WESTERN AUSTRALIA

Parliamentary Debates
(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE ASSEMBLY

Tuesday, 4 May 1999

THE DEPUTY SPEAKER (Mr Bloffwitch) took the Chair at 2.00 pm, and read prayers.

APPRENTICESHIPS

Petition

Dr Gallop presented the following petition bearing the signatures of 350 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned citizens recognise that apprenticeships are an important way of providing life opportunities for young Western Australians and also to securing the skilled workforce needed to develop the wealth of our state.

We therefore call on the Government to address the threat of cancellation of many apprenticeships due to the shortage of work during the current downturn in the resources sector by establishing targeted short term support programs to ensure existing apprentices do not lose their apprenticeship.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 197.]

PROPOSED DEVELOPMENT BY CAPE BOUVARD INVESTMENTS PTY LTD

Petition

Mr Marshall (Parliamentary Secretary) presented the following petition bearing the signatures of 31 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned,

call upon Parliament not to allow the proposed development by Cape Bouvard Investments Pty Ltd of the Wellington Locations, blocks 2240, 2275, 2657 and 3045, bounded by the Yalgorup National Park to proceed due to the concerns raised below and on the grounds that this is an environmentally sensitive and fragile coastal region and as such should be preserved and protected and access not to be allowed to the above property by the extension of Quail Rd. through Yalgorup National Park.

The proposed subdivision of the blocks mentioned above are between the west side of Lake Clifton & the ocean and will consist of some **1200** residences, which equates to possibly **2400** or more residents. Access to this property is presently from the south via Preston Beach Rd. Cape Bouvard Investments proposes to change the access road by entering through the north end of the Yalgorup National Park along White Hill Rd. turning into Quail Rd and extending this road through the National Park to the proposed development.

1. The impact it will have on the Yalgorup National Park, home to a diverse range of flora and fauna, and Lake Clifton, a fragile and sensitive environment, containing the oldest of life forms, stromatolites, and a rare species of the Black Bream fish.
2. The proposed swap of land currently owned by Cape Bouvard Investments for ocean front land that is part of Yalgorup National Park.
3. The impact on the groundwater supplies through the creation of artificial lakes and the use of bores and possible pollution and contamination of Lake Clifton from nutrient run-off from any residential development, causing possible irreparable damage to the stromatolites which have national, if not world, heritage value.
4. Risk of wildfire due to access through the Yalgorup National Park and the subsequent evacuation problems for residents and the wildlife within the confines of the area.
5. Vandalism and degradation of the sand dunes by offroad vehicles due to the increased access.
6. The risk of further littering, rubbish dumping and vandalism within the Yalgorup National Park due to increased access.
7. The increase of road traffic that will be generated along all existing access roads and the National Park becoming a thoroughfare for the proposed development.

These are but some of the many objections that have been raised and the residents adjacent to the proposed development have already borne witness to many of the above problems because of the use of White Hill Rd, Raywood Road and Bouvard Drive as an access to White Hill beach and the coast, causing degradation of the sand dune, vandalism and the dumping of rubbish.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 198.]

TOM PRICE SENIOR HIGH SCHOOL, GYMNASIUM

Petition

Mr Riebeling presented the following petition bearing the signatures of 81 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, seek your support in gaining sufficient funding to guarantee the construction of a gym for Tom Price High School.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 199.]

CARAVAN PARKS AND CAMPING GROUNDS REGULATIONS

Petition

Mr McGowan presented the following petition bearing the signatures of 34 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned, ask for the Government to change the Caravan and Camping Grounds regulations to enable people to camp in traditional camping grounds particularly those people travelling in caravans and who therefore do not cause any damage to these areas.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 200.]

PEPPERMINT GROVE BEACH, ACCESS ROAD

Petition

Mr Masters presented the following petition bearing the signatures of 465 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned can no longer tolerate the unsatisfactory condition of access roads in the Peppermint Grove Beach locality and draw your attention in particular to sections of Ludlow Road North, Stirling Road and Mallokup Road, Capel. We believe the Government has moral and legal obligations to provide a safe traffic environment in rural areas under the same conditions as Commerce and Industry in the public sector under Duty of Care legislation. Currently these obligations are not being honoured or upheld.

The Peppermint Grove Beach locality has grown in population density to approximately 600 residents and consequently road usage has increased in volume and exacerbated by extensive use by fishermen (amateur and commercial), building contractors, holiday makers (year round) and school buses. Road maintenance and Renewal has simply not kept pace with development in the region.

The biggest concern is public safety. School buses, for example, are constantly forced off the bitumen on to the gravel to avoid oncoming traffic. The driving conditions are particularly hazardous for elderly and inexperienced drivers. We believe that safe roads are our right, not a privilege. We have already paid for them several times over with increases in motor vehicles registration fees, fuel prices (higher than metropolitan) and a doubling of council rates over the past 10 years. We implore you to act now before the ultimate price of human life is paid.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 201.]

CITY OF JOONDALUP PUBLIC RECREATIONAL FACILITIES

Petition

Mr Baker presented the following petition bearing the signatures of 16 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents and ratepayers of the City of Joondalup, most vigorously oppose the City of Joondalup implementing any proposal to charge junior sports using or utilising City of Joondalup public recreational facilities - a "user pays" fee structure of any description. We call upon the Minister for Local Government to intervene in any such decision making process and to override any such future decision by the City of Joondalup.

