise that form of discretion, particularly given the reporting procedures contained in the Bill, we will be moving to ensure that when that discretion is used, the reasons for its use are recorded. It would mean we would have a paper trail, so that if any problems eventuated from the use of that discretion, the relevant people could investigate and determine why and how the discretion was used. We are also looking at other reporting mechanisms, so that Parliament can be properly informed of the workings of this register and its effectiveness in doing what it seeks to achieve. We will be proposing that a review of this legislation be done if it is passed and that the legislation contain a sunset clause, so that Parliament has the power to receive a report on the working of the legislation and must act to allow the continuing use of those powers.

Despite the Australian Labor Party's opposition to the Bill, I feel that everybody in this Parliament is united in what we are seeking to achieve; it is simply a matter of how best to achieve it. The first reason for the ALP's opposition to the Bill, as Hon Cheryl Davenport has mentioned, is the failure to establish an independent office for children. The Democrats also believe it should be established. However, we do not think that the lack of such an independent office is necessarily a good enough reason to hold back the passage of the legislation. Hon Cheryl Davenport also referred to the fact that the names of one-off abused children should not be kept on the register. If there were a mechanism to adequately identify those children who are not deemed to be at future risk, I would agree that they should not be kept on the register. However, the difficulty is determining a mechanism to ensure that.

Hon Cheryl Davenport: They could come off.

Hon NORM KELLY: Yes, but it could be very difficult to determine which children should remain on the register and which should come off.

The risk of having a list of abused children is of real concern. It is essential that the minister respond adequately to that concern. No storage system is infallible, but we do not want to be in a position where we are making it easier for people with evil intentions to have access to a master list or master database in one hit.

Hon Cheryl Davenport: It is a one-whack hit at the moment.

Hon NORM KELLY: I was about to say that we now have a computer database containing the names of about 4 000 children, so the concerns are real and will remain whether this legislation is passed.

Another point that was raised was the number of people and agencies which would be given access to this list or to information contained on the database. The number of agencies and approved persons is quite broad, but it involves people who are necessarily concerned with the welfare of children and have responsibility for reporting mechanisms. All those approved classes of persons must be prescribed in regulations and as such be subject to disallowance. If there were any concerns about what classes of people are involved, I am sure it would come under the appropriate parliamentary scrutiny. Because of the degree of delegation under this legislation, I am sure the provisions of such regulations would be subject to intense scrutiny.

There are relevant concerns. However, as I have said, I do not believe they should necessarily hold up the Bill. There is a danger that if the Bill is not passed, we will allow the continuance of the current system, which is inadequate when it



comes to providing a comprehensive mechanism for child protection across agencies. However, if we pass the legislation without proper scrutiny, we could be passing inadequate legislation which does not serve the intent of this place to protect the interests of children in this State in the best possible way. For those reasons the Democrats will support the second reading and we look forward to the further stages.

**HON GIZ WATSON** (North Metropolitan) [7.48 pm]: I have considered this Bill on behalf of the Greens (WA). I have had a great deal of difficulty in deciding whether we should support the Bill or whether we should consider it to be inadequate. I want to discuss some of the thinking behind that process.

One of the aspects of the protection of children is that it is, I hope, above party political issues. I am sure that all members agree on the intent of this Bill, which is to protect children who have been abused and are vulnerable to further abuse. In that sense we are fully supportive of the intent of this legislation. As other speakers have said earlier, such a register already exists in this State. The consideration for me is the relative urgency of passing this Bill to regulate the register as opposed to the other imperative of ensuring that we get it right and that the primary purpose of protecting the rights of children is addressed.

I have considered the purpose of the Bill and the amendments on the Supplementary Notice Paper proposed by Hon Norm Kelly. I also listened to Hon Cheryl Davenport's argument that the Bill should be referred to the Standing Committee on Legislation. Although I think the amendments on the Supplementary Notice Paper are an improvement, I am not convinced they address all our concerns. I therefore believe the argument for referral to the Legislation Committee has merit.

I remain unconvinced that a central register is the best way to deal with this issue, although if we can be assured of the security of the register and the processes relating to it, I agree that it would be a valuable tool in coordinating the sharing of information between agencies. I have seen evidence of problems arising historically because information has not been shared adequately among agencies, which has led to tragic circumstances for children and families. Had such a register existed that tragedy could have been avoided. Having said that, the process for maintaining and accessing this information is critical. I take the point made by members earlier that in this era of information technology, making databases secure becomes more difficult the further we go with electronic information. We wonder whether a written register would not be more secure than an electronic system!

Hon M.J. Criddle: We would leave bits of paper lying around.

Hon GIZ WATSON: We know that no matter how certain we may be that information has been deleted it will still exist. There is no way of ultimately deleting information from a database. I know from speaking to computer experts that no matter how much we think we have deleted something, there is always a means of retrieving it.

Hon Cheryl Davenport: The same applies to email.

Hon GIZ WATSON: Email is a classic example of that.

Hon M.J. Criddle: That is if you have the Internet.

Hon GIZ WATSON: No, email can operate with or without the Internet. Someone who knows about electronic systems can access anything that has been deleted.

Hon M.J. Criddle: That is if they have access to email.

Hon GIZ WATSON: Yes. In making these decisions in this Parliament we must ask how secure is any information on an electronic database.

Hon M.J. Criddle: That would be on any electronic database.

Hon GIZ WATSON: Yes. The principle I return to time and again is whether it will achieve the goal of protecting children. Each aspect of this Bill must be checked against that. The Greens agree that we must keep track of perpetrators. Mention has been made in the debate that perpetrators can appeal their placement on the register, but victims cannot appeal. I question that policy. Reference was made to a single incidence, although the likelihood of its occurring is very low. I can sympathise with a victim who may not want to be on the register because that person feels comfortable that the problem will not recur.

These are difficult issues, and that is why I am leaning towards Hon Cheryl Davenport's proposition that scrutiny by the Legislation Committee will tease out some of these issues. I would be interested to hear from people who have legal expertise in children's issues.

The problems that the Greens see with this Bill have been raised by previous speakers; for example, which agency will be the keeper of the register? I would be more comfortable with an independent office having that role. I reiterate that it is unfortunate that the Bill does not include provision for an independent authority to be the keeper of the register. There are advantages in Family and Children's Services being seen to be removed from the register. For whatever reason, rightly or wrongly, Family and Children's Services is subject to criticisms from a variety of people. One of the strongest arguments put to me is that most constituents would be more comfortable if Family and Children's Services did not have control of the register. I cannot see any disadvantage in having an independent office responsible for the register.

Concerns have been raised about who is an "approved person". I note that the Bill provides for that to be dealt with in regulations. That is such a key issue that it should be in the Act rather than in regulations. Often criticism is raised in this

House that fundamental requirements are not contained in legislation; they are incorporated into regulations, which is delegated legislation. The "approved person" is a key aspect of that Bill, and I have a problem with its being left out.

The issue of powers of the manager of the register has been raised. The amendments foreshadowed by Hon Norm Kelly provide for more accountability of the manager of the register. However, I am not convinced the amendments go far enough.

I will support the foreshadowed motion by Hon Cheryl Davenport to refer the Bill to the Legislation Committee. This Bill is critical because it deals with some very important issues concerning the rights of the child, privacy and control of information. I would value the opportunity to hear witnesses address those issues. I have heard concerns from constituent groups, but I have heard very little from people in the juvenile justice area and experts who can advise whether the rights of the child are paramount in this legislation. That is the bottom line for the Greens.

The Bill is surrounded to some degree by controversy. The area of child abuse is controversial and by its very nature it is emotional. I want to be sure that this Bill is as near to being correct as possible.

Hon M.J. Criddle: In whatever we are trying to do, we are trying to do our best.

Hon GIZ WATSON: In principle we support the Bill. However, the question is whether the Bill contains sufficient detail and whether the detail should be in the Bill as opposed to being in regulations.

Hon M.J. Criddle: Perhaps we should discuss that in committee.

Hon GIZ WATSON: That is a possibility. In considering support of Hon Cheryl Davenport's motion to refer the Bill to the Legislation Committee we must consider whether the matter is urgent. As I see it, the register is already in place and it would not be a major impediment to allow a standing committee to investigate this Bill. It would be a benefit rather than a detriment. We will certainly support the second reading of the Bill.

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [8.00 pm]: All three members have made similar comments; their concerns are very much about the same matters in the same areas, and I will address all three together. I thank members for their contribution. Obviously there is a great deal of concern about child welfare in this area, and the Government has introduced the Bill because of that.

As members will be aware, the register has been in place in part since 1996, and it is being developed on an ongoing basis. Hon Cheryl Davenport spoke about a review of the register. It might be better to review the register when offenders are listed on the register and it has been fully operational for a few years. I will speak to the minister about that.

Hon Cheryl Davenport: Four years is a long time and a significant number of children's names have been added to the list in that period.

Hon M.J. CRIDDLE: I understand that the number of names is up to 3 000. Although the member said 80 to 90 per cent of those listed are children, I understand all those listed are young people who have been offended against.

Members also referred to the definition of "approved person". It is clearly stated in clause 4 that -

**"approved person"** in relation to a reporting agency, means a person who holds an office or position in the reporting agency that is prescribed, or belongs to a class that is prescribed, for the purposes of this definition;

A reporting agency means the department; the Western Australia Police Force; the department of the Public Service principally assisting with the administration of the Education Act 1928 or an Act that replaces that Act, in relation to government schools; the department of the Public Service principally assisting with the administration of the Health Act; the departments of the Public Service principally assisting with the administration of the Young Offenders Act, the Disability Services Act, the Alcohol and Drug Authority Act; or a public or private hospital. There was discussion about the position of hospitals. They are clearly defined but if members want to further discuss that aspect, perhaps the committee stage would provide a good opportunity to develop the debate.

The 3 000 children's names on the register will not be removed until the children are 18 years of age. There was discussion about the removal of a child's name after the offender had passed away. Those children may still be exposed and it is a moot point whether it would be of any benefit to remove their names from the register. The Government wants those names, addresses and dates of birth to remain on the register.

A good deal was said about the risk of disclosure. That point has received much attention, but clearly the register will be very secure. It will be kept in a locked room in a locked area that will not be identified. The data will be encrypted so people will need a code to access the information. The information will be stored on a stand-alone computer which cannot be hacked into because it is not online. No paper records will be kept and the information will be highly secure. The Ombudsman's office has an officer who is a specialist in child welfare matters; therefore, if there were any concerns about the security or maintenance of the register, that mechanism could be used to resolve any difficulties. A list of the children's names cannot be printed from the computer. That is another safety mechanism. The method for maintaining the register is very secure.

Hon Cheryl Davenport mentioned concerns raised by the WA Grandparents Reform Organisation and the Helping All Little Ones group. I have been advised - the member can confirm this - that those claims are unfounded. It may be necessary

for the member to have discussions with the relevant officers. I do not understand the details, but I believe the claims put forward cannot be fully justified.

Hon Cheryl Davenport: That is fine; I raised those matters because they have been raised with me.

Hon M.J. CRIDDLE: I appreciate that, and this is the right place in which to raise those issues. There is no question about that.

Hon Norm Kelly said that these matters must be dealt with humanely, and there is no doubt at all that the Government has taken that aspect into consideration when introducing this Bill. He referred to the adequacy of funding. The original allocation was \$160 000; it is now \$68 000, but two staff are involved so there has been no downgrading of the funding. Once this legislation is in place, some of these issues about ongoing funding can be addressed because we will be aware of the full impact of the legislation and the funding requirements. I went through a similar debate on another Bill in relation to the amount of funding required. I am sure that will be taken up if there is any further requirement.

All members who contributed to the debate referred to confidentiality issues. The legislation certainly provides for a well-kept database that will be well and truly secure. I have been through most of the issues raised and I know that when we reach the committee stage we will address any matters I have not covered. I ask members to support the Bill.

Question put and a division taken with the following result -

Ayes (17)

Hon M.J. Criddle  
Hon Dexter Davies  
Hon B.K. Donaldson  
Hon Max Evans  
Hon Peter Foss

Hon Ray Halligan  
Hon Helen Hodgson  
Hon Norm Kelly  
Hon Murray Montgomery  
Hon N.F. Moore

Hon Mark Nevill  
Hon M.D. Nixon  
Hon Simon O'Brien  
Hon Christine Sharp

Hon W.N. Stretch  
Hon Giz Watson  
Hon Muriel Patterson  
(Teller)

Noes (8)

Hon Kim Chance  
Hon J.A. Cowdell

Hon Cheryl Davenport  
Hon G.T. Giffard

Hon N.D. Griffiths  
Hon Ljiljanna Ravlich

Hon Tom Stephens  
Hon Bob Thomas (Teller)

Pairs

Hon Derrick Tomlinson  
Hon B.M. Scott  
Hon Greg Smith  
Hon Barry House

Hon E.R.J. Dermer  
Hon Tom Helm  
Hon J.A. Scott  
Hon Ken Travers

Question thus passed.

Bill read a second time.

*Referral to Standing Committee on Legislation*

**HON CHERYL DAVENPORT** (South Metropolitan) [8.12 pm]: I move -

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

As I foreshadowed during the second reading debate, I was under no illusions about this not passing the second reading stage. In his short response, the minister did not satisfy my concerns about the child protection register. I therefore have moved that the Bill be referred to the Standing Committee on Legislation on the basis that this legislation was first introduced into the other place in 1998 and it passed the third reading stage in the other place 12 months ago. I am not concerned that the motion will hold up this legislation because the register has been operating for four years.

I covered a range of issues in the second reading debate, which I will not cover again. This legislation should have been sent to the Standing Committee on Legislation in the first instance, as a better piece of legislation would have been produced to allay the concerns people have about it. There is no doubt that this legislation is about the wellbeing of children. However, the detail of the increase in the number of names on the register over the past 12 months causes me to have further concerns, and the legislation needs further scrutiny. At present, all the names on the register are those of children. However, it was set up to prevent perpetrators from reoffending.

I am concerned that this is not a piece of legislation that this Parliament can be proud of. The Standing Committee on Legislation was created to make legislation better. I do not see this as a platform for political grandstanding. I believe that we are here - the Government has the same view - to ensure that children are protected and I do not believe that this legislation, even with the amendments that Hon Norm Kelly has been able to negotiate with the Government, is tight enough. Given the fact that the register has been operating since July 1996, there is no harm in its being forwarded to a standing committee and dealt with in the winter recess, particularly as the Bill was third read in the other place 12 months ago. To do so would mean that we are doing our job satisfactorily. People who have the expertise on this matter that I do not claim to have would be able to give evidence to the committee. Various organisations have provided me with information and I am concerned about many of the things they have told me about. The committee should hear expert evidence from officers of the department and others who are concerned about this legislation. In particular, we should pick

up on what Hon Giz Watson said in her contribution to the second reading debate; that is, ensure that someone with expertise in child law matters can advise the committee. I think we would be able to bring back into this place a far better Bill that all parties are comfortable with. As an Opposition, we have a responsibility to ensure that legislation set up for the welfare of children is the best we can possibly provide, which is the reason that I have moved the motion this evening.

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [8.17 pm]: This Bill has been on the Notice Paper for a long time. Amendments to the Bill were put forward by Hon Norm Kelly after a long period of consideration.

Hon N.D. Griffiths: Today - 23 May.

The PRESIDENT: We do not need Hon N.D. Griffiths' contribution yet. He is next to speak, if he wants to.

Hon M.J. CRIDDLE: The member, like anybody else, could have put forward amendments to the Government for its consideration. No-one else has done that. I understand what Hon Cheryl Davenport is saying about another time, but how much consideration does a Bill need? The opportunity has existed for negotiation on this matter. However, it is now time for the Bill to go into committee and be finalised.

**HON MARK NEVILL** (Mining and Pastoral) [8.18 pm]: I was distracted when the minister was speaking. Does he support or oppose this Bill going to the Standing Committee on Legislation?

Hon M.J. Criddle: I am opposed to its going to a standing committee.

Hon MARK NEVILL: There is a need to further examine this legislation in the committee stage. I have looked at the amendments that Hon Norm Kelly has proposed and there are a few that I am uncertain about. I am prepared to support this Bill going to the Standing Committee on Legislation as long as it reports back to the House before the end of August. I would not support an extension of the reporting date of the committee if it sought an extension because this matter should be finalised. It has been in the Parliament for a number of years.

Hon M.J. Criddle: Three.

Hon MARK NEVILL: A reporting date before the end of August should see this piece of legislation through the Parliament well before the next election. I make it clear: My support is on the basis that the Standing Committee on Legislation reports before the end of August and I will not support an extension of the reporting date of that committee. On that basis I will support Hon Cheryl Davenport's motion.

**HON GIZ WATSON** (North Metropolitan) [8.20 pm]: Following on from my comments during the second reading debate, I am persuaded by the proposal that this Bill go to the Legislation Committee. As a member of that committee, I look forward to the opportunity to hear from some expert witnesses and to hear some of the concerns that have been raised by various constituent groups. With a reasonably concise reporting period, the committee could make some useful recommendations to the House on this Bill. For those reasons, the Greens (WA) will support its referral to the Legislation Committee.

**HON NORM KELLY** (East Metropolitan) [8.21 pm]: This Bill has languished on the Notice Paper for more than a year in this place. In hindsight, it is disappointing that the Bill was not referred to a committee a year ago, as some good work could have been done on it in that time. The Australian Democrats have been trying to amend the Bill for the past year. However, it was not until today that we were able to get a drafted version of those amendments, which were placed on the Supplementary Notice Paper today. Problems would arise if we were to go straight into committee to debate amendments which other members have been privy to only for the past few hours.