We cannot believe that such a proposal is even being suggested and we expect that a reasonable portion of our annual municipal rates be specifically expended upon the provision of important sporting, community and recreational facilities for our new City's young children.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See petition No 202.]

REGIONAL FOREST AGREEMENT

Statement by Premier

MR COURT (Nedlands - Premier) [2.11 pm]: I am pleased to inform the House that today the Western Australian and Commonwealth Governments signed a Regional Forest Agreement for the use and management of the State's south west native forests. The Regional Forest Agreement for the south west forest region of Western Australia is part of the national blueprint for balance, certainty and sustainability in forest management.

Planning for RFAs between the Commonwealth and the individual States began in 1992 when the Commonwealth, State and Territory Governments signed the national forest policy statement agreeing to work towards a shared vision for Australia's forests. In July 1996, the Commonwealth and Western Australian Governments signed a scoping agreement to negotiate an RFA and establish the future use and management of the forests in our State's south west. A vital element of the RFA is for it to recognise both the economic and environmental obligations on the Government for the long-term management and protection of forests. The RFA is a 20-year agreement. It will be subject to five-yearly reviews.

Today's agreement meets each of the three main objectives of the RFA process: To protect environmental values in a world-class system of national parks and other reserves, based on nationally agreed criteria; to encourage job creation and growth in forest-based industries, including wood products, tourism and minerals; and to manage all native forests in a sustainable way. For the environment, it establishes a world-class reserve system which is comprehensive, adequate and representative of the forests' biodiversity, old growth and other natural and cultural values.

The RFA in Western Australia has had three phases -

The comprehensive regional assessment provided the information base for the RFA. This involved more than 40 scientific projects assessing the environmental, heritage, social and economic uses and values of our forests. Experts came from fields including forest ecology, soil science, geomorphology, hydrology, archaeology, botany, zoology, geography and geology, as well as economic, social planning and regional development. They produced 46 project reports which are publicly available.

The integration phase produced the public consultation paper outlining three scenarios for an RFA.

The development of a final RFA between the governments took into account the full range of public comments.

I will outline to the House the extensive public consultation process that has taken place. There has been consultation with national, state and regional interest groups, regional community organisations and interested members of the general public from the signing of the scoping agreement to the end of the formal public comment period and beyond. The RFA steering committee which managed the process and represented the Prime Minister, the Premier and relevant commonwealth and state portfolios, was advised by a stakeholder reference group representing 60 different organisations, as well as Aboriginal interests.

The scientific assessments, particularly the extensive social assessment, involved widespread consultation with business and community groups, service providers and voluntary groups, to ensure that the RFA was based on local knowledge and issues of local concern. All reports produced for the RFA have been publicly available through 25 information points in Perth, the south west region and the Internet, with thousands of copies distributed directly to individual Western Australians.

The joint RFA discussion paper "Towards a Regional Forest Agreement for the South-West Forest Region of Western Australia", released in May 1998, attracted hundreds of people to open days and 30 000 public submissions which Governments took into consideration when finalising the agreement. I will table an analysis of those public submissions. I now turn to the details of the RFA itself.

Reserve design: Before I discuss the detail of the reserve design, it is interesting to note that the current karri and jarrah forests represent 80 per cent and 65 per cent respectively of the original forest area which existed prior to European settlement. The RFA sets aside an additional 150 885 hectares in formal conservation reserves, creates 12 new national parks and 25 additions to existing national parks, and conserves a further 45 700 hectares of the region's old-growth forests, including 100 per cent of rare or depleted old-growth ecosystems, where possible on public land.

More than two-thirds or 67 per cent of old-growth forests in the region will be protected in RFA reserves. This figure rises to 71 per cent when all informal reserves are included. It exceeds the nationally agreed criteria under the national forest

policy statement, which aims to include at least 60 per cent of old growth in each forest ecosystem. The total area in conservation reserves throughout the south west forest region will now be 1 047 200 hectares.

Many of the areas were identified as important for reservation by scientists, the Australian Heritage Commission, conservation groups, tourism groups, shire councils and local communities during the public consultation phase of the RFA. The final outcome delivers a greater area of reserves than the "greenest" option contained in the May 1998 public consultation paper.

The 12 new national parks will vary in size from Yelverton National Park at 1 300 hectares south of Busselton to the Milyeannup National Park of 18 000 hectares along the Blackwood River west of Nannup. The 25 additions to existing national parks will include additions to three existing national parks to form a single reserve of 215 000 hectares in the Walpole-Denmark area, linking Mt Lindesay, Mt Roe and Mt Frankland. The addition of 17 forest blocks to this area presents an opportunity to enhance significant wilderness values in the area. In addition, part of Hilliger block will be included to create a link between D'Entrecasteaux National Park and new national parks to the north, part of Giblett block will be incorporated into the Beedelup National Park, and part of Dombakup block south of Pemberton will be added to the D'Entrecasteaux National Park to protect Aboriginal heritage values.

Sustained yields: The RFA sets out the expected sustained yields for jarrah and karri sawlogs from 2004. The expected long-term sustained yield for jarrah first and second-grade sawlogs is 286 000 cubic metres per annum from 2004. Members would be aware that industry presently has contracts for 482 000 cubic metres per year until 2004. I am pleased to announce that industry has agreed to an immediate step down at an average annual sawlog cut of 324 000 cubic metres until the year 2003.