Unfortunately, as I said earlier, although I had arranged a meeting with a member of the Australian Labor Party, the member concerned did not keep that appointment and I have not been able to discuss the matter with him further. A reasonable expectation exists that, given the concerns raised tonight, members should have reasonable time to consider the amendments I have placed on the Supplementary Notice Paper. Given the concerns expressed during the second reading debate, especially regarding the security of the register, I pointed out that whether the Bill were to be passed or not, it would not affect the security of the register. The register already has on it some 4000 names, which may be vulnerable to infiltration by people with evil designs, irrespective of this legislation. It would also be irresponsible if Parliament passed this legislation without being satisfied with those protections to be put in place.

Various other issues were raised earlier about the ability of children on the register to request that their names be removed from it. That ability is provided for offenders, whose names it is intended will be placed on the register. My understanding is that the names of only about seven offenders were placed on the current register, and they were removed because of the lack of this legislation. The Government is waiting for this legislation to be passed. The Bill has been in Parliament for two or three years, and from the Government's action, or inaction, I do not believe there has been a genuine attempt by the Government to engage all parties in debate and to pass this legislation. I will not be party to passing this legislation tonight without proper scrutiny of it. It has been around for three years; therefore, another few months will not hurt the application of this legislation - which I believe will inevitably be passed. However, it will mean that it could be passed in a stronger form. If the form outlined in the Bill, with my amendments, are deemed strong enough, then so be it; however, a further two months' wait will not hurt.

I understand the Government is keen to get this through, but it is keen to get a lot of legislation through. It should have realised that a year ago when it first introduced the Bill into this place. For those reasons, I would like a short, sharp inquiry. As Hon Mark Nevill said, a report-back date of the end of August would be suitable. I am not sure whether

somebody needs to move that to make that a requirement of the motion, but the Australian Democrats will support keeping that tight time frame.

Hon Peter Foss: Why do you not move that?

Hon NORM KELLY: It is not up to me to move it. It is the Government that is setting the agenda for passing legislation. It is the Government that has left this legislation on the Notice Paper for a year before bringing it on for debate.

Hon N.F. Moore: It would give you plenty of time to look at it.

Hon NORM KELLY: I am happy to have a short, sharp inquiry to strengthen the legislation and also to strengthen the knowledge about the legislation.

Hon Mark Nevill: It is not all that short and sharp - it is three and a half months.

Hon NORM KELLY: Whatever, it is necessary. For those reasons the Australian Democrats will support a referral of the Bill.

*Amendment to Motion*

**HON J.A. COWDELL** (South West) [8.25 pm]: I move an amendment -

To add after the word "report" the words "by 31 August 2000".

The reason for that has been explained by previous speakers and I commend it to the House.

Amendment put and passed.

Question (motion, as amended) put and a division taken with the following result -

Ayes (13)

Hon Kim Chance  
Hon J.A. Cowdell  
Hon Cheryl Davenport  
Hon G.T. Giffard

Hon N.D. Griffiths  
Hon Helen Hodgson  
Hon Norm Kelly

Hon Mark Nevill  
Hon Ljiljanna Ravlich  
Hon Christine Sharp

Hon Tom Stephens  
Hon Giz Watson  
Hon Bob Thomas (*Teller*)

Noes (12)

Hon M.J. Criddle  
Hon Dexter Davies  
Hon B.K. Donaldson  
Hon Max Evans

Hon Peter Foss  
Hon Ray Halligan  
Hon Murray Montgomery

Hon N.F. Moore  
Hon M.D. Nixon  
Hon Simon O'Brien

Hon W.N. Stretch  
Hon Muriel Patterson  
(*Teller*)

Pairs

Hon E.R.J. Dermer  
Hon Tom Helm  
Hon J.A. Scott  
Hon Ken Travers

Hon Derrick Tomlinson  
Hon B.M. Scott  
Hon Greg Smith  
Hon Barry House

Question thus passed.

**JURIES AMENDMENT BILL 1998**

*Assembly's Further Message*

Message from the Assembly received and read notifying that it did not insist on its amendments Nos 1 and 2, and had agreed to the Council's amendment substituted for the Assembly's amendment No 3.

**ROAD TRAFFIC AMENDMENT BILL (No. 2) 2000**

*Introduction and First Reading*

Bill introduced, on motion by Hon M.J. Criddle (Minister for Transport), and read a first time.

*Second Reading*

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [8.31 pm]: I move -

That the Bill be now read a second time.

This Bill contains minor amendments to the Road Traffic Act 1974 necessary to empower the making of regulations which will introduce two important national road transport reforms in Western Australia. These reforms are the Australian Vehicle Standards Rules and the Heavy Vehicle Operating Standards. The new vehicle standard regulations will set standards for vehicle construction, equipment, loading and noise and exhaust emissions which will be uniform throughout Australia. They will update the vehicle standards which have been in force in Western Australia for 23 years; promote the safe use and efficiency of vehicles; align Western Australian vehicle standards with international vehicle standards; assist in the

protection of the environment; generate administrative efficiencies; and enable fair enforcement. Most importantly, national uniformity of vehicle standards will provide benefits for the Western Australian public and heavy vehicle owners and operators travelling interstate. At present, owing to minor jurisdictional differences in vehicle standards, a vehicle which is compliant in Western Australia may become technically noncompliant when it crosses a state or territory border.

The Heavy Vehicle Operating Standards will set standards for the safe and efficient use of heavy vehicles on public roads. In particular, they will provide public safety benefits, ensure the safe carriage and restraint of loads; assist in the appropriate regulation of traffic flow; and minimise wear and tear on roads. In addition, because they will set standards for heavy vehicle use on public roads which will be uniform across Australia, they help promote a level playing field for Western Australian industry. I commend this Bill to the House.

*Point of Order*

Hon TOM STEPHENS: Is this uniform legislation that will be subject to the standing orders of this House?

The PRESIDENT: I have no idea until I consider the Bill.

Hon TOM STEPHENS: Is that the process, that you will consider the Bill and we will find out by reading tomorrow's Notice Paper?

The PRESIDENT: If it is a Bill subject to Standing Order 230(c), it will be shown on the Notice Paper so that members will know the Bill will be subject to the appropriate committee's consideration.

*Debate Resumed*

Debate adjourned, on motion by Hon Bob Thomas.

**HORTICULTURAL PRODUCE COMMISSION AMENDMENT BILL 1999**

*Second Reading*

Resumed from 20 October 1999.

**HON KIM CHANCE** (Agricultural) [8.34 pm]: The Australian Labor Party has a long tradition in this House of dealing expeditiously with industry Bills of this nature.

Hon M.J. Criddle: But?

Hon KIM CHANCE: I meant that genuinely. We do have that long tradition in this House and Bills of this nature have generally been met with bilateral support. When that has occurred, they have been the subject of broad industry consultation, are well thought out - to the credit of the Government - are constructed adequately and thoroughly deserve the hallmark of swift passage through the Parliament. This Bill is a little different, which has been a source of disappointment to me. However, I assure the House we will retain our tradition as far as possible in dealing with the Bill expeditiously.

As with many other Bills, the Labor Party will support this Bill. However, as much as the legislation is recognised as necessary and desirable for some industry sectors, it is regarded by some important components of the industry as being inappropriate and by other industry sectors as even being dangerous. Therein lie the issues that we must deal with, hopefully tonight.

Members of the Labor Party, and I am sure other parties on this side of the House and members of the Government, have been vigorously lobbied on this Bill; and I imagine lobbied on both sides of the argument. On the one hand the fruit growers, who have been the most ardent supporters of this legislation, need the legislation to enable their industry to address a problem with Mediterranean fruit fly which is a major scourge of the fruit industry and which is threatening to move from epidemic to endemic proportions. This Bill provides mechanisms which will give the industry the tools it requires to enable it to have the best possible chance to deal with the scourge of Mediterranean fruit fly. That is the reason the Opposition is so keen to have the Bill progressed. We support the view expressed by both the fruit growers and the Government; to that extent we will support the Bill.

Although we are supportive of the Bill, it has a significant downside. The issue which has caused such a prolonged and difficult journey for the Bill lies in one area in particular; that is, the scope of the application of the Bill. In extending the scope of the Bill, as clause 6 does, to include industries such as broadacre cropping, the pastoral industry, grazing, dairying and even the land-based aquacultural industry, the Government has made assumptions that it should not have made and, in doing so at least in the initial stages, has failed to consult adequately with industries, particularly industries which thought they were unaffected by this Bill and later discovered they were affected by it.

Hon M.J. Criddle: Could be or were?

Hon KIM CHANCE: Industries which initially thought they would not be caught by the Bill but later found they were caught by it.

Hon M.J. Criddle: Or they could be.

Hon KIM CHANCE: Yes, I thank the minister for that important distinction - industries which could be caught by the Bill.

The Horticultural Produce Commission Act, the parent Act, has been very successful. I recall when the Bill for that Act went through this place, again with bilateral support. The minister's second reading speech in fact noted that the Horticultural Produce Commission Act has been successful and we agree with that view.

It seems that the Government has assumed that the successful formula which is created for the Horticultural Produce Commission Act can easily be translated to other agricultural and related industries, such as the pastoral industry. Therein lies the problem. Some of these are large scale industries in production and the geographic area in which they are practised. Beef is a good example, as it operates from the top of the Kimberley right down to the Esperance agriculture area. It operates in the highest rainfall area to the lowest rainfall areas where any form of pastoralism is practised. It is broad also in its maturity. The beef industry is one of our oldest industries, and one of the most well-organised industries among Australia's primary industries. It has a mature range of industry funds, such as the cattle industry compensation fund, and it has established a thorough research and development mechanism on a commonwealth level. Separate from the cattle industry compensation fund, the industry has been around for long enough to evolve some sophisticated pest eradication structures, with which the industry is happy generally as they have served the industry well. They are tried and true mechanisms for the government of the industry. That is not government which is heavy-handed in statutory intervention, but it provides security for cattle producers to function as beef producers and to compete effectively in the export market.

Importantly, some of the industries which are to be brought within the scope of this Bill are those which, apart from having that maturity I have mentioned, involve a diversity which springs from their broad physical spread; namely, from high rainfall beef production in an intensive form to the lowest rainfall pastoral areas. The nature of the production of beef is thoroughly diverse in a climatic and production sense. The effect of the application of this Bill demonstrates the differences which exists between the industries. The Horticultural Produce Commission Act has worked well for the Carnarvon banana growers: Each operator works in the same way as they work in eyesight of each other, and they ring each other as they know each other. It is a small community with a high likelihood of a common community of interest - although it is not always a smooth and happy community of interest in agricultural industries. The prospects in the banana and beef industries are vastly different. An Esperance or Margaret River cattleman has little in common with a Kimberley cattleman, and that is where the problems with this Bill begin.

It is assumed that the successful formula in the HPC Act could apply easily to other industries. Some of the effects of the Bill, particularly the extension of the scope to which I refer to major industries, including grain and wool production, is an extension of the assumption that the horticultural industry framework can be adopted as appropriate. For this reason, the Labor Party will approach the Bill with caution. We have no wish to impede the Government's intentions with the Bill; however, we have some concern that the application of the Bill will prove to be inappropriate to large and diverse agricultural industries, such as wool, grain and meat production.

On the positive side, the Bill proposes to transfer the concept of producer committees inherent in the Horticultural Produce Commission Act to a wide range of services. It is an extensive list. The producer committees can be responsible for advertising and promoting produce; for the development of control mechanisms for pests; for research, education and instruction relating to production; for the development and expansion of markets; for voluntary insurance schemes; for market forecasting; for developing inspection systems for quality assurance or pest control; for developing producer accreditation schemes; for developing grading inspection systems; for support, promotion and sale of produce; for providing other services as prescribed; and for establishing compensation schemes. These are a lot of good reasons for supporting the thrust of this Bill.

The provision for election of members of the producer committees, albeit only at the discretion of the commission, is supported by the Labor Party. I would have liked to see it a little better applied, but it was not available in the principal Act. Therefore, that is a distinct improvement. The inclusion of provisions to enable the establishment of a compensation scheme for producers whose crops or animals may need to be destroyed as part of a pest eradication program is again welcome. The parent Act has been successful so far. The Act was established in response to a High Court ruling which effectively meant that producer levies had to demonstrate a direct benefit to the persons who pay the levy. In principle at least, no logical reason exists for the principle not to be extended to all agricultural pursuits.

The new legislation is strongly supported by the fruit growing industry which is relying on its provisions to enable a more positive response to the campaign against Mediterranean fruit fly. The extension of the scope of the Bill has caused Labor some difficulty. The Bill extends the levy raising or fee-for-service capacity contained in the parent Act to all agricultural industries and inland aquaculture, rather than being contained only in the horticultural industry. As a result of the broader scope, it is necessary to apply a new test to the Bill's provisions in order to ascertain its accessibility. The Bill contains the same powers of coercion as the Act in compelling a producer to provide details of his or her business. I refer members to section 13. The exercise of powers of this nature is never popular. It may have been acceptable to producers in small or tightly-knit industries, such as the Carnarvon banana growers with a common community purpose. However, it is likely to cause real difficulty if it is applied to an industry as diverse as the wool industry, for example.

The reason that I was somewhat disappointed in the processes which led to this Bill is that when the minister's office advised industry that a new Bill was coming forward in which it might be interested, an organisation such as the Pastoralists and Graziers Association of Western Australia would have read that the title of this Bill is the Horticultural Produce Commission Amendment Bill 1999, and because the Pastoralists and Graziers Association does not, except by common interest, represent horticulturalists, it would have thought that the Bill had no relevance to it. In fact, I thought the same thing. However, when I went through the process, as required by the discipline imposed on me by my party, of reading the Bill and reporting to the party room on its outcomes, I realised that the Bill has nothing to do with the horticultural industry but has everything

to do with the wheat industry, the beef industry, the pastoral industry and every industry other than the horticultural industry. The reason I was disappointed is that that distinction was never pointed out to the organisations that represent those industries, and it was not until I raised the issue with the Pastoralists and Graziers Association and the Western Australian Farmers Federation that they became alerted to the extent of the application of this Bill to their industries. It is always a disappointment when that happens. However, because we had plenty of time, those industries had the opportunity to catch up with their briefings. At that point, the problems about the question of scope became an issue.

This Bill was an exception, because, while there were problems, we had time to overcome them. However, when we have Bills of this nature, I cannot overestimate the importance of a free and frank flow of information between the Government, the industry organisations that represent the stakeholders, the Labor Opposition and the minor parties, because there is no reason that legislation of this kind should be involved in controversy. We may disagree on a point here or there, and we do, but that is something that we can resolve tonight without any problem. This is not a controversial issue. However, it became controversial as a result of people feeling - rightly or wrongly; I am not pointing the finger at anybody - that the significance of this legislation had not been pointed out to them at the appropriate time. I am pleased that all of that was overcome in the end, but had this occurred at the end of a parliamentary session, for example, we would have been faced with two possibilities. The first possibility is that once the legislation had reached the stage of being controversial, it might have been held up to enable high priority legislation to be dealt with before the end of the session. The second possibility is that the legislation might have been bulldozed through, with the result that we got legislation that was not acceptable to the industry. While there has not been a problem on this occasion, there might have been a problem had the introduction date of this Bill been closer to the end of the session. That is certainly a matter of which we need to be aware.

Part 2 of the Bill deletes the reference in section 4(4) of the Act to the commission not being a part of the Public Service under the Public Service Act 1978. What will be the outcome of that deletion? Does it mean that the commission as established under the new legislation will be part of the Public Service? I do not think it does, but I do not understand what it does mean.

The commission will retain its status under section 4(3) of the parent Act in that it will not be an agent of the crown in right of the State. What will be the effect of that provision? What difference will it make to the commission?

Hon M.J. Criddle: You are going into a lot of detail.

Hon KIM CHANCE: I am, and I am grateful for the tolerance of the Deputy President. I thought that if I raised the questions that I had about those matters at this stage rather than in committee, it would assist the minister in his second reading response.

Section 5 of the Act will be amended so that at least two, and perhaps three, new commissioners will be appointed, and each of those new commissioners will be a person from outside the Public Service. The commissioners will all be appointed by the minister, and in turn the commissioners will appoint members to the grower committees. That will give the minister complete control of the appointment of the decision makers. I understand that Hon Christine Sharp has proposed some amendments to this part of the Bill. What input will the industry have in the appointment of the commissioners, particularly those who are not public servants?

Proposed section 3(1)(d) provides for the conduct of polls for the establishment and operation of a producers' committee. The provision for elections for members of a producers' committee is contained in the proposed amendment to section 11. However, the trigger for the poll seems to be entirely discretionary on the commission's behalf. The decision about whether to have a poll may well be contested. What appeal mechanism will be provided for producers who are dissatisfied with the commission's decision to refuse an election for committee members, because that does not seem to be clear from the Bill? I am sure there is some mechanism, but it is unclear to me what that may be. In the event that a producers' committee is dissolved under the proposed amendment to section 15, all money and assets of the committee will be vested in the commission and will be dealt with as the minister so directs. That hardly seems acceptable. I know that matter has caused some heartburn in industry circles. This is producers' money, collected by compulsion by persons they may not have elected because of the foregoing issue. Producers are surely entitled to a guarantee that, in the event of dissolution, their share of the disposable funds will be returned. In the major industries - such as the wool, beef or grain industries - the assets of the committee might be very substantial, particularly after the committee had been in operation for some years. The Labor Party would prefer the Government to rethink that provision or, at the very least, to provide some clarity on the matter prior to the committee stage of the Bill.

Proposed new section 16(2) provides the only specified reference to appeal hearings. This relates to appeals to the Local Court in the event that a producer claims to have been omitted from a list compiled for the conduct of a poll. There is no apparent mechanism for a producer to appeal a decision of the commission or a producers' committee. The right to appeal seems to be very narrowly specified and to omit those two possibilities. Again, that seems unacceptable in light of the considerable coercive powers provided for in the Bill.