In the case of karri, the expected long-term sustained yield for karri first and second-grade sawlogs has been calculated at 178 000 cubic metres per annum from 2004. In this case, industry has agreed to an immediate reduction from the contracted level of 234 000 cubic metres to 186 000 cubic metres per year until 2003. These expected sustained-yield levels have been verified independently by a panel of scientists chaired by Dr Brian Turner, reader in the Department of Forestry at the Australian National University, with Professor Ian Ferguson, head of the School of Forestry, University of Melbourne, and Mr Noel Fitzpatrick, former Chairman of the Murray-Darling Basin Commission and former head of the Western Australian Department of Agriculture. In their report to the Minister for the Environment, they said -

> We are pleased to report that following two days scrutiny of the scheduling process we can attest that the scheduling has been carried out in an objective, professional (scientifically appropriate) and operationally realistic manner. We can also confirm that the whole-of-forest yield of jarrah, karri and marri sawlogs for the period 1999 to 2018 for the analysed reserve design is consistent with the data, assumptions and methodologies adopted in the scheduling.

The next forest management plan to apply from 2004 will be subject to a full EPA assessment, including public consultation.

Members would be aware the Government has already announced that before development of that forest management plan the State will undertake a further independent review of yield levels to ensure that the levels of cut are consistent with ecologically sustainable forest management principles laid down in the RFA. In addition, as I mentioned earlier, the RFA will be subject to review every five years to ensure that agreed milestones and commitments are being met.

Industry development package: Western Australia's native forest-based timber industry employs more than 20 000 people directly and indirectly and has an annual turnover of more than $850m. Although the RFA will reduce the annual supply of jarrah and karri sawlogs available to industry, it aims to offset job losses through an industry development package. There will be a total financial package of $59m for development of forest-based industries. This will consist of the following -

> A $38.5m WA Forest Industry Structural Adjustment Program for the native hardwood timber industry established by a memorandum of understanding signed today. This FISAP includes an industry development component to facilitate greater efficiency, competitiveness, value adding and an adjustment component for businesses and their employees who may be impacted by the RFA;
>
> $3m over the next five years for the thinning of jarrah regrowth stands;
>
> $17.5m for tourism development and strategic roads made up of -
>
> > $2m for a major new tourist attraction in the Donnelly River valley featuring some of the world's tallest karri trees;
> >
> > $2m for three eco-lodge camping and chalet sites in conjunction with the private sector;
> >
> > $1m for a new scenic drive in the Pemberton area linking existing tourist attractions including Beedelup, Hawke and Warren National Parks, the 100 year forest and Big Brook dam;
> >
> > $1m for tourism development at the Wellington Dam. The purchase of private land surrounding the dam for $9.5m has increased the opportunity for recreation and tourist developments, including campsites and day visitor facilities. This combined with the Potters Gorge private hotel-chalet project will be a significant boost for tourism in the Collie region;
> >
> > $2m for sealing Mowen Road between Nannup and Margaret River.

The RFA has identified priorities for the timber industry and industry consultants have indicated that the Western Australian timber industry has the potential to create around 500 extra jobs in the region over the next 20 years. The priorities include -

developing an internationally recognised certification program for WA forest products;

investigating other uses for lower grade and residue wood; and

helping small operators to be more efficient in processing, marketing and exporting timber products.

There will also be research into value adding for karri and marri in areas such as kiln drying, glueing and finishing. There will also be work with industry over the next few years to trial the implementation of whole bole milling.

Without these measures, it is estimated that the RFA would potentially result in the loss of about 125 to 150 jobs in the private sector and approximately another 250 when public sector and indirect jobs are taken into account.

Already tourism provides more than 7 000 jobs in the region and the tourists who make nearly 2.4 million visits there spend about $250m a year. The Government is keen to see this figure grow. The RFA will help create other opportunities for expansion of tourism in areas including forest blocks near Margaret River, Bridgetown, Walpole, Denmark, Blackwood River Valley, Hawke Block, Dombakup and Northcliffe.

Other industries**:** The mining industry makes a major contribution to the regional economy. In 1995-96, it employed more than 8 000 people directly and generated nearly $2.7b. Through consultation with the mining industry, RFA reserves have been chosen to minimise direct conflict with known mineral deposits and existing mining leases and tenements. This should give the industry confidence to invest in new mineral exploration and mining. All other small industries, including beekeeping, floriculture, biotechnology and basic raw materials such as sand, limestone and gravel, have also been taken into account in the RFA.

Aboriginal heritage values: It is worth making special mention of the RFA and indigenous values. In 1996, the Noongar Action Group was formed to ensure that the RFA took account of Aboriginal heritage values and consultation issues. As a result of the Noongar Action Group recommendations, the RFA includes commitments by the State Government to develop a formal consultation process with Aboriginal people, protect Aboriginal sites and amend the laws to allow them to undertake traditional and cultural activities on CALM land. Part of the Dombakup forest block south of Pemberton will be reserved to protect important Aboriginal heritage values in that area.

CALM restructure: In conjunction with today's RFA, the Government has also initiated a restructure of the operation of the Department of Conservation and Land Management. This is intended to remove arguments about potential conflicts of interests and to enhance the scrutiny of native forest management. CALM will retain its core responsibilities for nature conservation, recreation, plantations and fire control. A 10-member state conservation authority will be established. It will be responsible for state forest, national parks and other conservation reserves. It will recommend levels of sustainable native timber production and audit CALM'S land management activities. A separate forest production commission will be created with no CALM representation. Its role will be to maximise the State's return from south west native forests. Finally, a forest industry advisory board will be established to advise on industry restructuring issues arising from the RFA.

Plantations: Western Australia will continue to lead the nation in establishing new plantations, in addition to its native timbers. Despite huge plantings of 25 000 hectares - or 28 million trees a year - in each of the past three years, the demand for plantation timber is set to exceed supply until the year 2015. That point is worth emphasising, because some of the critics have suggested that Western Australia has already reached the point at which all its timber needs can be met from plantations. This is not the case.

Conclusions: The Government's progress can be contrasted with that of the Opposition in Government. In fact, the current RFA process began in 1992 as a product of the previous Government, and it is irresponsible of members opposite now to suggest that the process is flawed. I remind members that it was the former Government which approved a jarrah sawlog cut of 594 000 cubic metres in 1987. In 1992 it was still approving a cut of 520 000 cubic metres. The coalition Government has now achieved a reduction of 45 per cent on that figure.

This debate has been an important and difficult one; it has been about recognising and protecting the uniqueness of our State's forests and balancing that against the legitimate and genuine needs of communities in the south west. This issue has never been black and white. On the basis of a wide range of independent scientific advice, the Government has worked towards achieving a fair and balanced outcome that will protect the future interests of all Western Australians.

Mr Speaker, I table a copy of the agreement that was signed this morning. The agreement was signed in counterparts which are now being exchanged. I will table a copy of the signed agreement when the Prime Minister's counterpart has arrived in Western Australia. I also table an analysis of the public consultation and a copy of the report of the expert panel.

[See papers Nos 910-912.]

DR GALLOP (Victoria Park - Leader of the Opposition) [2.29 pm]: Today's events are a tragedy. A process was begun many years ago throughout the nation to bring some stability, certainty and security to all those people who have some stake in the State's south west forests, whether they be workers in that industry or those with an interest in conservation of those forests. What is the situation today? The Government has produced a recipe for continuing disputation, argument and conflict about the future of the old-growth forests in Western Australia. The reason for that is simple; the Government has never conducted this process properly.

In his speech, the Premier referred to the three different phases in the RFA process which Western Australia has been through; namely, the comprehensive regional assessment phase; secondly, the integration phase; and thirdly, the development of a final RFA between the Governments taking into account what had been said in the earlier phases.

If members look at each of those phases, they will see why this process has led to a result that will not stick in the community; a result that will not bring about stability and certainty for the industry. The comprehensive regional assessment phase was a Department of Conservation and Land Management-controlled phase. It never had the support of the scientific community or the stakeholders whose knowledge about these matters is vital when we consider what needs to be done in the forests in the south west. The so-called integration phase was a disintegration phase. When those three options were put out for public comment, protests emerged not only within the community, but also within other sectors of government, most notably the Environmental Protection Authority. Then we had the final design phase; that was a real beaut phase. It involved the wheeling and dealing in the coalition backrooms at the federal and state levels throughout Australia; it was not open and consultative. They took a bit out here and put a bit in there and tried to bring about a result that would satisfy the public of Western Australia. If members look at each of those phases, they will see the problems and mistakes. It is no wonder that we have a result today that will not stick.

The tragedy is compounded by the fact that people within this Parliament and this Government could have made a difference. They put their seats in the Cabinet ahead of the future of the forests of Western Australia. I am referring to the National Party. The members of the National Party are parading around Western Australia claiming that they are interested in conservation. Where were they when the crunch came? Where were they when they could have insisted that this document went out for public consultation before it was signed? They were enjoying the privileges of Cabinet Government. I will not listen to anyone who tells me that the National Party has any semblance of interest in the conservation of our forests. The members of the National Party should have insisted that the final draft be made public before the agreement was signed. Instead, the final agreement is the product of a secret backroom deal within the coalition.

I remind members of Parliament of what the Royal Society of Western Australia said about the all-important comprehensive phase. It is a very reputable body with no links to any political party in Western Australia. It is reported as saying -

> We have major concerns about the lack of transparency of the methodology that has been adopted in developing this agreement and its database. Although the RFA process has brought together valuable information on many aspects of the forests, there are significant gaps in the data; many interpretations and conclusions are questionable; and the tardy release of documentation has precluded reasonable public assessment of these. Peer review (a standard requirement of the scientific method) has either not been used or has been used ineffectively. There has been inadequate consideration of major aspects of divergent scientific opinion in forest ecology and usage.

That is what the Royal Society said about the process that led to the so-called integration phase that then contributed to the final decision by the Government.

The RFA in Western Australia has been a disaster and the result will certainly be tragic. Let us nail it down so that every member of Parliament knows what is in this 20-year agreement. Presently there are 347 000 hectares of old-growth forest left in Western Australia. That is about 8 per cent of the original old-growth forest at the time of white settlement. After this agreement 232 800 ha will be in formal reserves. That means that after all the RFA consultation and so-called scientific consideration by the Government, only 45 700 ha have been added to the formal reserve system.

This Premier has achieved 13 per cent of the aspirations of the people of Western Australia. He is marked. He has increased the old-growth forest reserve in Western Australia by only 13 out of 100. That means that 102 000 ha of our State's old-growth forest is left for logging. This is what this Government did as a result of its 20-year agreement. Thirty-three per cent of the remaining old-growth forest is not protected. The Government added just 13 per cent to the reserve system. What a pathetic performance by the Government, given the aspirations and values of the people of Western Australia. One-third of our precious remaining old-growth forest will be logged. That includes important blocks such as Giblett, Jane, Sharpe and Peak.