I do not want to be seen to be nit-picking about these issues. However, we must acknowledge that in a Bill of this nature, we are granting considerable coercive powers - powers which I would not describe as taxing powers because that has a different meaning. In common parlance, the power to levy within the prescribed circumstances in the Bill nonetheless means a common law right to tax, even though the legal meaning is different. The power to levy and the power to tax are not definitions clearly underlined in any producer's mind. The requirement to pay a levy and to pay a tax, provided that both are coercive, are equal in the minds of producers. For that reason, we must be very careful about how we structure who are the decision makers and what right of appeal we provide against the decisions of the decision makers in any matter.



that entails that right to tax. The Labor Party will require further discussion with the Government on this issue prior to the committee stage.

The absence of any formal involvement by industry in the selection process for the non-public service commissioners and the members of the producers' committees is also a concern. The commissioners and committee members will have considerable coercive power. They will be able to compel producers to reveal information about their business that would otherwise be confidential. They will also be able to apply a monetary charge against a business without any apparent right of appeal against such a decision, but the grower has no apparent means of holding the commissioners or the committees accountable. We must be wary of that and we must know the reasons for those conditions.

If this initiative is to work in practice, it will require the trust and confidence of producers. That necessary degree of trust is not guaranteed while the exclusive power of appointment rests with any one minister. The Labor Party would be more confident if the legislation were to require the minister to consult with a selection panel comprising at least members of the Western Australian Farmers Federation and Pastoralists and Graziers Association prior to making appointments. Providing that reference point to the major producer organisations would give industry more confidence in the nature of those choices. It does not imply an as-of-right representation status, but it would require that the minister consult with a panel, including persons from the WAFF and the PGA. That would make the Labor Party feel more comfortable.

Similarly, the party is concerned that the potentially very large sums of money that may be handled by the committees be subject to effective financial scrutiny. This is particularly the case with the major industries in which each individual producer will be further removed from the committees' functions than has been the case with horticultural industries. The larger the industry, the less in touch each producer covered by the legislation is with what is really going on. If an industry has 20 or 30 members, those members are generally aware of how the fund is running. In a large industry, such as the beef industry, members start to lose touch unless well-tested accountability mechanisms are established.

The Bill also provides for the requirements of the Financial Audit and Administration Act to apply to the financial conduct of the commission and its operations. I might be corrected on this point, but I find it strange that the requirements of the FAAA do not seem to apply to the committees that will be in charge of the bulk of the funds. If my interpretation is correct, why is that the case? Surely the committees should be subject to the provisions of the FAAA. In any case, the application of the FAAA alone is not sufficient to satisfy producers that their funds are being used according to their wishes since many aspects of these organisations' handling of producers' funds may well be within the requirements of the FAAA but beyond the parameters set by the producers. Prior to this Bill's going into Committee, the Labor Party would like to learn more about what potential there is to include provisions that require ongoing reporting to the producer organisations by the commission and the committees. This is not something that must be in a Bill, and the Labor Party has not proposed an amendment of that nature. However, it would provide some comfort if the Government were to provide certain assurances about the manner in which industry bodies will receive reports from the commission and the committees.

In requiring producers to provide production details in proposed new section 13, it is assumed that one purpose of the provision is to permit voting to be weighted according to production. It may not be, but I cannot think why else we would require those reporting provisions. The Labor Party will not necessarily oppose that because in some industries weighted voting according to production may well be justified. However, we would like to know whether that is proposed by the Government. We would like to be advised whether it is the Government's intention to structure polls in that manner or whether it even contemplates the possibility of structuring polls in that manner. An area of concern in the Bill is that there is no requirement for either the commission or the committees to adequately advertise polls for the formation of committees or for the raising of a fee for service. That was the first point I raised with the minister when this issue came up. It is an important issue, because unless people know that there is a proposal afoot to do something of that nature, obviously they will not have a say in it. I am sure that the Minister for Transport has been briefed on that matter because we raised it very early on. The only reference to advertisement is in proposed section 6, which relates to the commission's functions. Even then, no compulsion rests on the commission to advertise. All that is provided is that the commission may advertise for the formation of committees. Adequate advertising of a committee's intentions is absolutely essential, particularly in respect of the major industries whose producers will have very little other prospect of learning about a poll if prominent and clear advertising is not provided. Although this matter can be easily accommodated in the legislation, we believe it is important that the minister give a clear commitment to ensuring that future polls are prominently advertised to ensure the maximum number of producers are aware of the poll being conducted and have the maximum opportunity to participate in those polls if that is their choice. Although many of the defined functions of the committees relate to benefits to the industry as a whole or are of at least clearly industry-wide application, such as pest control, some can potentially be used commercially to promote a particular segment of the industry. I think I have that right.

The possible functions of a committee established under the Act, which were in the list I read earlier, include issues such as advertising produce and the development and the expansion of markets. There is absolutely nothing wrong with the legislation being used in that manner. However, it raises the issue of whether the legislation should be used to compel all industry participants to engage by way of a fee for service in a commercial venture in which they may not wish to be involved. An example of this might be the formation of a regional high quality wool promotion sale scheme within a particular district; for example, Kojonup blue wool. Although the proposal might have strong local support, a minority of woolgrowers in the great southern district - if that were the limitation of the range of the poll - might not wish to be involved, perhaps because they have no faith in the proposal or perhaps because they have already established a similar scheme of their own and the proposed scheme would be a direct competitor. It is not apparent to me that the legislation can accommodate this minority view. There might also be a minority who do not want to comply with the will of the

majority. Similarly, a minority of four or five growers might have established a similar scheme which they want to progress in their own marketing. I am not sure; I could be wrong, but it seems to me that the legislation is unable to accommodate that possibility. If that is the case, it seems to be a weakness in the Bill that could lead to considerable dissent if our assumptions are correct. I raised this issue with the minister's advisers at a much earlier stage. The explanation I was given was that although such promotion schemes are within the scope of the Bill, the commission would exercise a discretion in terms of whether there was any possible objection to matters like this. It would have to be very clear to the commission that such a scheme had almost unanimous support before it could continue. I can understand that; we would need to apply commonsense. Whether the Bill should recognise that possibility is something for us to ponder. Sometimes those factors of good judgment are impossible to legislate for, and I understand that. However, we must remember that when we write legislation, we write it for all time. We will not know that some time in the future the Government or the people who are administering this legislation will hold the same view as the current Administration or even the alternative Administration. We can agree that that is how the Bill should be used, but legislation is legislation. Our interpretation of it is frankly meaningless in the future. It is that factor rather than a distrust of the current Government or the current alternative Government which has led the pastoralists and graziers, for example, to take a different position from many of us on a matter which we will arrive at soon. A possible solution to this potential problem is that regulations be structured to provide for commercial propositions to be voluntary in their implementation and that a clear distinction be made between such propositions - that is, commercial-style propositions - and those of a more industry-wide service application. It is possible to do that within the regulations.

An extension of this issue relates to how the boundaries for the application of a fee for service are to be determined. By way of example, it is quite possible that a group of woolgrowers could seek and obtain sufficient support for a fee for service to establish research into footrot control. The question that would arise immediately is where the northern boundary of the declared district would be set. If it were too far north, growers would object on the basis that footrot control research brought them no direct benefit since footrot was not an issue for them. If it is an issue, it might not be a problem, and I do not want to get involved in that particular controversy. We know that in drier climates footrot can exist, but it is not a problem for that producer. It is a difficult issue. If we established the line too far south, growers could object on the basis that some growers were paying a levy for the benefit of others and that those growers were not making a contribution. Obviously that is contemplated within the Bill. The setting of boundaries for the application of a particular levy will be a difficulty. I am not proposing it as a reason to reject the Bill. I am simply pointing out the difficulty that might be encountered in the administration of the Act. For the time being the Government has probably attempted to do too much with this Bill. There was a clearly demonstrated need to introduce some amendments to the Horticultural Produce Commission Act to meet the needs of the fruit industry and also to improve the overall function of the Act. In that sense the Government has done a very good job with this Bill; however, the extension of the scope of the Bill has probably gone too far.

Hon M.J. Criddle: It is interesting that you say a lot of this could happen rather than will happen.

Hon KIM CHANCE: Yes. We have not reached our proposed amendments, but I am reasonably comfortable with the Government's amendments on the Supplementary Notice Paper. I have said that privately to the minister. However, whether I feel comfortable with the amendments is not an issue; the issue is whether the industry is comfortable with them and that is what I was referring to.

Hon M.J. Criddle: Which we should discuss.

Hon KIM CHANCE: Yes. The industry simply does not trust a future Government to do the right thing, and the customer is always right in these matters; however, that is an argument for another time. As I said, Labor supports the Bill in those respects. In broadening the scope of the Act in the way it has sought to do with this Bill, the Government has made assumptions which I do not believe it was entitled to make. It is not apparent that there was a demand from the major industries for legislation of this kind, nor is it apparent that the major industries were consulted early enough during construction of the Bill. That has been a weakness in the process. However, we are not condemning the legislation forever; indeed, we applaud the Government for grasping the nettle and trying to progress the issue in the way it has. We urge caution in the implementation of the Bill when it becomes law. However, used with that caution, it is possible that the Bill can bring considerable benefit to the primary industries in Western Australia.

We urge the Government to respond to the issues I believe we have raised in a positive way. Although some of the points are as a result of our analysis of the legislation, many of the issues we have raised in this place have come directly from industry and must be considered carefully in that context. Labor will support the Bill, but depending on the Government's response to some of those issues, we may propose further amendments, although that is unlikely. We do wish to progress the Bill; however, I am satisfied that the minister will be informed of our concerns in those areas.

I refer now to the issue to which we have proposed amendments and on which I have touched already. The Bill provides for an amendment to section 3(1) of the Act to include a range of named industries. We have already been through the issue that these are industries of a very broad scope. The industry lobby groups, in particular the Pastoralists and Graziers Association and the Western Australian Farmers Federation, have said they are not comfortable about those industries being included. I understand the Government argued that although those industries are named in the scope of the Bill, there is no reason for the functions which are enabled by the Bill to be applied to those industries unless there is a request from industry to apply those functions. Industry was still dissatisfied with that and the Government responded again, after a great deal of consultation, by producing the amendments which I will not detail now but which are on the Supplementary Notice Paper in the Government's name.

Hon M.J. Criddle: The horticultural industry and other agricultural industries?

Hon KIM CHANCE: Yes, but it effectively allows in the industries by way of regulation. If the minister wanted to bring the grain industry into the scope of the function of the Bill, he would need only gazette a regulation to do that as the power exists to enable that to occur. There would be no need for the legislation to come back into this place.

Hon M.J. Criddle: That is right, but it could be disallowed.

Hon KIM CHANCE: I am sure it would be disallowable and I believe that matter was cleared up in my discussion with the minister's office; we can therefore agree that it would be a disallowable regulation. The difference between the Government's amendment and our amendment is that ours excludes those industries altogether. The only way those industries could be brought within the scope of this Bill is for the Act itself to come back into the House for amendment.

Hon M.J. Criddle: It is an interesting argument because if you had the numbers to put it through, you would have the numbers to change the Bill.

Hon KIM CHANCE: That is why I said to the minister personally that I am comfortable with the Government's amendments. The industry is not comfortable with the amendments and was very clear about that, although we both tried to put our point of view. I have probably exceeded what I should have done, Mr Deputy President, so I will conclude my remarks on that matter. However, that is the argument we will be putting in the committee stage about the amendments on the Supplementary Notice Paper.

The DEPUTY PRESIDENT (Hon J.A. Cowdell): I assure the member I will also be listening to the committee stage.

Hon KIM CHANCE: There is no need to repeat myself. I just wanted to give a rough outline of the argument we will make during the committee stage. The Australian Labor Party supports the Bill. Our amendments are on the Supplementary Notice Paper and we have given a forecast of the arguments for those amendments. However, we would be concerned if the range of amendments which we offer were in any way to impede the Bill as that is definitely not our intention. The fruit industry is very keen to have this legislation passed and we would like to try to comply with its wishes.

Hon M.J. Criddle: Are those the only amendments you have a problem with?

Hon KIM CHANCE: I will provide the minister's office with a copy of my speech as it will have the detail of the other questions I asked.

**HON CHRISTINE SHARP** (South West) [9.27 pm]: The Greens (WA) approached this Bill somewhat cautiously. Having read and reread the provisions of the Bill and the Act that it seeks to reformulate, my concerns became deeper rather than more comforted. We can certainly envisage a wide range of positives and the type of benefits that we would not wish to stand in the way of or to be obstructionist about.

The objective in the minister's second reading speech to "foster and support initiatives for the benefit of all agricultural producers" is hard to argue against. Everyone would support such objectives. However, as Hon Kim Chance said, the successful formula available under the Horticultural Produce Commission Act will be given wide scope indeed under this Bill, and this may not be welcomed in all sectors. A core reason for widening the scope of the Bill is to include all agricultural producers, and this may not be welcomed because of the formulation it will apply; that is, a producers committee will be administered with no active requirement to join such a group. One will be defined under the Act by the fact one has the capacity to produce certain products on one's land, and people will fall under the scope of the Act unwittingly or otherwise. Therefore, the legislation could be applied in certain situations that would be most regrettable.

My concerns relate to section 12 of the Act, particularly relating to the control or development of the means of control of pests and disease. Does this not mean that producer committees will be able to impose a certain pesticide application or the removal of entire orchards belonging to persons who do not determine such a pest or disease control strategy? I remind members that some serious pest treatments can be very severe. I live in an area in the south west with many orchards, apple orchards in particular. The district in which I live has been subjected over the past 10 years to two serious outbreaks of disease, which have required government action enforcing the use of very serious pesticide control measures. I refer to apple scab, the fungus which hit the south west district of Balingup where I live. A widespread use of a fungicide took place. It is widely understood that the fungicide used in the outbreak was mercury based, is residual and of a highly poisonous nature. That program also led to the enforced removal of many non-commercial orchards in our district. That scheme applied to people who were not actively managing apple orchards and did not want to be subject to a severe regime of fungicide, so they decided to allow the complete removal of fruit trees, particularly apples and pears, on their property.

The codling moth outbreak then occurred three or four years ago in the south west. The codling moth is a severe pest for apple production. Apple growers were required to undertake weekly spraying of pesticides. People who did not want to participate in that scheme used another system to trap the moths and accept a severe loss of 40 or 50 per cent of their crop. I remember that the agricultural advisers on the radio regularly exhorted growers to remember their weekly application of pesticide to control the outbreak.

This Bill does not specifically target the control of either codling moth or apple scab. The minister's second reading speech clearly outlines that the Bill's aim is to increase powers for the eradication of Mediterranean fruit fly. The Greens (WA) support widespread and coercive use of baiting for fruit fly. The eradication method for fruit fly is specific tree baiting with a container of poison which kills the fruit fly. In other words, it is not a broadscale application of pesticide on the overall

fruit, tree or land, as it is limited to the container itself. However, the Bill contains no theoretical limit to which disease or pest the powers will pertain. Logically speaking, we can expect that such an Act would be widely applied as the need arose. If the provisions to control pests and disease provided to producer committees under this Bill were widely applied in the future, at least three categories of persons could be unfortunately affected.

The first category would be the burgeoning organic food industry in this State. Agriculture Western Australia is clearly aware of the export market potential for clean and organic agricultural produce. In many of its publications it refers to the export potential and its support for an organic growers industry. I remind members that the global demand for organic products has expanded by 20 per cent or more over the past five years. In fact, organic food is the fastest growing area of many of the food markets. It has been estimated that in 1995, Australia's organic produce was worth \$110m, of which \$30m was exported. It is now estimated that the industry Australia-wide is worth between \$200m and \$250m a year, and the industry's annual growth rate is 20 to 30 per cent. Indeed, the Japanese market for organic produce is expected to reach \$US30b or \$US40b within the next 10 years. These are growth prospects faced by few other agricultural products.

Hon M.J. Criddle: Who gave you those figures?

Hon CHRISTINE SHARP: The figures are from Agriculture Western Australia's report on the export market potential for clean and organic agricultural products, published in 1998. This industry has unrivalled potential for expansion with which most agricultural commodities are, unfortunately, unable to compete. It is clear that we do not wish to undertake anything that could unwittingly jeopardise exporters of organic produce, nor would we wish to impose on non-commercial organic growers, strategies that prevent them from pursuing the many methods of organic pesticide and disease eradication.

I am concerned about another category of orchard which could be included within the scope of the Bill. Strangely enough, I learnt about the Bill from a heritage seeds group within my electorate that meets regularly in Bunbury. It is a group of organic growers in the south west who are interested in the preservation of old varieties of fruit and vegetables. About a year ago, to its credit, it organised for the protection and special management of a large, old orchard near Collie. The group became involved with the orchard because one of the group's founding members was involved with a company that bought the land on which the orchard was situated for the purpose of establishing blue gums. That person recognised in the fruit trees standing on the old farm many old varieties of peaches, nectarines, plums and apples which are now hard to obtain in the south west. It would have been a great pity if the orchard was converted to blue gums. The group sought the protection of that part of the property to preserve the orchard and ensure the availability of those special varieties of fruit. Many members will have sentimental memories of the old varieties of fruit. How many people have complained that peaches do not taste as good as they used to? This orchard has a wide variety of them. I am pleased to say that its value was recognised by the company and it is now formally managed as a heritage orchard. However, at the time, the local fruit fly association in Collie was keen for such orchards to be removed because they were a potential site for fruit fly infestation. Members can see the conflict between two perfectly valid objectives. We all support the objective of the eradication of fruit fly; however, it must be flexible enough to enable groups to pursue other valid objectives, such as the protection of heritage fruit varieties. It would have been unfortunate if the Bill had applied. Certain other people should not be coerced into the services this Bill will promulgate; that is, those with special chemical sensitivities and allergies. Many people in the community are affected for various reasons. Sometimes a past incident of over-exposure to a particular pesticide means a person is extremely sensitive to that pesticide. Children show great potential for allergic reaction to all sorts of chemicals. This is often particular to a family history and such a family would need to be protected from the inappropriate use of pesticide on its property. I am sure all sorts of situations exist to which the Bill could apply if it were expanded. Hon Kim Chance alluded to some of those, such as expanding the Bill to include broadacre producers. One wonders what that would mean for producers in the pastoral region who have embarked on the production of organic wool. Would other woolgrowers who are members of a producers' committee be able to enforce organic woolgrowers to conform to that committee's notion of the appropriate disease or pest eradication method?