That is the first essential problem with this agreement. The second relates to the industry development package. The amount of $59m is being provided for forest-based industries, including tourism. Some of that money will go to general tourism development and some of it will go to industry enhancement. I ask the member for Warren-Blackwood: Where is the worker assistance?

Mr Omodei: I do not think you understand what the package is.

Dr GALLOP: I have looked at it. Where is it? We are told a lot about low-cost loans for value-adding equipment, new technology and marketing. We are told a fair amount about redundancy and business exit packages. However, where are the individually tailored worker-assistance packages in this document?

Mr Omodei: They are good packages. Have you read all the information? Have a look.

Dr GALLOP: How much money is in there for the workers?

Mr Court: An amount of $59m.

Dr GALLOP: That is not for the workers; it is for the companies. Where is the money for the workers? It is not there.

Mr Court: There are jobs there.

Dr GALLOP: No; there are no links between jobs lost and jobs created. This is a typical Liberal Party approach to industry restructuring. Its philosophy is that the market will take care of the problem; new jobs will be created and those workers will acquire them. The member for Warren-Blackwood had the audacity to stand on the steps of Parliament and tell his constituents that he would look after their interests. The forestry workers will experience what it means to live under a

coalition Government, just as the public sector workers did when it looked after their interests in times of change and restructuring!

Every Western Australian public sector worker knows what it means and now the timber workers will join the long list of workers in Western Australia for whom this Government does not care one skerrick. No systematic effort has been made to bring about individual programs for those workers. What we have seen today is a tragedy. This process started with great promise but has ended in tragedy. This tragedy could have been averted by the National Party but it has exposed itself to ridicule as a result of its failure to deliver on commitments it made to people in the south west. Second, this Premier has delivered only a 13 per cent addition to the old-growth forest reserve in Western Australia. Third, in this Regional Forest Agreement the workers are the last people in whom this Government is interested. The Opposition will hold this Government to account on this issue. Members opposite should make no mistake - this will be a major issue at the next election.

COMMISSIONER FOR PUBLIC SECTOR STANDARDS - REPORT OF INVESTIGATION, AGRICULTURE WESTERN AUSTRALIA

Statement by Premier

MR COURT (Nedlands - Premier) [2.43 pm]: On 10 March 1999 I advised the House of a number of issues concerning a report of the Commissioner for Public Sector Standards titled "Report of Investigation: Agriculture WA". Members will recall that the commissioner's report related to the appointment of a person to Agriculture Western Australia, and the secondment of that person to a level 2 position within the Minister for Primary Industry's office. My comments related largely to the concerns I held, and still hold, about the commissioner's report being tabled in Parliament when a number of claims in the report were unresolved. I was also concerned about the effect of the release of the report on a number of individuals who are either named or implicated in the report.

Notwithstanding those concerns, I treated the commissioner's report with seriousness and the Director General of the Ministry of the Premier and Cabinet instigated appropriate action as recommended by the commissioner. This involved the commencement of disciplinary action under the Public Sector Management Act. Responses were sought from the individuals concerned and those responses were fully reviewed by the public sector management division of the ministry. In considering the responses, legal advice was obtained, and all facts and relevant matters taken into account. The director general has now fully considered this matter and has determined that no further action against the individuals is warranted for the following reasons -

> The commissioner's findings relate to a matter that initially occurred in 1996.
>
> The situation essentially relates to routine staffing arrangements, whereby a suitably qualified person was placed into a vacant role within the minister's office.
>
> None of the individuals personally gained in any way from the staffing arrangements entered into and were considered to be acting in good faith.
>
> The matter relates to the appointment of a person to undertake administrative functions - it was not a political appointment, which the relevant provisions of the Public Sector Management Act were established to guard against.

I agree with the director general's decision and am satisfied that the matter has been reviewed thoroughly and appropriately. I am firmly of the view that the decision not to take the matter further in relation to the individuals concerned is the correct one. The public airing of the commissioner's report has already caused the officers disproportionate distress and I agree it would be unfair to take any further action. When all the facts and circumstances were analysed, the matter was a case of officers endeavouring to act in good faith.

Members would be aware that the application of section 105 of the Public Sector Management Act has been the subject of comment and criticism for some time. In his review of the Act, Commissioner Fielding found section 105 to be impractical and recommended its deletion. The Government has decided to move to amend the Public Sector Management Act having regard to the recommendations of the Fielding and Kelly committee reviews, and this matter will be addressed as part of that process. Irrespective of the technical problems with the current Act, I acknowledge the need for all employees to act within the legislative framework of the public sector. Accordingly, the individuals concerned have been reminded of their obligations under the Act, and systems are in place to ensure a similar situation does not arise again. In my view the matter is now closed.

LOCAL GOVERNMENT ELECTIONS

Statement by Minister for Local Government

MR OMODEI (Warren-Blackwood - Minister for Local Government) [2.46 pm]: My brief ministerial statement relates to the local government elections which were held last Saturday, 1 May.

I note the continued and outstanding success of postal vote elections in Western Australian local governments. From the first venture in the City of Perth and the Towns of Vincent, Victoria Park and Cambridge in 1995 to this year, when 34 councils resolved to participate, the use of postal voting in local government elections has ensured greater participation and involvement by ratepayers and residents. Among councils opting for postal vote elections the average turnout was 43 per cent. There were some outstanding improvements from 1997 attendance poll results. In 1997 the turnout in the coastal ward of the City of Stirling was 7.81 per cent; this year under postal voting it was 36.5 per cent. The east ward of the City of

Belmont improved its turnout from 19.3 per cent in 1997 to 40.2 per cent this year. In non-metropolitan areas some significant increases also occurred; for example the vote in the City of Kalgoorlie-Boulder improved from 16.1 per cent to 38.4 per cent.