I address my concerns to the minister and ask that he attempt to alleviate them. Will the Bill apply to land belonging to people who have not actively joined a producers' committee or agreed to a pest or disease eradication strategy? In other words, will all producers of a product be automatically subject to the powers of the producers' committee or will there be a process whereby steps can be taken to become a member? I do not see these provisions in the Bill. How can a person seek an exemption? Does the Bill offer any methods to prevent the coercive use of pesticides by organic growers, non-commercial casual growers - such as those with specific health allergies - or other hypothetical cases when there is a genuine and valid reason why those people should not apply the pest or disease eradication method to their land? What protection will be provided to prevent the removal of special heritage orchards to enable the conservation of specific strains of fruit, when such an exemption is justified?

Hon M.J. Criddle: Where are they?

Hon CHRISTINE SHARP: The orchard I spoke about is near Collie.

I fully endorse the specific use of strategies for the control of the Mediterranean fruit fly, but not when such powers are expanded to include pesticides and disease programs which are far more broad in their application. The minister's second reading speech states -

The Government is embarking on a program to eradicate Mediterranean fruit fly from Western Australia and the ability to include all growers and trees in that program is required to ensure the program is effective. This Bill enables the inclusion of non-commercial or backyard growers to be included in a poll of growers, to be appointed to a growers' committee and to be required to pay a fruit fly baiting charge for service.

How could non-commercial, or backyard, growers or organic producers who for whatever reason were not involved in a poll - perhaps they were not aware of the poll or were not growers at the time of the poll - protect themselves if they had a valid case to not be covered by the pest or disease strategy? Some people have described this Bill to me as the establishment of an agricultural Gestapo. That is a rather unfair and dramatic comment, but we must bear in mind that this Bill is attempting to fill a vacuum which has been created by the consolidation of the Agriculture Protection Board into the normal activities of Agriculture Western Australia and the diminution in the number of field support staff for agriculture protection. Therefore, the provisions of this Bill can be defined as a kind of privatised regulation service. I look forward to the minister's response to whether protections do exist in the Bill that I have failed to perceive, and I hope the minister can provide some comfort, but I intend to move amendments at the committee stage to provide for exemptions in cases where good grounds exist.

**HON HELEN HODGSON** (North Metropolitan) [9.52 pm]: I agree with many of the concerns that were raised by Hon Christine Sharp about the Horticultural Produce Commission Amendment Bill. The more I listened to her the more I thought I could be attacked by the agricultural Gestapo, because I have a fig tree in my backyard that could probably be classified as a heritage fig, and I would hate to have someone tell me one day that it must be chopped down, because that tree is the main source of fig jam for the local church fete.

Hon M.J. Criddle: That is all very well if you do not have fruit fly.

Hon HELEN HODGSON: That is the point. There are steps that responsible fruit growers need to take. However, there must be some way of ensuring that people who are taking perfectly legitimate and valid steps to control pests and diseases and who have a view that is contrary to the view of the committee can continue to follow those valid steps without having their values impinged upon by other producers when they do not necessarily have a say in the matter.

Hon M.J. Criddle: You need to understand the industry. We need to have an arrangement under which the industry will not suffer.

Hon HELEN HODGSON: I agree, and I do not want the industry to suffer. However, often there are valid alternatives, and people should be given the scope to follow those alternatives in a way that ensures there is no spread of pests and disease. People who want to grow organic fruit and vegetables, or whatever, should have the scope to pursue their lifestyle choices.

Generally, the Australian Democrats will support the Bill. However, it does raise a few issues, and it is one of those Bills where the more we talk to people, the more issues we find. It is a bit of a sleeper in some respects. One of the issues that concerns me was raised by Hon Kim Chance and is the extent to which this Bill will involve the various agricultural industries. I acknowledge the minister's amendment on the Supplementary Notice Paper. However, we contacted some of the major industry groups to find out what they thought about their inclusion in this Bill. My researcher had a discussion with the Pastoralists and Graziers Association of Western Australia, and it was very disappointing to hear the response that it received to its concerns about the content of this Bill. My notes say that the initial consultation with the department was virtually non-existent; and once it did commence communication, it was very poor. Therefore, it cannot be claimed that the changes are the result of across-the-board industry demand, because there was no across-the-board industry consultation. The PGA believes that the function of the commission should be performed by private enterprise. It objects to the fact that another levy will be imposed, when many of its members are paying money to the Commonwealth and State Governments for levies for all sorts of things and believe this levy is not necessary for members of the PGA. There is also a major issue of trust. The PGA believes that because it was not consulted originally, it cannot trust the Government to have regulations which will exclude it from the scheme and will need to continually monitor the regulations to ensure that it is not included without proper consultation. That concern seems to stem primarily from the lack of consultation in the first place. I was concerned to hear those comments from a major industry group that one would think would have been consulted in the setting up of these changes to the legislation.

My final point is about the amendment that is on the Supplementary Notice Paper in my name. This amendment is about a theme that people in this Chamber will have heard many times before; that is, the need for appointments to boards and commissions to be open and transparent. Once again, the Australian Democrats are very concerned that the commission be properly representative of the people who understand the industry and are qualified to deal with the issues. We believe it is important that the minister's net be cast very widely. It is not appropriate simply to say that the minister is the only person with knowledge of the people who should be appointed to the commission. For that reason, we will once again move amendments to ensure that the selection criteria are a little more specific than the very general statements in the legislation and that there is a proper advertising procedure to ensure that people are aware that appointments are taking place and can put forward appropriate names so that the pool from which the minister can choose is significantly wider. I will be moving that amendment to ensure that we have transparent, open and accountable government. Having said that such an amendment is necessary at the commission level, I am satisfied that at the committee level this matter is already dealt with to some extent. The Bill provides that the commission may consider that a poll of members is necessary. I am not entirely comfortable with that, and I would like to hear the minister's response to the circumstances in which he will consider that a poll of members of a particular industry association is necessary in order to establish the relevant committee. I hope there will be a poll as a general rule rather than as the exception, and I will be interested in the minister's response to that issue.

On the whole, there is some merit in this legislation. It is a way of bringing into broader application a scheme that has worked fairly successfully in the horticultural industry. However, I say that with the strong qualification that people must

accept such a scheme before it will work properly. When large sections of the industry say they have not been consulted, they will not accept the scheme and it will not be successful. For those reasons, the amendments on the Notice Paper should be discussed extensively in committee. The Australian Democrats support the Bill.

**HON B.K. DONALDSON** (Agricultural) [10.01 pm]: I support the Bill. The issue has been very difficult because we all had problems with the scope of the Bill.

Debate adjourned, pursuant to standing orders.

### **ROAD TRAFFIC AMENDMENT BILL (No. 2) 2000**

#### *Ruling by the President*

**THE PRESIDENT** (Hon George Cash): I have now had some time to consider a point of order raised about the application of Standing Order 230(c) in respect of the Road Traffic Bill (No. 2) 2000. The question raised by the Leader of the Opposition in his point of order is whether this Bill is caught by either limb of Standing Order 230(c)(i) or (ii). A Bill that answers either of the descriptions in subparagraphs (i) or (ii) is a Bill that stands referred to the Standing Committee on Constitutional Affairs.

The minister's opening statement is a fair reflection of what the Bill does. It empowers the making of regulations prescribing certain types of standards contained in proposed new section 112(2)(d), which will be inserted in the parent Act by clause 6 of the Bill. A new section 111A, contained in clause 7 of the Bill, enables the regulations imposing a standard to adopt, with or without modification, two types of standards having national application. The Bill, the explanatory memorandum and the second reading speech show that the Bill falls outside the scope of subparagraph (i) - it neither ratifies nor gives effect to an intergovernmental agreement. However, does it, by reason of its subject matter, bring in a uniform scheme or laws? The answer must be no. The introduction of any or all standards in relation to any of the matters mentioned in proposed new sections 111(2)(daa) and 111A is left entirely in the State's discretion. Additionally, the regulations may adopt standards either as they find them or, importantly, with state-inspired modifications. So far as new section 111A is concerned, there is no obligation to adopt the standards described.

I am unable to say that the Bill answers the description of one that introduces a uniform scheme or laws. For that provision to operate, it seems to me that the Bill, when enacted, must bring about the uniform scheme or laws without further authority being required. This Bill does no more than provide the state authorities with a number of benchmarks against which appropriate standards can be formulated. How the power is exercised once it is conferred is not a factor that influences the character of the Bill as being no more than an enabling measure.

*House adjourned at 10.04 pm*

---

### QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

#### MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1109. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Housing:

With respect to the Minister for Housing's office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
  - (a) name;
  - (b) level; and
  - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?
- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon M.J. CRIDDLE replied:

- (1)
 

(a)	(b)	(c)
Ian Wight-Pickin	8	Permanent Public Servant
Christian Allier	7	Term of Minister Contract
Neville Collard	7	Permanent Public Servant
Caroline Lacy	6	Term of Government Contract
Melinda Hayes	Acting 5	Permanent Public Servant
Maryanne Franse 3	Acting 2	Term of Minister Contract
Nicole Hull	Acting 2	Permanent Public Servant
Diane Collard	Acting 2	Permanent Public Servant
- (2)
 

Name	Scheme
Ian Wight-Pickin	Government Vehicle Scheme
Christian Allier	Nil
Caroline Lacy	Government Vehicle Scheme
Neville Collard	Nil
Maryanne Franse	Nil
- (3) There are seven mobile phones available for use. The phones are allocated to Ian Wight-Pickin, Christian Allier, Neville Collard, Caroline Lacy, Melinda Hayes and Maryanne Franse.
- (4) There are four pagers available to use. The pagers are allocated to Ian Wight-Pickin, Christian Allier, Neville Collard and Caroline Lacy.
- (5) There are eight government credit cards available to use. The cards have been allocated to Ian Wight-Pickin, Christian Allier, Neville Collard, Melinda Hayes and Maryanne Franse.

\*Note: The answer provided to this question is for the Office of the Minister for Housing, Aboriginal Affairs and Water Resources.

#### MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1110. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Water Resources:

With respect to the Minister for Water Resources' office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
  - (a) name;
  - (b) level; and
  - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?
- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?

- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon M.J. CRIDDLE replied:

The member is referred to the answer provided to Question on Notice 1109.

#### MINISTERS OF THE CROWN, STAFF, VEHICLES, MOBILE PHONES, PAGERS AND CREDIT CARDS

1120. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Aboriginal Affairs:

With respect to the Minister for Aboriginal Affairs' office -

- (1) Will the Minister indicate for each staff person working in the Minister's office as at 1 December 1999 the following details -
- (a) name;
  - (b) level; and
  - (c) type of employment contract?
- (2) How many vehicles are attached to the office, what are the names of the staff to which they are allocated and under what scheme are they allocated to the staff member?
- (3) How many mobile phones are available at the Minister's office and to which staff are they allocated?
- (4) How many pagers are available and to which staff are they allocated?
- (5) How many government credit cards have been authorised for use in the Minister's office and to which officers have they been allocated?

Hon M.J. CRIDDLE replied:

The member is referred to the answer provided to Question on Notice 1109.

#### MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1132. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Planning:

For each of the officers working in the Minister for Planning offices who have been allocated a vehicle -

- (a) what is the type of vehicle;
- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon PETER FOSS replied:

As at 9 December 1999:

(a)	(b)	(c)
Ford Fairmont	yes	in accordance with Government Vehicle Scheme
Ford Falcon	yes	in accordance with Government Vehicle Scheme
Toyota Camry	yes	Nil - not for private use
Ford Falcon	yes	Nil - not for private use
Holden Commodore	yes	Nil - not for private use
Toyota Corolla	yes	Nil - not for private use

#### MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1153. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Housing:

For each of the officers working in the Minister for Housing offices who have been allocated a vehicle -

- (a) what is the type of vehicle;
- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon M.J. CRIDDLE replied:

Name	(a)	(b)	(c)
Ian Wight-Pickin	Holden Commodore	Yes	Payments in accordance with the Government Vehicle Scheme
Christian Allier	Toyota Camry	Yes (1WA plate)	Nil
Neville Collard	Toyota Seca	Yes (1WA plate)	Nil
Caroline Lacy	Toyota Camry	Yes	Payments in accordance with



## Government Vehicle Scheme

Maryanne Franse Toyota Camry  
(1WA plate)

Yes

Nil

\*Note: The answer provided to this question is for the Office of the Minister for Housing, Aboriginal Affairs and Water Resources.

## MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1154. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Water Resources:

For each of the officers working in the Minister for Water Resources offices who have been allocated a vehicle -

- (a) what is the type of vehicle;
- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon M.J. CRIDDLE replied:

The member is referred to the answer provided to Question on Notice 1153.

## MINISTERS OF THE CROWN, VEHICLE ALLOCATIONS

1164. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Aboriginal Affairs:

For each of the officers working in the Minister for Aboriginal Affairs offices who have been allocated a vehicle -

- (a) what is the type of vehicle;
- (b) is the vehicle private plated; and
- (c) what payment is the officer making for the use of the vehicle?

Hon M.J. CRIDDLE replied:

The member is referred to the answer provided to Question on Notice 1153.

## COMMITTEES AND BOARDS, MOBILE PHONES, PAGERS, VEHICLES AND CREDIT CARDS

1185. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Federal Affairs:

- (1) Within the Minister for Federal Affairs' portfolio responsibilities, do any members or chairpersons of Government committees or boards, other than *ex-officio* members, have access to -

- (a) mobile phones;
- (b) pagers;
- (c) vehicles; and
- (d) credit cards, which have been supplied or are paid for by the Government?

- (2) If yes, can the Minister provide the following information -

- (a) the name of the committee or board member or chairperson;
- (b) whether they have access to -
  - (i) mobile phones;
  - (ii) pagers;
  - (iii) vehicles; and
  - (iv) credit cards, which have been supplied or are paid for by the Government; and
- (c) the committee or board which the person is a member or chairperson of?

Hon PETER FOSS replied:

Please refer to response provided to question on notice 1191 of 14/12/1999.

## COMMITTEES AND BOARDS, MOBILE PHONES, PAGERS, VEHICLES AND CREDIT CARDS

1191. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

- (1) Within the Premier's portfolio responsibilities, do any members or chairpersons of Government committees or boards, other than *ex-officio* members, have access to -

- (a) mobile phones;
- (b) pagers;
- (c) vehicles; and
- (d) credit cards, which have been supplied or are paid for by the Government?

- (2) If yes, can the Premier provide the following information -

- (a) the name of the committee or board member or chairperson;
- (b) whether they have access to -

- (i) mobile phones;
- (ii) pagers;
- (iii) vehicles; and
- (iv) credit cards, which have been supplied or are paid for by the Government; and

(c) the committee or board which the person is a member or chairperson of?

Hon N.F. MOORE replied:

I am advised that :

- (1)-(2) Within the Premier's portfolio responsibilities, no members or chairpersons of Government committees or boards have mobile phones, pagers, vehicles or credit cards which have been supplied or are paid for by the Government as a result of their position on the Board.

#### COMMITTEES AND BOARDS, MOBILE PHONES, PAGERS, VEHICLES AND CREDIT CARDS

1200. Hon LJILJANNA RAVLICH to the Attorney General representing the Treasurer:

- (1) Within the Treasurer's portfolio responsibilities, do any members or chairpersons of Government committees or boards, other than *ex-officio* members, have access to -

- (a) mobile phones;
- (b) pagers;
- (c) vehicles; and
- (d) credit cards, which have been supplied or are paid for by the Government?

- (2) If yes, can the Treasurer provide the following information -

- (a) the name of the committee or board member or chairperson;
- (b) whether they have access to -

- (i) mobile phones;
- (ii) pagers;
- (iii) vehicles; and
- (iv) credit cards, which have been supplied or are paid for by the Government; and

(c) the committee or board which the person is a member or chairperson of?

Hon PETER FOSS replied:

Please refer to response provided to question on notice 1191 of 14/12/1999.

#### COMMITTEES AND BOARDS, MOBILE PHONES, PAGERS, VEHICLES AND CREDIT CARDS

1201. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Public Sector Management:

- (1) Within the Minister for Public Sector Management's portfolio responsibilities, do any members or chairpersons of Government committees or boards, other than *ex-officio* members, have access to -

- (a) mobile phones;
- (b) pagers;
- (c) vehicles; and
- (d) credit cards, which have been supplied or are paid for by the Government?

- (2) If yes, can the Minister provide the following information -

- (a) the name of the committee or board member or chairperson;
- (b) whether they have access to -

- (i) mobile phones;
- (ii) pagers;
- (iii) vehicles; and
- (iv) credit cards, which have been supplied or are paid for by the Government; and

(c) the committee or board which the person is a member or chairperson of?

Hon PETER FOSS replied:

Please refer to response provided to question on notice 1191 of 14/12/1999.

#### PERTH ACCESS PLAN ROAD CONSTRUCTION PROJECTS, CONTRACTS

1226. Hon TOM STEPHENS to the Minister for Transport:

- (1) How many contracts have been let by Main Roads since 1993 for planning, construction or any related works for the Perth Access Plan road construction projects?

- (2) For each of these awarded contracts, will the Minister table -

- (a) when was it awarded;

- (b) what is the name or number used to identify the contract;
- (c) what is a brief description of the work involved in the contract;
- (d) who was the successful contractor;
- (e) what is the anticipated date for completion of the contract;
- (f) what is the original value and what were the final costs of the contract; and
- (g) is it a fixed price contract or does it allow for variation from the contracted price?

Hon M.J. CRIDDLE replied:

- (1) According to Main Roads' records twelve contracts have been let since 1993 for planning, construction and other related works for the Perth Access Plan road construction projects.
- (2)
  - (a) 19 December 1995.
  - (b) CNB36.
  - (c) Lord Street Review of Construction Alternatives.
  - (d) Evans and Peck Management.
  - (e) 18 January 1996.
  - (f) (i)-(ii) \$6 850.
  - (g) See footnote.
  - (a) 6 May 1996
  - (b) 626/95.
  - (c) Lord Street Crossing Study.
  - (d) Ove Arup and Partners.
  - (e) 6 July 1996.
  - (f) (i)-(ii) \$42 000.
  - (g) See footnote.
  - (a) 25 February 1997.
  - (b) CNB1055.
  - (c) Cost Comparison review Lord Street Options.
  - (d) Connell Wagner.
  - (e) 20 May 1997.
  - (f) (i)-(ii) \$2 500.
  - (g) See footnote.
  - (a) 17 October 1997.
  - (b) CNB231.
  - (c) Construction Estimate - Lord Street.
  - (d) Evans and Peck Management.
  - (e) 21 November 1997.
  - (f) (i)-(ii) \$22 500.
  - (g) See footnote.
  - (a) 12 March 1998.
  - (b) CNB571.
  - (c) Constructability Review of Lord Street.
  - (d) Evans and Peck Management.
  - (e) 21 April 1998.
  - (f) (i)-(ii) \$13 650.
  - (g) See footnote.
  - (a) 1 April 1998.
  - (b) 489/97.
  - (c) Design Services, Wellington Street.
  - (d) Ove Arup and Partners.
  - (e) 31 October 2000.
  - (f) (i) \$332 329.
  - (ii) Contract not yet completed.
  - (g) See footnote.
  - (a) 26 June 1998.
  - (b) 1180/97.
  - (c) Post Design Services, Lord Street.
  - (d) Halpern Glick Maunsell.
  - (e) 30 June 2000.
  - (f) (i) \$80 000.
  - (ii) Contract not yet completed.
  - (g) See footnote.
  - (a) 24 November 1998.
  - (b) CNB1027.
  - (c) Aboriginal Heritage Monitoring, Lord Street.
  - (d) McDonald Hales and Associates.
  - (e) 6 April 1999.
  - (f) (i) \$5 000.
  - (ii) \$3 500.
  - (g) See footnote.
  - (a) 26 November 1998.
  - (b) 716/97.
  - (c) Construction, Lord Street.

- (d) Walter Construction.
- (e) 19 December 2000 (excluding Landscaping).
- (f) (i) \$11 708 500.
- (g) (ii) Contract not yet completed.
- (g) See footnote.
- (a) 21 December 1998.
- (b) CNB1154.
- (c) Relocate optical fibre cable on Hill Street.
- (d) Amcom Pty Ltd.
- (e) 28 January 1998.
- (f) (i)-(ii) \$1 200.
- (g) See footnote.
- (a) 29 April 1999.
- (b) 802/97.
- (c) Design and Documentation modifications to Narrows Interchange and Riverside Drive.
- (d) Connell Wagner.
- (e) 28 January 2001.
- (f) (i) \$312 370.
- (g) (ii) Contract not yet completed.
- (g) See footnote.
- (a) 10 August 1999.
- (b) 412/98.
- (c) Construction, Wellington Street Ramps.
- (d) Barclay Mowlem.
- (e) 8 September 2000 (excluding Landscaping).
- (f) (i) \$7 881 296.93.
- (g) (ii) Contract not yet completed.
- (g) See footnote.

Footnote: All of these contracts can be varied from their original contracted price.

#### MAIN ROADS WA, LOFTUS STREET ROAD CONSTRUCTION CONTRACTS

1282. Hon TOM STEPHENS to the Minister for Transport:

- (1) How many contracts have been let by Main Roads since 1993 for planning, construction or any related works for the Loftus Street road construction projects?
- (2) For each of these awarded contracts, will the Minister table -
  - (a) when was it awarded;
  - (b) what is the name or number used to identify the contract;
  - (c) what is a brief description of the work involved in the contract;
  - (d) who was the successful contractor;
  - (e) what is the anticipated date for completion of the contract;
  - (f) what is the original value and what were the final costs of the contract; and
  - (g) is it a fixed price contract or does it allow for variation from the contracted price?

Hon M.J. CRIDDLE replied:

- (1) According to Main Roads' records twelve contracts have been let since 1993 for planning, construction and other related works for the Loftus Street road construction projects.
- (2)
  - (a) 4 June 1996.
  - (b) 612/95.
  - (c) Provision of Planning services for Loftus Street.
  - (d) Connell Wagner.
  - (e) 22 October 1996.
  - (f) (i) \$129 100.
  - (g) (ii) \$137 021.08.
  - (g) See footnote.
  - (a) 4 July 1997.
  - (b) 52/97.
  - (c) Negotiation Services to acquire land for Loftus Street.
  - (d) Chesterton International.
  - (e) 31 December 2000.
  - (f) (i) \$10 000.
  - (g) (ii) Contract not yet completed.
  - (g) See footnote.
  - (a) 4 July 1997.
  - (b) 53/97.
  - (c) Valuation Services to acquire land for Loftus Street.
  - (d) Panel Contract, Sullivans Real Estate and DTZ.
  - (e) 31 December 2000.
  - (f) (i) \$10 000 each.
  - (g) (ii) Contract not yet completed.
  - (g) See footnote.

- (a) 28 July 1997.
  - (b) 7/97.
  - (c) Detailed Design of Loftus Street Duplication.
  - (d) Ove Arup and Partners.
  - (e) 30 June 1998.
  - (f) (i) \$319 750.
  - (f) (ii) \$490 454.
  - (g) See footnote.
- 
- (a) 21 January 1998.
  - (b) 704/97.
  - (c) Purchase, Demolition and Removal of 54, 58, 60, 62 and 64 Loftus Street.
  - (d) Brajkovich and Son Demolitions.
  - (e) 4 March 1998.
  - (f) (i) \$4 600.
  - (f) (ii) \$7 250.
  - (g) See footnote.
- 
- (a) 21 January 1998.
  - (b) 715/97.
  - (c) Demolition of 599 Newcastle Street, West Perth.
  - (d) Raptor Demolition.
  - (e) 9 February 1998.
  - (f) (i) \$6 400.
  - (f) (ii) \$7 200.
  - (g) See footnote.
- 
- (a) 18 June 1998.
  - (b) 1131/97.
  - (c) Demolition Lot 1 (16) Thomas/Loftus Street.
  - (d) Vic Park Salvage.
  - (e) 3 August 1998.
  - (f) (i)-(ii) \$13 500.
  - (g) See footnote.
- 
- (a) 29 June 1998.
  - (b) 1179/97.
  - (c) Post Design Services for Loftus Duplication.
  - (d) Ove Arup and Partners.
  - (e) 30 June 2000.
  - (f) (i) \$60 000.
  - (f) (ii) Contract not yet completed.
  - (g) See footnote.
- 
- (a) 9 July 1998.
  - (b) 61/98.
  - (c) Demolition 8-10 Loftus Street.
  - (d) Town and Country Demolitions.
  - (e) 30 July 1998.
  - (f) (i) \$19 700.
  - (f) (ii) \$25 700.
  - (g) See footnote.
- 
- (a) 8 September 1998.
  - (b) 251/98.
  - (c) Demolition Lots 14, 16, 18 Loftus Street and Lots 17 and 19 Colin Place.
  - (d) Brajkovich and Son Demolitions.
  - (e) 8 October 1998.
  - (f) (i)-(ii) \$24 800.
  - (g) See footnote.
- 
- (a) 8 January 1999.
  - (b) 573/97.
  - (c) Construction Loftus Street Duplication.
  - (d) Thiess Contractors.
  - (e) 5 January 2000 (excluding Landscaping).
  - (f) (i) \$14 647 657.
  - (f) (ii) Contract not yet completed.
  - (g) See footnote.
- 
- (a) 3 July 1999.
  - (b) 397/99.
  - (c) Additional survey support for Loftus Street Duplication works.
  - (d) Fugro Survey.

- (e) 30 July 1999.
- (f) (i)-(ii) \$2 185.
- (g) See footnote.

Footnote: All of these contracts can be varied from their original contract price.

#### MAIN ROADS WA, LORD STREET ROAD CONSTRUCTION CONTRACTS

1283. Hon TOM STEPHENS to the Minister for Transport:

- (1) How many contracts have been let by Main Roads since 1993 for planning, construction or any related works for the Lord Street road construction projects?
- (2) For each of these awarded contracts, will the Minister table -
  - (a) when was it awarded;
  - (b) what is the name or number used to identify the contract;
  - (c) what is a brief description of the work involved in the contract;
  - (d) who was the successful contractor;
  - (e) what is the anticipated date for completion of the contract;
  - (f) what is the original value and what were the final costs of the contract; and
  - (g) is it a fixed price contract or does it allow for variation from the contracted price?

Hon M.J. CRIDDLE replied:

- (1) According to Main Roads' records nine contracts have been let since 1993 for planning, construction and other related works for the Lord Street road construction projects.
- (2)
  - (a) 19 December 1995.
  - (b) CNB36.
  - (c) Lord Street Review of Construction Alternatives.
  - (d) Evans and Peck Management.
  - (e) 18 January 1996.
  - (f) (i)-(ii) \$6 850.
  - (g) See footnote.
  - (a) 6 May 1996.
  - (b) 626/95.
  - (c) Lord Street Crossing Study.
  - (d) Ove Arup and Partners.
  - (e) 6 July 1996.
  - (f) (i)-(ii) \$42 000.
  - (g) See footnote.
  - (a) 25 February 1997.
  - (b) CNB1055.
  - (c) Cost Comparison review Lord Street Options.
  - (d) Connell Wagner
  - (e) 20 May 1997.
  - (f) (i)-(ii) \$2 500.
  - (g) See footnote.
  - (a) 17 October 1997
  - (b) CNB231.
  - (c) Construction estimate, Lord Street.
  - (d) Evans and Peck Management.
  - (e) 21 November 1997.
  - (f) (i)-(ii) \$22 500.
  - (g) See footnote.
  - (a) 12 March 1998.
  - (b) CNB571.
  - (c) Constructability Review of Lord Street.
  - (d) Evans and Peck Management.
  - (e) 21 April 1998.
  - (f) (i)-(ii) \$13 650.
  - (g) See footnote.
  - (a) 26 June 1998.
  - (b) 1180/97.
  - (c) Post Design Services, Lord Street.
  - (d) Halpern Glick Maunsell.
  - (e) 30 June 2000.
  - (f) (i) \$80 000.
  - (ii) Contract not yet completed.
  - (g) See footnote.
  - (a) 24 November 1998.
  - (b) CNB1027.
  - (c) Aboriginal Heritage Monitoring, Lord Street.
  - (d) McDonald Hales and Associates.
  - (e) 6 April 1999.

- (f) (i) \$5 000.
- (ii) \$3 500.
- (g) See footnote.
- (a) 26 November 1998.
- (b) 716/97.
- (c) Construction, Lord Street.
- (d) Walter Construction.
- (e) 19 December 1999 (excluding Landscaping).
- (f) (i) \$11 708 500;
- (ii) Contract not yet completed.
- (g) See footnote.
- (a) 21 December 1998.
- (b) CNB1154.
- (c) Relocate optical fibre cable on Hill Street.
- (d) Amcom Pty Ltd.
- (e) 28 January 1998.
- (f) (i)-(ii) \$1 200.
- (g) See footnote.

Footnote: All of these contracts can be varied from their original contracted price.

#### PHARMACIES, DEREGULATION

1324. Hon G.T. GIFFARD to the Attorney General representing the Minister for Health:

- (1) Does the WA Government have any plans to deregulate pharmacies?
- (2) Has the WA Government been advised of any Commonwealth plans to deregulate pharmacies?
- (3) Does the WA Government have any State or Commonwealth reports or reviews in relation to this issue?
- (4) If yes, can the Treasurer table any such reports or reviews?

Hon PETER FOSS replied:

- (1) The State Government is currently participating in a National Competition Policy Review of Pharmacy commissioned by the Council of Australian Governments (COAG). The regulation of pharmacies is an issue that is being considered as part of the review.
- (2) No. However, the Final Report of the COAG Review of Pharmacy makes recommendations in relation to the regulation of pharmacies.
- (3) Yes. The issue of pharmacy regulation was considered in the Review of Western Australian Health Practitioner Legislation Discussion Paper and in the two national reports, Preliminary Report and Final Report of the National Competition Policy Review of Pharmacy. The Discussion Paper was published in October 1998, the Preliminary Report was published in November 1999 and the Final Report was published in February 2000. All three publications are publicly available.
- (4) The Review of Western Australian Health Practitioner Legislation Discussion Paper was tabled in Parliament in October 1998. The National Competition Policy Review of Pharmacy Reports are available from COAG's Pharmacy Review website.

#### TOWN BYPASSES, FUNDING

1403. Hon J.A. COWDELL to the Minister for Transport:

- (1) Will the Minister table how many town bypasses have been funded in the last six years and at what cost?
- (2) How many town bypasses are provided for in forward estimates?
- (3) Will the Minister table to what towns they apply and what is the estimated cost for each one?

Hon M.J. CRIDDLE replied:

- (1) One. The Busselton Bypass which is currently being constructed. The final project cost is not yet known but is expected to be in the order of \$21 million.
- (2) In the forward estimates to 2003/04 funding is provided for the construction of two town bypasses plus pre-construction activities to commence a third.
- (3) Northam, estimated cost \$40 million.  
Mt Barker (North) estimated cost \$3.9 million.  
Bunbury Outer Ring Road (\$15 000 - pre-construction activity).

Please note that these are preliminary planning estimates only and are subject to change as planning for the projects and community consultation progresses.

## BUSES, ACCESSIBILITY FOR THE DISABLED

1409. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Disability Services:

- (1) How much money was provided under the Count Us In Strategy for the provision of accessible buses?
- (2) To whom was the money paid?
- (3) How was the amount determined?

Hon M.J. CRIDDLE replied:

- (1) None
- (2)-(3) Not applicable.

## ABORIGINES, MENTOR PROGRAM FOR YOUTH

1411. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Health:

I refer to the proposal from the Fremantle Football Club to the Office of Aboriginal Health for a mentor program for Aboriginal youth in the 1999 calendar year and ask -

- (1) What date was the approved original agreement signed?
- (2) Who was the Acting Executive General Manager, Public Health and Purchasing on that date?

Hon PETER FOSS replied:

- (1) The original approved agreement was signed on 20 December 1998.
- (2) The Acting Executive General Manager, Public Health and Purchasing on that date was Mr John Kirwan.

## GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1441. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Local Government:

For each department or agency under the Minister for Local Government's direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
- (2) How many permanent staff are employed?
- (3) How many non-permanent staff are employed?
- (4) How many substantive positions are vacant?
- (5) How many substantive positions are filled in an acting capacity?
- (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon M.J. CRIDDLE replied:

## DEPARTMENT OF LOCAL GOVERNMENT

- (1) G2 = 1  
L9 = 2  
L7 = 8  
L6 = 4  
L5 = 11  
L4 = 11  
L3 = 10  
L2 = 3  
L1 = 6  
Traineeships = 1
- (2) 52
- (3) 5
- (4) 2
- (5) 1
- (6) None

## METROPOLITAN CEMETERIES BOARD

- (1) Total – 76, comprising:  

GOSAC	Level 1	12
	Level 2	7
	Level 3	5
	Level 4	2
	Level 5	4
	Level 6	2
	SES (S1)	1
GOSAC Total		33



MEU	2.3	20
	3.1	21
	3.2	1
MEU Total		42
Engineering		1
Engineering Total		1

(2) 68  
8  
3  
1  
1

#### FREMANTLE CEMETERY BOARD

(1) 26  
WPA - 3  
1.2 - 1  
1.3 - 1  
1.4 - 1  
1.8 - 1  
2.1 - 3  
2.2 - 7  
2.3 - 3  
3.1 - 4  
3.2 - 2  
3.3 - 1

(2) 26  
(3)-(6) Nil

#### KEEP AUSTRALIA BEAUTIFUL COUNCIL

(1) Total 9  
Level 7 – 1  
Level 5 – 1.5  
Level 4 – 3  
Level 2 – 3.5

(2) 6.5  
(3) 2.5  
(4) None  
(5)-(6) One

#### GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1455. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Heritage:

For each department or agency under the Minister for Heritage's direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
- (2) How many permanent staff are employed?
- (3) How many non-permanent staff are employed?
- (4) How many substantive positions are vacant?
- (5) How many substantive positions are filled in an acting capacity?
- (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon PETER FOSS replied:

(1) 15 staff  
1 x level 9  
1 x level 8  
3 x level 6  
3 x level 5  
2 x level 4  
1 x level 3  
3 x level 2  
1 x level 1

(2) 13  
(3) 2  
(4) 1  
(5)-(6) Nil

## GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1457. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Planning:

For each department or agency under the Minister for Planning's direction as at March 1 2000 -

- (1) How many staff are employed in total and at each level?
- (2) How many permanent staff are employed?
- (3) How many non-permanent staff are employed?
- (4) How many substantive positions are vacant?
- (5) How many substantive positions are filled in an acting capacity?
- (6) How many substantive positions have been filled in an acting capacity for longer than three months?