By contrast some councils, particularly larger metropolitan councils such as Gosnells, Bayswater and Canning, stayed with attendance polling. Those councils suffered comparatively low voter turnouts, averaging 9.57 per cent in Gosnells, 14.3 per cent in Bayswater and 5.2 per cent in Canning, with one ward in Canning having a turnout of only 2.4 per cent. With postal voting offering an effective and cost-competitive option, there are no valid reasons for councils refusing to utilise such a system. As part of my continuing strategy to encourage more councils to move to postal voting, I propose to delete the requirement in the Local Government Act 1995 for a special majority before some larger councils can change to postal voting.

Last Saturday also saw the inaugural election for the City of Albany, which resulted in Alison Goode being elected its first mayor. I was delighted to be able to attend and swear in Mayor Goode and the councillors of the city at a function in Albany last night, along with my colleagues the members for Albany and Stirling. The goodwill and optimism among the mayor and councillors and community last night was tremendous to see, and I wish the council and community well.

I have previously advised members of the excellent role played by the Western Australian Electoral Commission in conducting postal elections. Its use of regional tally rooms on the weekend is to be commended. I attended the Bunbury regional tally room and was very impressed by the facilities and arrangements in place on Saturday night. I wish all newly elected mayors, presidents and councillors well in their important roles serving the community of Western Australia.

WORLD HEALTH ORGANISATION, REPORT ON THE SWISS HEROIN TRIAL

Statement by Minister for Family and Children's Services

MRS PARKER (Ballajura - Minister for Family and Children's Services) [2.50 pm]: I make this statement as minister responsible for the Western Australian drug abuse strategy. The World Health Organisation has recently released the Report of the External Panel on the Evaluation of the Swiss Heroin Trial. Suggestions have been made in recent days that this latest study conclusively justifies consideration of a heroin trial in Western Australia. I advise the House that the Government remains strongly opposed to the introduction of a heroin trial. This opposition is based on the understanding that the significant social and other harms of a heroin trial by far outweigh the reported benefits, particularly -

> The provision of legal heroin will increase its supply and, therefore, its availability in Western Australia. This will necessarily lead to increased use and abuse, with all associated harms for the community and Western Australian families;
>
> heroin on prescription further entrenches the addiction. The heroin trial in Switzerland showed that after 12 months, over 90 per cent of addicts on the trial were still on heroin three times a day;
>
> to provide addicts with their drug of choice discourages them from seeking alternative treatments to kick the habit. It will be a disincentive for those who currently choose abstinence-based treatment in spite of the difficulties they know they will face; and,
>
> it sends out the officially endorsed message that heroin is safe to use and that heroin use is acceptable.

The key finding of the World Health Organisation report about the benefits of the trial was that the Swiss studies were unable to determine whether reported health or social improvements, including reduction in crime by trial participants, were as a result of the provision of legal heroin or as a result of the substantial overall treatment program. Indeed, in view of the absence of a control group, even high profile proponents of heroin trials admit that the Swiss trial did not have scientific integrity but was rather a social experiment. The study expressed continued scepticism about the specific benefits of one short-acting opiate - that is, heroin - over others such as methadone or buprenorphine.

Categoric statements that the heroin trial cuts crime in half are misleading, in that they do not represent an accurate reflection of the outcomes of the study and ignore the complexity of the interrelationship between drug abuse and criminal activity. Rather, the finding of reduced crime levels relates to trial participants only. It does not represent an overall cut in crime levels in the community as a result of the heroin trial. While a reduction in criminal activity by the trial participants is to be expected when addicts are provided with their drug of choice, crimes continued to be committed, and the Swiss heroin trial did not measure the impact on overall crime levels in the community. However, experience in Sweden has shown that the increased availability of legalised drugs resulted in increased crime levels in the community. At a meeting that I had yesterday with Swedish Police Chief Superintendent Eva Branmark, it was confirmed to me that there were substantial increases in all categories of crime, with the exception of illicit drug use, when most drugs, including heroin, were made legally available on prescription in Sweden between 1965 and 1967.

There are no simple solutions to address problems of drug abuse or crime. Our response must be, and is, comprehensive and multifaceted. The Government has put in place an unprecedented level of action and funding for the fight against drug abuse. A comprehensive range of initiatives has been implemented in partnership between the Government, the non-government sector and the community. The next two-year strategy will have a strong emphasis on engaging offenders and young people at risk in treatment services in a more effective way. However, the seriousness of the drug problem should be cause not for desperate reaction but rather for determined, well considered action. We cannot, and should not, give in to high levels of drug abuse as an entrenched reality in our community.

Mr Thomas: Mr Deputy Speaker, the minister has continued speaking long after her time has run out. She should sit down.

The DEPUTY SPEAKER: I have the prerogative of deciding when the minister should sit down. The minister will continue.

Mrs PARKER: The State's drug abuse strategy will continue as a well-resourced, multifaceted approach to respond with determination to a difficult and complex problem.

[Questions without notice taken.]