Hon PETER FOSS replied:

Ministry for Planning

- (1) 264 staff  
     2 x class 2  
     2 x class 1  
     2 x level 9  
     10 x level 8  
     14 x level 7  
     29 x level 6  
     53 x level 5  
     21 x level 4  
     36 x level 2/4  
     33 x level 3  
     30 x level 2  
     28 x level 1  
     4 x casual
- (2) 218
- (3) 46
- (4) 43
- (5) 10
- (6) 7

Office of the Minister for Planning (Appeals)

- (1) 9 (2 job sharing)  
     1 x class 1  
     1 x level 8  
     1 x level 6  
     1 x level 5  
     1 x level 4  
     1 x level 2  
     3 x level 1 (2 job sharing)
- (2) 9
- (3)-(4) Nil

East Perth Redevelopment Authority

- (1) 11  
     1 x special class 2  
     1 x class 1  
     2 x level 8  
     1 x level 7  
     1 x level 6  
     2 x level 4  
     2 x level 3  
     1 x level 2
- (2) 8
- (3) Three
- (4) Nil
- (5) Two
- (6) Nil

Subiaco Redevelopment Authority

- (1) Three  
     1 x level 8  
     1 x level 3  
     1 x level 1
- (2) Nil
- (3) Three secondees.
- (4)-(6) One (the level 8 position is currently vacant and is being filled in an acting capacity by a secondee)

## Midland Redevelopment Authority

- (1) Three  
1 x A/CEO  
1 x level 8  
1 x level 8
- (2) Nil
- (3) Three secondees (1 x A/CEO and 1 x level 8). 1 x level 8 on a six week secondment.
- (4) Four
- (5) Two
- (6) Nil

## MOTOR VEHICLE ACCIDENTS, INJURIES

1514. Hon J.A. SCOTT to the Minister for Transport:

In the Perth metropolitan area -

- (1) What was the number of recorded vehicle accidents for each year since 1993?
- (2) How many of these resulted in injury to vehicle occupants?
- (3) How many individuals were injured in vehicle accidents for each year from 1993?
- (4) How many pedestrians have been injured by vehicles for each year from 1993?
- (5) What has been the cost of road trauma for each year from 1993?

Hon M.J. CRIDDLE replied:

- (1) The number of reported crashes for the period 1993 to 1998:

1993	1994	1995	1996	1997	1998
34 441	35 516	37 287	37 386	36 556	39 108

- (2) Road Crash casualties\* for vehicle occupants for the period 1993 to 1998:

1993	1994	1995	1996	1997	1998
9 455	9 997	9 863	10 129	10 156	10 681

- (3) Road Crash casualties\* for the period 1993 to 1998:

1993	1994	1995	1996	1997	1998
11 120	11 210	11 411	11 628	11 726	12 227

- (4) Road Crash casualties for pedestrians by vehicles for the period 1993 to 1998:

1993	1994	1995	1996	1997	1998
560	526	512	536	528	502

- (5) Estimated cost of Crashes# for the period 1993 to 1998:

1993	1994	1995	1996	1997#	1998#
983.5m	1019.3m	1138.0m	1147.8m	1023.7m	1087.3m

# Incident costs were adjusted for inflation by CPI. Due to a negative CPI increase for the period, incident costs for 1998 were less than those for 1997. Person costs were adjusted for inflation by Average Weekly Earnings for Western Australia, as these costs are mostly associated with income. Cost data based on road crash costing by Andreassen (1992a).

\* Casualties include persons killed, admitted to hospital, requiring medical attention only and excludes persons injured not requiring medical attention.

## NOTE:

Vehicle: A device upon which any person or property may be transported or drawn upon a road. Includes bicycles.

Vehicle Occupant: Includes driver or passenger of vehicles such as cars, trucks, buses etc. Does not include cyclists, motorcycle riders or pillion riders.

Pedestrian: A person on foot or a person on roller skates, roller blades, child's tricycle, non-motorised wheelchair, skateboard, or other non-powered vehicles (excluding bicycles). Includes a person who has just alighted from a vehicle.

## GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1588. Hon KEN TRAVERS to the Attorney General representing the Minister for Heritage:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Heritage's control award to -
- (a) O'Keefe & Gee;
  - (b) Picton Press;
  - (c) Frank Daniels;
  - (d) Vanguard Press;
  - (e) Advance Press;
  - (f) Muhlings Print; and
  - (g) Lamb Print?
- (2) For each contract, what was -
- (a) the original tender cost;
  - (b) the actual final cost;
  - (c) the award date; and
  - (d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon PETER FOSS replied:

- (1) (a)-(g) Nil.
- (2)-(3) Not applicable.

## GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1589. Hon KEN TRAVERS to the Attorney General representing the Minister for Labour Relations:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Labour Relations' control award to -
- (a) O'Keefe & Gee;
  - (b) Picton Press;
  - (c) Frank Daniels;
  - (d) Vanguard Press;
  - (e) Advance Press;
  - (f) Muhlings Print; and
  - (g) Lamb Print?
- (2) For each contract, what was -
- (a) the original tender cost;
  - (b) the actual final cost;
  - (c) the award date; and
  - (d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon PETER FOSS replied:

Department of the Registrar Western Australian Industrial Relations Commission:

- (1) Nil.
- (2)-(3) Not applicable.

Department of Productivity and Labour Relations:

- (1) Nil.
- (2)-(3) Not applicable.

WorkSafe Western Australia:

- (1) WorkSafe Western Australia awarded three contracts, one with Advance Press and two with Lamb Print. No contracts were entered into with any other nominated printers.
- (2)
- |     |               |                                  |
|-----|---------------|----------------------------------|
| (a) | Advance Press | \$7,630                          |
|     | Lamb Print    | \$5,839 and \$7,831              |
| (b) | Advance Press | \$7,630                          |
|     | Lamb Print    | \$4,500 and \$9,322*             |
| (c) | Advance Press | 22 June 1999                     |
|     | Lamb Print    | 2 September 1998 and 31 May 1999 |

- (d) Advance Press 25 June 1999  
Lamb Print 19 February 1999 and 18 June 1999

(3) Four.

\* - Note the increase was due to additional pages being included in the publication.

Commissioner for Workplace Agreements:

- (1) (a)-(b) Nil.  
(c) Printing of Annual Report \$4,750  
(d)-(g) Nil.
- (2) (a)-(d) Nil.
- (3) Not applicable.

WorkCover WA:

- (1) (a)-(b) Nil  
(c) 6  
(d) Nil  
(e) 2  
(f)-(g) Nil
- | (2) | Original<br>Tender Cost | Actual<br>Final Cost | Award Date      | Completion Date  | Companies<br>Tendered |
|-----|-------------------------|----------------------|-----------------|------------------|-----------------------|
|     | \$4 683                 | \$4 683              | 2 October 1998  | 11 November 1998 | 3                     |
|     | \$780                   | \$780                | 20 January 1999 | 2 March 1999     | 3                     |
|     | \$4 900                 | \$4 900              | 2 March 1999    | 19 April 1999    | 3                     |
|     | \$16 204                | \$16 204             | 8 March 1999    | 30 April 1999    | 3                     |
|     | \$1 510                 | \$1 510              | 25 May 1999     | 30 June 1999     | 3                     |
|     | \$3 880                 | \$3 880              | 3 June 1999     | 26 July 1999     | 3                     |
|     | \$285                   | \$285                | 14 October 1998 | 27 October 1998  | 1*                    |
|     | \$1 190                 | \$1 190              | 21 April 1999   | 30 April 1999    | 1*                    |

\* Supplier obtained from CAMS panel of approved contractors.

#### GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1590. Hon KEN TRAVERS to the Attorney General representing the Minister for Planning:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Planning's control award to -
- (a) O'Keefe & Gee;  
(b) Picton Press;  
(c) Frank Daniels;  
(d) Vanguard Press;  
(e) Advance Press;  
(f) Muhlins Print; and  
(g) Lamb Print?
- (2) For each contract, what was -
- (a) the original tender cost;  
(b) the actual final cost;  
(c) the award date; and  
(d) the completion date?
- (3) For each contract, how many companies tendered for the contract?

Hon PETER FOSS replied:

Ministry for Planning

- (1) (a)-(d) Nil  
(e) (i) Printing of Final Leeuwin-Naturaliste Ridge Statement of Planning Policy  
(ii) Printing of Gnarara Land Use and Water Management Strategy - Part 1  
(f)-(g) Nil.
- (2) (a) (i) \$9 065  
(ii) \$19 110  
(b) (i) \$9 240  
(ii) \$19 200  
(c) (i) 9 August 1998  
(ii) 4 May 1999  
(d) (i) 24 August 1998  
(ii) 19 May 1999
- (3) (i) 3  
(ii) 4

## JERVOISE BAY PROJECT

1663. Hon Jim Scott to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Of the 70 companies who requested the Expression of Interest document on the Jervoise Bay Project, how many expressed an interest in locating in the project area?
- (2) Who are these companies?
- (3) Have any commitments been received from these companies?
- (4) If so, what are those commitments?
- (5) Have any of these companies inquired as to what incentives are available for locating in the Jervoise Bay Project area?

Hon N.F. MOORE replied:

- (1) The Expression of Interest (EOI) document on the Jervoise Bay Project sought interest from companies/consortia prepared to participate in all or part of the construction, operation and management of the total Project. Six consortia expressed interest and three were invited to tender for the project. The consortia were led by Thiess Contractors, Clough Engineering and Toll Holdings. Tenders have closed and are under assessment.
- (2) The EOI was not a document designed to attract individual companies to locate in the project area.
- (2)-(5) Not applicable.

## SAWLOGS, RECOVERY RATES

1671. Hon NORM KELLY to the Attorney General representing the Minister for Forest Products:

In the booklet handed out at the opening of McLean's new marri sawmill at Mundijong on February 24 2000, it is stated that the mill will recover 48 per cent timber from marri sawlogs, compared with a hardwood (native forest) industry average of approximately 32 per cent recovery -

- (1) What recovery of sawntimber does Bunnings recover from 1st grade jarrah sawlogs?
- (2) What recovery of sawntimber does Bunnings recover from 1st grade karri sawlogs?
- (3) What recovery of sawntimber does Bunnings recover from 1st grade marri sawlogs?
- (4) Given its low recovery rates, what volume of potential sawntimber does Bunnings waste each year?
- (5) Does the Minister for Forest Products intend doing anything to ensure that Bunnings increases its recovery levels to at least that achieved by McLeans?
- (6) If not, why not?

Hon PETER FOSS replied:

- (1) Up to 38.5%.
- (2) Up to 43.9%.
- (3) Up to 31%.
- (4) The question requires assumptions that make it impossible to answer.
- (5) It is not rational to compare recovery rates from various mills without also comparing the quality of timber provided and the quality of the materials produced. First grade jarrah and karri sawlogs may contain as much as 50% non-millable timber (eg. rot and other faults) and this affects the recoveries achieved by SOTICO. The marri logs received to date by McLean's have been of much higher than average quality. In addition, a mill producing a non value added product would be expected to have a better recovery rate than a mill producing virtually flawless timber for high value added end uses. McLean's mill is working on a very small product mix a large proportion of which is pallet material. This suits the marri resource and gives the saw miller considerable tolerance in producing sawn timber which, in other uses, would be considered flawed. It is a very good example of a business developing a new market for timber which would otherwise not be used, but it is not a benchmark for other mills. The WA FISAP program will assist industry to focus on new technologies, products and markets in order to boost their recovery rates, their value-adding and their commercial efficiency. The WA FISAP is an important element in the Government's drive to obtain more value and more employment from a smaller volume of native hardwoods.
- (6) Not applicable.

## FORESTS AND FORESTRY, LOGGING

1673. Hon NORM KELLY to the Attorney General representing the Minister for Forest Products:

In a media release dated March 7 2000, the Minister for Forest Products stated that in the past 12 months the Government has reduced the area of forest available for logging by 160 000 ha -

- (1) Will the Minister provide a breakdown of this figure, identifying the Government documents that show where and when these decisions were made?
- (2) What area of forest is contained in the 17 previously approved conservation reserves under the 1994/2003 Forest Management Plan which are now, under the RFA, designated to remain as State forest available for logging?
- (3) Does the Minister's figure of 160 000 take into account the additional areas of forest that has been made available for logging in the past 12 months?
- (4) If not, what is the net area of forest removed from logging by the Government, based on Government decisions over the last 12 months, taking into account both additions and deletions of the area available for logging?
- (5) If this figure is not 160 000 ha will the Minister ensure that his previous statement is publicly corrected?

Hon PETER FOSS replied:

- (1)
 

Area of new formal reserves	205,000 ha – RFA
Area previously proposed as reserves – now proposed to remain as State forest	-54,000 ha – RFA
Areas of 'sensitive' old growth karri plus karri tingle	+ 9,000 ha Ministerial Advisory Group (Ferguson)
	160,000
- (2) See answer for (1).
- (3) See answer for (1). No additional areas have been made available for logging in the past 12 months. Areas in the RFA now proposed to remain as State forest will not be available for timber harvest until authorised by a future forest management plan.
- (4)-(5) Not applicable.

#### SHEEP TRIALS AT UWA, DEATHS

1680. Hon BOB THOMAS to the Minister for Transport representing the Minister for Primary Industry:

- (1) Did Agriculture WA, or any other agencies within the Minister for Primary Industry portfolio, have any knowledge of, or involvement in, any trials at the University of WA where a new gene (methionine) was added to clover to enhance its nutrient value to produce a finer wool?
- (2) If yes, what was the nature of that involvement?
- (3) Is it correct that the sheep involved in the trial all died?
- (4) Will the Minister table a report of the trial?
- (5) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) Yes.
- (2) The clover was developed by CSIRO as part of the national subterranean clover breeding effort in which Agriculture Western Australia is a direct partner through the Centre of Legumes in Mediterranean Agriculture (CLIMA). Agriculture Western Australia, under a contractual arrangement with CSIRO, grew a seed multiplication plot of the clover at the Medina Research Station. All seed and plant residues from the multiplication were returned to CSIRO.
- (3) No sheep were involved in the trial.
- (4)-(5) No. The report is the property of CSIRO.

#### NATIVE TITLE, WONGATHA CLAIM

1688. Hon TOM STEPHENS to the Leader of the House representing the Premier:

I refer to the rejection of the State Government's appeal against the Native Title Tribunal's decision to allow the Wongatha claim to pass the registration test and ask -

- (1) Will the Premier table a breakdown of the costs, including legal costs, incurred to date by the State in relation to the Wongatha claim?
- (2) If not, why not?

Hon N.F. MOORE replied:

- (1) The premise of the first question is incorrect. The Government's appeal was not rejected. On the important issue of procedural fairness the Court of Appeal ruled that the Tribunal had denied the State procedural fairness. In relation to costs there is no breakdown of legal costs in relation to the Wongatha claim as the Government does

not maintain separate accounts for individual claims until they are programmed for trial. Up until that point costs are generally absorbed within budgets of various agencies.

- (2) Refer to answer 1.

#### ABORIGINAL HEALTH UNIT

1700. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

How much has been spent through the Aboriginal Health Unit since February 1993?

Hon PETER FOSS replied:

\$74 million (rounded up to the nearest million) from February 1993 to February 2000, inclusive.

#### ABORIGINAL HEALTH, STATISTICAL OUTCOMES

1701. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

- (1) What are the statistical indicators of trends in Aboriginal health, in particular those that provide comparisons between trends and outcomes for Aboriginal health between 1993 and 1999?
- (2) In what areas have there been improved statistical outcomes?
- (3) In what areas have there been no improvements in statistical outcomes?
- (4) In what areas has there been a decline in statistical outcomes?

Hon PETER FOSS replied:

- (1) Life expectancy at birth for males and females  
Age standardised mortality rates for males and females  
Infant mortality.
- (2) There has been a significant increase in life expectancy at birth for Western Australian Aboriginal males from 58.7 years in 1991 to 61.2 years in 1997.  
  
There has been a significant increase in life expectancy at birth for Western Australian Aboriginal females from 63.7 years in 1991 to 67.4 years in 1997.
- (3) From 1991-1997, there was no significant change in age standardised all cause mortality rates for Aboriginal males or females.  
  
From 1993 to 1997, there was no significant change in Aboriginal infant mortality rates.
- (4) In 1992-97, age standardised mortality rates for diabetes were 1.3/1000 among Aboriginal males. This is significantly higher than in 1986-91 (0.6/1000).

#### HEALTH, FUNDING OF ABORIGINAL ORGANISATIONS

1705. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Health:

Will the Minister for Health provide details of all -

- (a) grants;
- (b) funding; and
- (c) purchasing,

for Aboriginal organisations by the Health Department of Western Australia since 1993?

Hon PETER FOSS replied:

[See paper No 988.]

Please note that while every effort has been made to ensure this list is complete it is possible that some details, particularly prior to the 1994/95 financial year, may not have been included. This is primarily because of changes in the organisational structure and reporting systems within the Health Industry since 1993.

#### HEALTH, PANDANUS PARK COMMUNITY LAND TITLE HANDOVER

1706. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Health:

- (1) Did a Health Department of Western Australia (HDWA) officer travel, at taxpayer expense, from Perth to attend the handover of the land title for the Pandanus Park community?
- (2) Did that officer perform other HDWA duties?
- (3) Which other Government health staff attended?
- (4) What was the cost of the visit?



(5) What was the travel itinerary?

Hon PETER FOSS replied:

(1) Yes. Manager, Health Advancement Equity and Purchasing.

(2) Yes. Meeting with General Manager, Kimberley Health Service regarding the Pandanus Park's Health Service contract, status and activity level.

(3) General Manager, Kimberley Health Services.

(4) \$1296.53.

(5) The itinerary was:

Saturday 18 December 1999

Depart Perth 5.50 am. Arrive Broome 8.30 am. Depart Broome 9.30 am. Arrive Pandanus Park, 11.00 am. Depart Pandanus Park, 3.00 pm. Arrive Broome, 4.30 pm.

Sunday 19 December 1999

Depart Broome, 1.40 pm. Arrive Perth, 4.25 pm.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1726. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Small Business:

For each of the Government agencies for which the Minister for Small Business has Ministerial responsibility -

(1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?

(2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?

(3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?

(4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?

(5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?

(6) What was the total capital expenditure on information technology in the 1998/99 financial year?

(7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?

(8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon N.F. MOORE replied:

(1) \$134 354

(2) \$2 555

(3) \$169 000

(4) \$37 000

(5) \$61 567

(6) \$141 696

(7) \$65 000

(8) \$89 000

#### GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1748. Hon E.R.J. DERMER to the Attorney General representing the Minister for Planning:

For each of the Government agencies for which the Minister for Planning has Ministerial responsibility -

(1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?

(2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?

(3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?

(4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?

(5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?

(6) What was the total capital expenditure on information technology in the 1998/99 financial year?

(7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?

(8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon PETER FOSS replied:

Ministry for Planning

(1) \$386 028

(2) Nil.

- (3) \$441 000
- (4) Nil
- (5) \$1 137 315
- (6) \$80 156
- (7) \$1 318 900
- (8) \$56 000

Office of the Minister for Planning (Appeals)

- (1) \$6 374
- (2) \$4 720
- (3) \$7 000
- (4) Nil
- (5) \$7 903
- (6) Nil
- (7) \$14 400
- (8) \$1 800

East Perth Redevelopment Authority

- (1) \$28 000
- (2) Nil
- (3) \$28 000
- (4) Nil
- (5) \$13 000
- (6) \$3 000
- (7) \$20 000
- (8) \$14 000

Subiaco Redevelopment Authority

- (1) \$10 237
- (2) Nil
- (3) \$10 000
- (4) \$1 000
- (5) \$7 598
- (6) \$2 743
- (7) \$6 000
- (8) \$3 000

Midland Redevelopment Authority

- (1)-(2) Nil
- (3) \$5 000
- (4) \$17 215
- (5)-(6) Nil
- (7) \$6 500
- (8) \$59 235

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1749. Hon E.R.J. DERMER to the Attorney General representing the Minister for Heritage:

For each of the Government agencies for which the Minister for Heritage has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
- (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
- (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?
- (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
- (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
- (6) What was the total capital expenditure on information technology in the 1998/99 financial year?
- (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
- (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon PETER FOSS replied:

- (1) \$59 843
- (2) Nil
- (3) \$58 410
- (4) Nil
- (5) \$80 187
- (6) \$72 235
- (7) \$60 805
- (8) \$20 000

CERVANTES, RESIDENTIAL BUILDING BLOCKS

1770. Hon TOM STEPHENS to the Leader of the House representing the Minister for Lands:

- (1) Can the Minister for Lands advise how many residential building blocks have been made available in Cervantes in the years -

- (a) 1997/98;
- (b) 1998/99; and
- (c) to date in 1999/2000?

- (2) Can the Minister also advise how many residential building blocks DOLA intends to release in the remainder of 1999/2000 and in 2000/2001?
- (3) Does the Minister acknowledge there is a current shortage of blocks available for purchase by residents in Cervantes?

Hon N.F. MOORE replied:

- (1) (a) 4.  
(b)(c) None.
- (2) 1999/2000 None  
2000/2001 One super lot capable of development to 76 residential building lots subject to State and Commonwealth Governments' legislative requirements.
- (3) Yes, there is a current shortage of Crown lots.

#### ABORIGINAL HERITAGE LEGISLATION, CHANGES

1785. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) Are any changes proposed to the State Aboriginal heritage legislation?
- (2) If yes, what are those changes and what is the reason for the changes being proposed?
- (3) What consultations have taken or will be taking place, in particular with Aboriginal bodies with respect to any such changes?
- (4) Has any legislation been drafted?
- (5) If yes, will the Minister for Aboriginal Affairs table a draft of that legislation?
- (6) If not, why not?
- (7) If legislation has been drafted, will there be any further consultations or changes?

Hon M.J. CRIDDLE replied:

- (1) January 1998 Cabinet approved drafting of new Aboriginal Heritage Legislation to repeal and replace the current Aboriginal Heritage Act 1972.
- (2) Draft Bill is currently under preparation by the Office of the Parliamentary Counsel. The Aboriginal Heritage Act 1972 is now approximately 28 years old and provisions and procedures under the Act may require revision to meet with contemporary needs. The draft legislation is also, in part, a response to proposed amendments to the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984.
- (3),(6)-(7) Upon receipt of a satisfactory draft of the proposed legislation, it is intended that the Bill will be released for a period of public consultation and comment.
- (4) A draft bill is currently under preparation by the Office of Parliamentary Counsel.
- (5) No, not at this time.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, IT LEASING FACILITY

1848. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Works:

- (1) Has Cabinet endorsed the formation of the IT leasing facility?
- (2) Will CAMS levy any charges for use of the facility by Government agencies?
- (3) If so, will the Minister for Works table the schedule of charges?

Hon M.J. CRIDDLE replied:

- (1)-(2) Yes.
- (3) Yes. Once the arrangements have been agreed with the Treasury Department, and the contract has been finalised.

#### SWAN RIVER, INDUSTRIAL CONTAMINATION

1860. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Water Resources:

The *Melville Gazette* of February 29 2000 reported that a survey by the Swan River Trust found a number of industries continue to discharge untreated industrial wastes into drainage systems. What steps has the Government taken to prevent further industrial contamination of the Swan River by these industries?

Hon M.J. CRIDDLE replied:

The industries concerned are “factory unit” enterprises that are small in size and large in number spread throughout the metropolitan area. Individually their impact is small but collectively have the potential to be a threat to the river. The threat generally arises from poor housekeeping practices and inadequate storage of chemicals and materials on site. Discharges are intermittent and caused by a variety of situations. The Swan River Trust, together with the Water and Rivers Commission and the Department of Environmental Protection, has worked with Local Government to develop an inspection and audit protocol to identify premises that are a potential threat to the river. This will enable Local Government inspectors in the course of their normal duties to ensure these industries take steps to protect the river. The Swan River Trust is also conducting a training program for industry and is distributing posters and other educational materials on “river friendly” work practices to premises. This is part of the Swan Canning Cleanup Program and Federal Coasts and Clean Seas Program.

#### DISABILITY SERVICES COMMISSION, GOODS AND SERVICES TAX

1876. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Disability Services:

I refer to the list, recently released by the Premier, of State Government charges subject to a GST.

- (1) Is it correct that no activities or services of the Disability Services Commission will be subject to GST?
- (2) If not, what activities and services of the Disability Services Commission will require a GST to be charged?
- (3) Why were these not included in the list released by the Premier?

Hon M.J. CRIDDLE replied:

- (1) Yes.
- (2)-(3) Not applicable.

#### FAMILY AND CHILDREN'S SERVICES, GOODS AND SERVICES TAX

1877. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Family and Children's Services:

I refer to the list, recently released by the Premier, of State Government charges subject to a GST. The list shows that the Department for Family and Children's Services will charge GST on board and lodging fees charged to employees of the Department (and their family) for the payments of meals and a bed in a departmental hostel. Can the Minister for Family and Children's Services provide details of the nature of the charges and the circumstances in which they would occur?

Hon M.J. CRIDDLE replied:

Departmental hostel staff were incorrectly included in the published list which has subsequently been amended by Treasury. The department will not be charging these staff GST.

#### WATER CORPORATION, ART WORKS

1939. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Water Resources:

- (1) Will the Minister for Water Resources table a list of the works of art that are owned by the Water Corporation detailing their value?
- (2) If not, why not?

Hon M.J. CRIDDLE replied:

- (1)-(2) The Water Corporation has acquired a number of minor artworks in support of local and indigenous artists either as a result of recommendations from the then Director of the Art Gallery of Western Australia or as a result of sponsoring local galleries. The total number of works is approximately 15 with the highest priced piece at the time of acquisition being \$2,500.00. All other prices were of a much lower value with a total value not exceeding \$20,000.00. No purchases have been made for the past three years.

### QUESTIONS WITHOUT NOTICE

#### ROAD SAFETY

**1126. Hon TOM STEPHENS to the Minister for Transport:**

Given that the minister has said previously that he has not read the University of Western Australia's Road Watch report commissioned by the Road Safety Council in May 1999 and does not wish to engage in public debate on the issue, I ask -

- (1) How does the minister respond to the report's finding that the lack of political will was the reason for Western Australia now lagging behind all other States?
- (2) What is the minister doing to improve Western Australia's road safety record?

**Hon M.J. CRIDDLE replied:**

- (1)-(2) The Government is doing a great deal. It has put in place a list of initiatives. I will commence with the roads themselves. This Government has put more money into roads than the opposition fellows ever thought possible, starting with \$370m when we came into government. An amount of \$800m now goes to that area. A large amount of that money will assist road safety. When the Government was called upon last year to act in the Wanneroo area, it immediately responded by having an audit of Wanneroo Road done and spending \$10m on that road. The Government has done the same in Pinjarra, where there is a difficulty. On the highways to the south, passing lanes have been constructed. As Hon Bob Thomas would admit, they clearly assist road safety. Amendments to the Road Traffic Act have been drafted. The legislation is now in this Parliament, and I hope that the Opposition in the upper House will agree to those amendments. They are serious issues. The Government has introduced initiatives so that young folk will be able to learn to drive at an earlier age. There has been a clear indication that that is the best way to deal with the issue. Those people will be supervised over a period as they become comfortable driving on the roads, starting at the age of 16 years when they get their learners permits. They will go through further tests, and by the time they are 17 years of age they will have a clear understanding of and will have experienced all the different conditions that they will come across when they drive on the roads and mingle with traffic. The Government has picked up a number of initiatives of the Road Safety Council. I recently launched a belt-up campaign in Bunbury. That is done every year. I will do that in Cervantes this Sunday at a football match. The Government has joined with Westar Rules to put forward that message to all the young people around the State. That will be done with the Road Safety Council at various locations across the State. This Government has been very proactive in road safety.

**BROOME DISTRICT HOSPITAL****1127. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:**

- (1) Is the Minister for Health aware that the backup power generator at Broome District Hospital broke down three times during the period surrounding cyclone Rosita?
- (2) Will the minister confirm that cuts in government funding for plant maintenance led to the generator failures?
- (3) Will the Government provide additional funding to ensure that backup power generators in hospitals can be adequately maintained?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) The emergency backup generator failed twice during the period 10.00 pm, Wednesday, 19 April to 5.00 pm, Friday, 21 April. This was the time frame of the Western Power supply outage to the health service. The backup battery system continued to supply power on both occasions when the generator failed. No increased disruption to service occurred as a result of these failures, and the failures were rectified in minimal time frames. The generator is fully maintained, tested once a week for a hypothetical failure, and run for one day a month under load to maintain reliability.
- (2) These failures were not - I repeat, were not - related to resource issues. The generator is fully maintained. Of course, one of the problems when people ask a question that supposes the answer is that it makes it difficult to give an answer.
- (3) The Health Department of Western Australia purchases services from health service providers, and part of the purchase price is to enable health services to maintain health care facilities and associated plant and equipment.

**GOODS AND SERVICES TAX, STATE BUDGET****1128. Hon N.D. GRIFFITHS to the Attorney General representing the Treasurer:**

I refer to the 2000-01 state budget, which shows the goods and services tax revenue coming to the State Government in the form of grants.

- (1) Does the State Government consider the GST to be a commonwealth tax?
- (2) If not, why was the GST not shown as taxation revenue for the State Government in the 2000-01 budget papers?
- (3) Does the State Government consider the "balancing loan" of approximately \$150m being paid by the Commonwealth to the State in 2000-01 as a grant from the Commonwealth?
- (4) If not, why is this being shown as a commonwealth grant in the state budget?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2) Not applicable.

- (3) Yes. This reflects that the "loan" is interest free and that the Commonwealth will provide a grant in 2001-02 to cover the cost of repaying the "loan". The state budget treatment is considered to be consistent with the relevant accounting standards and is supported by the Auditor General. Victoria's budget, handed down on 2 May, also treats this payment as a grant, and it is understood that other States will do likewise.
- (4) Not applicable.

#### GENETICALLY MODIFIED ORGANISMS, STATE'S STATUS

##### 1129. Hon J.A. SCOTT to the minister representing the Minister for Primary Industry:

The Minister for Primary Industry has stated that he has informed the federal Minister for Health, Michael Wooldridge, that he is opposed to the commercial release of genetically modified organisms in Western Australia, and, further, that he would set up a stewardship committee to examine the future role of GM organisms in Western Australian agriculture.

- (1) Is the Minister for Primary Industry aware of reports that the Federal Government has informed the Tasmanian Government that Tasmania would not be allowed to be a GM-free State?
- (2) Did Michael Wooldridge give the minister any indication whether Western Australia could be a GM-free State if it chose to take that path?
- (3) Can the Federal Government prevent Western Australia from maintaining a GM-free status; and, if so, how?

##### Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. First, I wish to clarify the statement in the member's preamble. The Minister for Primary Industry stated that he would not support commercial release of GMOs for agriculture in this State until the market and environmental impacts had been evaluated.

- (1) No, the minister is not aware of such reports.
- (2) The Minister for Primary Industry did not request that Western Australia seek GM-free status.
- (3) Not applicable.

#### ROAD SAFETY, CABINET ENDORSEMENT OF NEW STRATEGY

##### 1130. Hon NORM KELLY to the Minister for Transport:

- (1) Will the minister provide an indication of when the proposed new road safety strategy for Western Australia, which was endorsed by the Ministerial Council on Road Safety in February this year, will be endorsed by Cabinet?
- (2) What provisions have been made for funding the strategy and, specifically, the black spot program, and where does this appear in the budget papers?
- (3) What amount of funding has been allocated and/or forward estimated specifically for black spot programs for the years -
- (a) 2000-01;
- (b) 2001-02;
- (c) 2002-03, and
- (d) 2003-04?

##### Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The strategy is currently being considered by the Government.
- (2) The funding implications are part of the current government considerations.
- (3) (a) \$4.3m;
- (b) \$4.4m;
- (c)-(d) not available.

The member may also be interested to know that in addition to the federal black spot program, Main Roads Western Australia makes allocations to proposals that have been specifically targeted as a road safety or traffic management project. For example, the Government responded rapidly to calls to upgrade Wanneroo Road, as I said previously, following a number of fatalities on that road. Approximately \$10m was re-prioritised to carry out works specifically to make that road safer for motorists.

Allocations that Main Roads has made to specifically deliver road safety benefits are -

	State Roads		Local Roads	Total
1997-98	\$25.9m		\$20.4m	\$46.3m
1998-99	\$35.4m		\$25.8m	\$61.2m
1999-2000	\$61.1m		\$25.9m	\$87.0m

Additionally, Transform WA includes \$194m for sealing unsealed rural roads, which will also have significant road safety benefits.

#### NATIVE TITLE CLAIM, BOOJARAH GROUP

##### **1131. Hon MURIEL PATTERSON to the minister representing the Minister for Fisheries:**

I note that a native title claim was made recently by the south west Boojarah group for 10 075 square kilometres of the south west corner of land from Busselton to Denmark. Should this claim be successful, what special rights will this give the claimants to protected fish species?

##### **Hon M.J. CRIDDLE replied:**

If the rights determined are rights relating to fishing, the State will argue that those rights are subject to valid state laws, including the Fish Resources Management Act. However, due to the operation of section 211 of the Native Title Act, there may be circumstances in which the native titleholders would not have to comply with certain provisions of the Fish Resources Management Act relating to permits and licences if they were exercising a native title right in accordance with section 211 of the Native Title Act.

#### COLLIE, SPORTS FUNDING

##### **1132. Hon J.A. COWDELL to the Minister for Sport and Recreation:**

- (1) Is Collie to receive any funds from the Ministry of Sport and Recreation from this year's budget?
- (2) If yes, on what will the money be spent?
- (3) If yes, when will the money be spent?

##### **Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Yes.
- (2)-(3) The Ministry of Sport and Recreation has an office located in Bunbury which services the south west of the State, including Collie. Through this regional office with four full-time staff, the MSR will provide assistance from this year's budget for the following programs -
  - (i) country package - the MSR will receive applications from Collie for regional development;
  - (ii) Collie is eligible to apply for financial assistance to host appropriate sporting events through the country sport enrichment scheme;
  - (iii) sporting groups from Collie could seek financial assistance through the Healthway scholarship program;
  - (iv) sporting clubs in Collie could access the MSR's goods and services tax seminars to assist them in working with the new tax system;
  - (v) Collie residents could utilise the services of the coaching coordinator, the Aboriginal sports development officer, the sports fun coordinator and other sports regional development officers located at the regional office. Officers for netball, cricket, football, trails and disabled sports are housed in the office, while hockey is serviced from outside the office; and
  - (vi) sporting groups in Collie could also utilise the expertise of staff from the Bunbury office to assist them in making submissions for capital works funding through the \$7.75m community sport and recreation facilities fund program which will advertise for grants in July 2000.