SELECT COMMITTEE ON CRIME PREVENTION - LEGISLATIVE COUNCIL STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Council's Message

Message received and read outlining the Council's concurrence with a resolution giving the Legislative Council Standing Committee on Estimates and Financial Operations power to confer with the Legislative Assembly Select Committee on Crime Prevention regarding alternatives to prison as a means of punishment.

PLANNING LEGISLATION AMENDMENT BILL

Returned

Bill returned from the Legislative Council with amendments.

WORKPLACE AGREEMENTS (PROVISION OF CHOICE) AMENDMENT BILL 1999

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Kobelke, read a first time.

STATE TRADING CONCERNS AMENDMENT BILL

Second Reading

Resumed from 25 March.

DR GALLOP (Victoria Park - Leader of the Opposition) [3.32 pm]: The State Trading Concerns Act was last amended in July 1997 to enable departments without their own enabling legislation to obtain authorisation from the Treasurer, by regulation, to engage in certain commercial activities involving the provision of goods, information or intellectual property; scientific, technical, training management or advisory services; and advertising opportunities which would include sponsorships. The 1997 Bill did not extend to statutory authorities which operate under the framework of a department, as it was considered at that time that the powers of each statutory authority, or statutory positions, should be spelt out in legislation. Examples of such departments include the Health Department, the Education Department, Fisheries WA, Agriculture Western Australia and the Department of Conservation and Land Management.

It has since been shown that the majority of legislation covering these types of departments does not empower them to engage in activities contemplated in the 1997 amendments. It was put forward by Treasury that it would be too time consuming and administratively cumbersome to change all those pieces of legislation individually to allow each agency not covered by the 1997 amendment to undertake commercial activities. This Bill, therefore, seeks to extend the provisions to undertake commercial activities to all departments and agencies which do not already have the power in any legislation.

I will start by looking at the State Trading Concerns Act which was set up in 1916 to regulate the establishment, carrying out and management of trading concerns by the Government. The thrust of the Act was to prevent the Government from entering into trade or commerce without specific parliamentary approval. The public sector of today is very different from that of 1916. The lines between the public and private sectors are becoming increasingly blurred. Contracting out and the ever increasing use of consultants by the Government often makes us wonder where the public sector ends and the private sector begins. Although much of the public focus has been on the skills and expertise the private sector can bring to the Public Service, this Bill concentrates on the expertise and skills the Public Service can bring to the private sector.

These amendments demonstrate that the public sector, and indeed public servants, develop information and intellectual property and deliver services which are both marketable and in demand in the wider community. Other Governments, both domestically and internally, and the private sector both in Australia and elsewhere, are markets in which the Western Australian Public Service can sell its expertise and intellectual property. Although this is a positive reform, care must be taken to ensure that government does not lose sight of its core objectives or functions. Departments must focus on providing essential services to meet community needs, not to deliver specific or tailored services to earn corporate dollars. Money-making ventures should not be pursued at the expense of delivering key services to the Western Australian community. It is up to ministers to ensure this legislation is used for what it is intended - to market skills and intellectual property developed in the ordinary course of business - and not simply to chase a quick buck.

As I have stated previously, this Bill will see many departments engage in commercial activities involving the provision of goods, information or intellectual property; scientific, technical, educational, training, management or advisory services; and advertising opportunities which would include sponsorship. As I claimed in the debate on the 1977 amendment Bill, one could interpret the third prescribed activity - the provision of advertising opportunities - in two ways. The first interpretation is that government departments and agencies take every opportunity to accept advertising deals or sponsorship agreements as a way of raising revenue; for example, health insurance advertising on Health Department vehicles and so on. The second interpretation is that this advertising provision would simply allow the marketing of the intellectual property

or services developed by the department. When I raised these two interpretations of the Bill in 1997 the Premier assured me that the former was not the case. At the time he said -

> The Leader of the Opposition and the members for Belmont, Churchlands and South Perth raised concerns that this clause may encourage agencies to move into wholesale sponsorship arrangements. That would not be acceptable to the Government.

I do believe the Premier was wrong in his belief on what the amendment was intended for, or maybe he and I have a different view as to exactly what "wholesale sponsorship arrangements" means. I believe these amendments, like those in 1977, are intended to allow all departments and agencies to enter into advertising and sponsorship arrangements at their will, subject of course to the proper ministerial approval process. An example of a sponsorship deal that was permitted under the 1997 legislation came about last year. On 26 June 1998 the State Trading Concerns (Authorization) Amendment Regulation (No 2) 1998 was published in the *Government Gazette*. It states -

> The provision by the Fire and Emergency Services Department of advertising opportunities, by means of entering into arrangements under which departmental property specified in the arrangement may be used for the display of advertising, in return for money or goods.

This regulation related specifically to a $930 000 contract between the Hospital Benefit Fund and the department. Significantly the contract imposed a number of duties on the department. It had to provide all sorts of equipment and opportunities and promotions for the sponsors, and to use its best efforts to encourage a number of things. The contract also required that the sponsor's logo be displayed on overalls, tarpaulins, motor vehicles, caravans, trailers and all other equipment. Although the regulation was gazetted on 26 June 1998, the contract was signed only on the day after. The regulation was not tabled until six weeks after the contract was signed. The debate on the disallowance occurred on 4 November 1998, five months after the contract was signed. In this instance, irrespective of whether the motion for disallowance was passed by the Parliament, the contract between the Fire and Emergency Services Department and HBF could not be affected. This is due to section 42(2) of the Interpretation Act 1984 which states that disallowing any regulation would not affect the validity of the regulation between its gazettal and disallowance.