#### STATE SUPPLY COMMISSION, EXPENDITURE REVIEW

##### **1133. Hon LJILJANNA RAVLICH to the minister representing the Minister for Works:**

I refer to the minister's press release of yesterday in relation to the publication *Who Buys What* and ask -

- (1) Can the minister explain why a review of the State Supply Commission by the Crown Solicitor in 1999 shows the total state public sector spending on goods and services was \$2.8b compared with his figure released yesterday of \$4.63b?
- (2) Who is correct, the Crown Solicitor or the minister?
- (3) Does the \$4.63b figure include spending on works?
- (4) If not, what is the spending on works?
- (5) Can the minister provide an exact breakdown of spending on the following for 1998-99 and 1999-2000 -
  - (a) goods;
  - (b) services; and
  - (c) capital works?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1) Yes, the review of the State Supply Commission by the Crown Solicitor quotes a figure of \$2.8b for goods and services spending in the financial year 1996-97. The figure of \$4.63b is for the financial year 1998-99. It should be noted that the 1996-97 collection data did not include capital works expenditure.
- (2) Both are correct. The Crown Solicitor's reference was obtained from the State Supply Commission's 1998 annual report and based on the 1996-97 collection data. The minister's figure is based on the 1998-99 *Who Buys What* collection data. As explained in (1), the Crown Solicitor's figure for 1996-97 did not include capital works expenditure.
- (3) Yes.
- (4) Not applicable.
- (5) Expenditure for 1998-99 was as follows -
  - (a) goods \$940m;
  - (b) services, including capital works, \$3.69b; and
  - (c) capital works \$1b.

Expenditure is not available for the 1999-2000 period until the end of this financial year.

FINN, MR SHANE, ATTORNEY GENERAL'S ART PURCHASE

**1134. Hon TOM STEPHENS to the Attorney General:**

Further to reports that the Attorney General purchased artwork produced by prisoner Shane Finn while his senior ministerial officer, Miss Karry Smith, has been involved in attempts to secure an early release for Mr Finn, I ask -

- (1) Does the Attorney General recognise yet the conflict of interest involved in the situation?
- (2) Have paintings by prison artist Shane Finn been bought at taxpayers' expense for the offices used by either himself or his chief of staff, Miss Karry Smith?
- (3) Did the minister or Miss Karry Smith make any requests or directives concerning the purchase of any art purchased at taxpayers' expense?
- (4) Has the Attorney General or any of his ministerial officers met with Mr Finn in prison?

**Hon PETER FOSS replied:**

- (1)-(4) I am very interested to hear this question. Firstly, I am unaware that my chief of staff has urged the early release of Mr Finn. The only letter I am aware of urging the early release of a prisoner happens to be from the Leader of the Opposition. I assure the Leader of the Opposition I will give serious consideration to that request. The person he mentioned, although guilty of a very serious crime, is a person who I believe should receive proper consideration. I have been doing my best to deal with that person for some time before the Leader of the Opposition became involved; in fact, Hon Mark Nevill made that request before he did. However, the only person I know of who has asked for the early release of a serious criminal is the Leader of the Opposition and I commend him for that. Some of the important things that I believe his party is keen on are: Firstly, keeping people out of jail; secondly, believing jail is not the total solution; and, thirdly, supporting the return to society of people who have paid their debt to society and rehabilitated themselves.

It is always a mistake to read something in *The West Australian* and assume it is correct. It is one of the problems the Leader of the Opposition and his party have. He does not have many ideas of his own and if he sees some criticism in *The West Australian*, he thinks he will jump on the bandwagon. His first premise is wrong.

Secondly, commencing in 1997, using taxpayers' money, my office bought a number of very cheap pieces of art through the prisoners' art exhibition. I did not know Finn then. I saw his work and was impressed by it and subsequently have a number of pieces of work which were remarkably cheap. I suggest that members attend the annual prisoners' art exhibition. The money does not all go to the prisoner; a fair amount goes to prison programs. The Ministry of Justice regards art as a very important rehabilitative program. If members attend the annual prisoners' art exhibition and purchase some art, I believe a small part of the money paid is returned to the artist but, obviously, an amount is returned to the prison.

Hon Tom Stephens: The answer to that question was yes, then?

Hon PETER FOSS: The Leader of the Opposition is very quick; yes it is. At subsequent art exhibitions I have also acquired for my office other prisoners' art. I do not know the name of those prisoners offhand. However, as I said, I urge every member to attend that excellent exhibition as it is for a very worthy cause and helps the prisoners' self-esteem and rehabilitation and provides money for programs in the prison. I have also bought works from those exhibitions with my own money. It is fairly important that in my office I show to people some of the works.



Hon Tom Stephens: How many of Mr Finn's works do you have?

Hon PETER FOSS: I have two in the office. I have a number of other pieces by a number of other people. so Mr Finn's work is outnumbered by other work.

I had to correct that first part. Some people have foolishly relied on *The West Australian* for some indication of what is happening in Mr Finn's case. Mr Finn is a life-sentence prisoner and is one of the unfortunate people caught by the change in the law made by this Parliament; that is, we increased the minimum period of incarceration for prisoners with life sentences for wilful murder. Also, we gave them no benefit for any time spent in prison prior to being convicted, whereas people now are eligible for release after a certain period. Therefore, some people had an extra two or even three years added to their sentence. They petitioned me en masse to apply the benefit of those two years' incarceration; in other words, they asked me to reduce the time they had to spend in prison by two years. I rejected that petition. I said that Parliament's clear intention was that they spend two more years in jail. Therefore, they are all spending two more years in jail as a result of my rejecting that petition. Members would like to know my involvement. All life prisoners who were jailed prior to the amendment to the law are being released two years later because I rejected the interpretation they put on the Act.

I was asked whether I have visited Mr Finn. I have seen Mr Finn in prison, as I have seen a number of people in prison. I am proud that I regularly visit prisons. I see prisoners, including Mr Finn, and prison officers and talk to them. I have never formally gone as a visitor to see Mr Finn, but I have certainly seen a lot of prisoners. Baroness Stern was recently in Western Australia to talk at a seminar arranged by the heads of churches. She is renowned for her knowledge, and criticisms, of prison systems. She saw our system. We took her to Riverbank. She said she was amazed by our system and that it is world's best practice. She thought the relationship between prisoners and officers was ideal in that it is easy and friendly. She was particularly impressed that the prisoners felt they could approach the minister and speak to him as he walked through the prison.

The PRESIDENT: Order! I am interested in what the Baroness Stern said, but I also ask the minister to draw his answer to a close.

Hon PETER FOSS: Thank you, Mr President. I go to prisons and speak to a large number of prisoners, including Mr Finn. I do not believe that there is a conflict. An important aspect of the system is that every person in the prison system is involved in recommending to the Governor whether a person should get out of prison, and every person is involved in recommending to the Parole Board whether a prisoner should be released. Prison officers are directed to adopt a friendly, cooperative and helpful attitude to prisoners. On one side they must be friendly to prisoners and help them, and on the other side they must make a judgment to the Parole Board on whether they should be released. Members opposite may consider that to be a conflict, and it is a conflict. However, I consider it to be an inherent aspect of both helping people and making life decisions about them.

I took the position in this case so an argument could not be made of there being a conflict. I said that I would not make this decision and that I would refer it to the Minister for Police. This was done for the very purpose of ensuring there could not be allegations of conflicts. A conflict certainly did not exist because I did not make the decision. There may certainly be inherent conflicts in what I must do in my role in both encouraging people and also making decisions about them.

#### TRAIN STATION, HEPBURN AVENUE

#### 1135. Hon HELEN HODGSON to the Minister for Transport:

I refer to page 3 of the *Wanneroo Times* of 9 December 1997.

- (1) Why has the train station at Hepburn Avenue announced in the article not been built as promised?
- (2) Will the station still be built considering that the former minister announced that the option of the new station was less expensive than expansion at other stations?
- (3) As complaints were received by commuters about lack of parking at other nearby train stations as far back as 1997, why has the Government failed to act by 2000?
- (4) What funds were allocated to the project and how will those funds be used if the station does not proceed?

#### Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The planning for the extension of the northern suburbs transit system to Clarkson recognised the impact on operations and the need for additional railcars with the construction of a new station at Hepburn Avenue, Greenwood. The NSTS master plan recommended that the new station at Greenwood be delayed to coincide with completion of the proposed extension to Clarkson in order to match the timing for delivery of additional railcars.
- (2) Yes.
- (3) Detailed planning and a clear understanding of the need to match the railcar capacity to the anticipated demand has meant that a responsible course of action is to defer construction of Greenwood so that full services can commence in conjunction with the extension to Clarkson.
- (4) An amount of \$5.245m has been allocated to Westrail for the new station.

## REID HIGHWAY EXTENSION, LAKE CARINE

**1136. Hon GIZ WATSON to the Minister for Transport:**

In regard to the proposal to extend the Reid Highway past Lake Carine wetlands -

- (1) Has Main Roads consulted with the Water and Rivers Commission regarding the adequacy of proposed buffer zones for Lake Carine?
- (2) If not, why not?
- (3) If yes, what did the Water and Rivers Commission say?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) Main Roads submitted its proposal for the extension of Reid Highway to the Environmental Protection Authority in May 1993. This followed an earlier proposal submitted the previous year, but withdrawn for modification prior to assessment. In May 1999 rezoning of the road alignment was required to ensure that Big Carine Swamp did not lie within the road reserve, and a further submission was made to the EPA. In both cases the EPA determined that the Main Roads proposal for the project was environmentally acceptable. It is the responsibility of the EPA to determine whether there is a requirement to make a submission to the Water and Rivers Commission. In view of its environmental assessment and subsequent acceptance of the proposal, the EPA did not make a submission to the Water and Rivers Commission.
- (3) Not applicable.

## VOLUNTARY EUTHANASIA BILL 2000, DEBATE

**1137. Hon RAY HALLIGAN to the Leader of the House:**

Is the leader aware of today's editorial in *The West Australian* arguing that the Government should debate Hon Norm Kelly's euthanasia Bill; if so, what is the response of the Leader of the House?

**Hon N.F. MOORE replied:**

I was a little surprised to read the editorial in today's *The West Australian* headed "MPs should debate mercy killing". The question is slightly incorrect as the editorial is arguing that Parliament, not the Government, should debate the matter. The editorial stated -

The Parliament would not be doing its job if it did not debate and vote on Mr Kelly's Bill.

Hon Norm Kelly and *The West Australian* seem to have forgotten already that this House had a debate on euthanasia - not concerning Hon Norm Kelly's Bill, but a motion moved by the member.

Hon Norm Kelly: We want a conscience vote.

Hon N.F. MOORE: The member should listen for five seconds; he has had a fair go in this House. To paraphrase the motion, it asked that this House support the need for appropriate legislation on euthanasia. Debate on that two-part motion in this House began on Wednesday, 15 March this year and finished on Thursday, 16 March 2000 with a vote of 18 against and 11 in support of the motion. This was an overwhelming decision by the House that there is not a need for legislation regarding euthanasia. I would have thought that that debate was a debate on euthanasia and indicated the House's view on the matter. If Hon Norm Kelly has not worked that out yet, I guess he never will. The fact is that a conscience vote was held on the matter. Eighteen people voted against the motion, and there are not 18 members on this side of the House.

Hon Bob Thomas: There will be fewer next time.

Hon N.F. MOORE: There will be about 28 members. I am trying to help the Opposition, which does not want to debate this either. Hon Ed Dermer, Hon Ljiljanna Ravlich, Hon Christine Sharp, Hon Nick Griffiths and Hon Tom Stephens voted with members of the Government on the issue. It was a conscience vote. Government members have always had a conscience vote. Everybody on this side of the House was opposed to Hon Norm Kelly's motion. That is how it is, and how it will always be. Government members have a conscience vote on every issue.

Hon Norm Kelly: That remark shows just how stupid your comments can be.

Hon Peter Foss: It is a conscience vote, although you might not believe it.

Hon N.F. MOORE: Members on this side of the House can vote however they like in this Chamber. They do so whenever they feel the need. The only requirement is that they tell the party in advance. That is how this side of the House operates. However, that is not the issue. The leading newspaper in Western Australia says we should debate this issue; I say we already have. I do not know how many times Hon Norm Kelly must be told before he and the people who write editorials accept that this House does not support his proposition. The House has debated the issue.

Hon Norm Kelly interjected.

Hon N.F. MOORE: The House debated this issue for two days. Hon Norm Kelly has had three attempts at introducing this legislation. How many more times does he want to try? He was told, by 18 votes to 11, that this House does not support him, yet he still wants to go on about it. I do not know how much of this House's time he feels he needs to continue to push a point of view that is not supported by a bipartisan majority of this House.

#### TIMBER RAILWAY SLEEPERS, COUNTRIES SUPPLIED

**1138. Hon CHRISTINE SHARP to the minister representing the Minister for Forest Products:**

- (1) Does Western Australia supply timber railway sleepers harvested from native forest to overseas countries?
- (2) If yes -
  - (a) to which countries;
  - (b) in what quantities;
  - (c) what grade and type of timber are they; and
  - (d) what is the duration of the contract or contracts?

**Hon PETER FOSS replied:**

- (1)-(2) I thank the member for some notice of this question. This question was previously asked on notice. The member should refer to answer to question 1328, answered on 10 May 2000.

#### EMERGENCY AND CYCLONE SHELTERS, NORTH WEST

**1139. Hon CHERYL DAVENPORT to the minister representing the Minister for Family and Children's Services:**

- (1) What funds have been allocated in the 2000-01 budget to establish emergency and cyclone shelters for population centres in the north of the State?
- (2) Will the minister table details of the locations of each designated emergency and cyclone shelter in each population centre in the Kimberley, Pilbara and Gascoyne regions?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1) Family and Children's Services does not allocate funds to establish welfare or evacuation centres. Under the State's emergency management arrangements, the department is responsible for opening and managing welfare and evacuation centres to provide immediate and ongoing supportive services to those who have been evacuated and are temporarily homeless. The welfare and evacuation centres are structures that are already established within the community, such as recreation centres, state and private schools as well as centres such as police and citizens youth clubs. Family and Children's Services officers with emergency management responsibilities are required to ensure there is agreement with the owners or managers of the shelters for their use during emergencies and that they are formalised in the local emergency management plans.
- (2) All welfare and evacuation centres are detailed in the local emergency plans. In the Pilbara, designated centres are St Luke's College and the Karratha College in Karratha; the Onslow local hospital; the Newman community recreation centre; the Roebourne community hall; Cooke Point community and youth centre and Cooke Point Primary School in Port Hedland; the police and citizens youth club and Hedland Senior High School in South Hedland. Centres in the Kimberley are Broome Senior High School, Cable Beach Primary School and the Broome police and citizens youth club; the Derby District High School; the Fitzroy Crossing recreation centre; the Halls Creek community hall; the leisure centre in Kununurra; and the old Wyndham hospital. In the Gascoyne there are centres at the Exmouth community centre; the Carnarvon Civic Centre, the recreation centre and Carnarvon Camp School; the Bluff Point Camp School, the Geraldton Senior High School gymnasium, Walkaway recreation centre, Geraldton badminton centre, Geraldton sportsmen's club and the Geraldton basketball stadium; and a plan is being developed for Meekatharra.

#### MANJIMUP SYNDICATE COOLSTORES LTD, GOVERNMENT LOAN

**1140. Hon KIM CHANCE to the minister representing the Minister for Commerce and Trade:**

- (1) Was the government loan made available to Manjimup Syndicate Coolstores Ltd, commonly known as MAES, which is the company which has taken over the former Simplot processing works in Manjimup, supported and recommended by the South West Development Commission?
- (2) Is the Chairman of Directors of MAES also a committee member of the South West Development Commission?
- (3) If this is the case, is the Minister for Commerce and Trade concerned about the possible conflict of interest?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) The South West Development Commission was aware of the discussions taking place between MAES and the Department of Commerce and Trade. The commission was not a party to those discussions, nor was a recommendation about the matter sought from the commission.
- (2) Yes, the Chairman of MAES is a member of the South West Development Commission board.
- (3) There is no conflict of interest as the South West Development Commission was not a party to the assessment or the decision-making process for the provision of government assistance to MAES. The Department of Commerce and Trade was the agency responsible for MAES's application for financial assistance. The South West Development Commission has a code of conduct which explicitly requires members to declare conflicts of interest and to remove themselves from board meetings while that matter is discussed.

PILBARA FUNERALS, TENDER NO RFT39099

**1141. Hon G.T. GIFFARD to the minister representing Minister for Works:**

I refer to the recent awarding of the contract for funeral services in the Pilbara region, tender No RFT39099 -

- (1) When the contract was awarded to Pilbara Funeral Services on or about 5 April 2000 -
  - (a) was Gavin Ness the holder of a funeral director's licence;
  - (b) did the successful tenderer designate storage facilities for the business and, if so, where;
  - (c) did the successful tenderer indicate where its offices were, and if so, where; and
  - (d) did the successful tenderer indicate whether it had a vehicle?
- (2) Was a funeral director's licence an essential criterion of the tender?
- (3) Were all the criteria stipulated in the tender complied with by the successful tenderer at the time the contract was awarded?
- (4) If not, why was the contract awarded to a tenderer who had not complied with all the criteria set out in the tender?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1)
  - (a) No.
  - (b)-(d) No, this was not a requirement of the tender.
- (2) Holding a funeral director's licence was not required at the time of tendering. For the purpose of evaluating tenders, which Family and Children's Services officers undertook, potential tenderers were advised that a statement of intent to obtain a licence would be sufficient. A relevant funeral director's licence was required to perform the contract.
- (3) The tender evaluation was undertaken by officers of Family and Children's Services. The panel concluded that Gavin Ness's tender met the selection criteria.
- (4) Not applicable.

*Distinguished Visitor*

The PRESIDENT: I welcome Hon Thomas McNeil, a distinguished former member of our Chamber, to the President's Gallery. He joins us today on parliamentary business.

---