It is our view that the process followed in the HBF example is not desirable. In this instance the contract was signed well before the Parliament had a chance to debate the issue. In the second reading speech for the 1999 amendment Bill, the Premier claimed that appropriate safeguards had been put in place to ensure this legislation was not open to abuse. It claimed "the regulations will be subject to scrutiny and the power of disallowance by the Parliament". The safeguards built into this legislation are exactly the same as those in the 1997 Bill, and it is clear from the HBF example that they are not sufficient. It may be that further safeguards will be necessary to ensure public scrutiny of these types of transactions.

I would also like to make a point in respect of ministerial responsibility: The legislation clearly makes ministers responsible for the commercial activities of their departments. The minister is responsible for approving the advertising and sponsorship and for setting the fees. It is up to the minister to ensure that the integrity and independence of the Public Service is not compromised when entering into any advertising or sponsorship deals. The Opposition intends to allow the passage of this legislation through this Chamber. However, it has concerns about issues related to access to information about commercial activities of the department. In the debate on the 1997 amendments, I sought an assurance that the Auditor General would have general supervisory functions for activities set up under the legislation. I again seek that assurance from the Premier. I would also like a clear assurance that the activities provided by this legislation will be subject to parliamentary scrutiny such as questions on notice and will not fall under the veil of commercial-in-confidence. Too often we have seen the ordinary functions of government fall under that veil thus making it difficult for Parliament to enforce its responsibility to check the Executive and the expenditure of public money. I seek a guarantee from the Premier that these activities will be subject to parliamentary scrutiny.

When this legislation goes to the other place, the Opposition will move an amendment that will seek to resolve the issue of reporting of advertising and sponsorship arrangements. Currently there is no requirement for departments to report such arrangements in any form whatever. Although the regulations must be gazetted and tabled, these regulations are broad in subject and provide no detail on the actual transaction that takes place. In the case of the HBF contract, the regulation that was gazetted did not specify the type of contract being entered into or the value of the contract. Such information should be readily available to the Parliament. As the Government's dealings with consultants, advertising and sponsorship arrangements blur the line between the public sector and private sector, it is of utmost importance that we have processes in place that allow for the transparent and open dealings of private sector with the Government. Because of this, we will seek to move amendments in the upper House to improve the transparency of these types of transactions.

This Bill allows government agencies to undertake commercial activity which they were previously prohibited from doing. In one way, that is a positive reflection on the Public Service today. The Bill recognises that the Public Service has skills and expertise which it can market to the wider community. The Opposition supports that and believes it is appropriate to allow departments to engage in these activities so long as the regulations are subject to disallowance in the Parliament. However, the Opposition has concerns about the advertising and sponsorship arrangements that can be entered into between government departments and private sector agencies which can lead to conflicts of interest within government. It is the Opposition's view that the Public Service and the Government must not allow profit motivated dealings to override their reason for being - that is, to deliver services to the community. Nor must this Bill give a reason for Government to starve departments of essential funds thereby driving them to enter into relationships purely to raise money.

This Bill also allows departments to enter into advertising and sponsorship arrangements. As I said earlier, this is a new and grey area of government and can lead to unsatisfactory outcomes. The Government must ensure that in overseeing this

legislation, the integrity and independence of the Public Service is not compromised. Parliament too has a role in assessing the regulations that are tabled. It is my view that the current form of the Bill does not provide adequate information to the Parliament. Therefore, the Opposition is currently putting together amendments which it believes will improve the scrutiny aspects of the Bill. While the Parliament plays its role in such legislation, the minister is ultimately responsible for ensuring that the transactions entered into do not in any way compromise the service delivery of the public sector. I ask the Premier to comment on the Hospital Benefit Fund issue and what that revealed about government advertising. I would also like the Premier to comment on the issue of commercial-in-confidence and whether these arrangements will be subject to transparency when it is scrutinised by the Parliament. I would also like the Premier's general comments on whether the Opposition's proposal to have more information tabled in Parliament about commercial-in-confidence arrangements is a matter that the Government will be willing to consider in the committee stage of the legislation - if not in this place, certainly in the Legislative Council.

MR BROWN (Bassendean) [3.45 pm]: In the second reading speech of the State Trading Concerns Amendment Bill 1999, the Premier indicated that the State Trading Concerns Act was last amended in July 1997 to enable the Government to enter into a range of activities such as the commercialisation of goods, information and intellectual property, scientific, technical, educational, training, management or advisory services, and advertising opportunities which would include sponsorship. This Bill is designed to further extend the operation of those opportunities, to enable the further implementation of the public sector intellectual property management policy;and to export Western Australian public sector skills and expertise policy and guidelines.

I wish to raise a number of matters in connection with this Bill and the way in which it may be applied or implemented. The first issue is the use of intellectual property developed within government. Over the years, government research agencies have been involved in developing intellectual property which, perhaps, in times gone by, has been made available either generally or to the private sector at little or no cost. However, in more recent times the value of that intellectual property has been realised.

My concern with the commercialisation of intellectual property developed within government is twofold: First, research within government can be particularly interesting and can cause agencies to deflect their attention to develop what might be a very highly prized intellectual property which is of great value into areas which are peripheral to its main activities. My concern is that the Government will embark on a range of activities or research which are not necessarily the core function of government, simply because an opportunity presents and a chief executive officer or some other person within the administration believes that there may be an opportunity to develop some intellectual property that may have a commercial value. My concern, if that turns out to be the case, is that we will see some loss of focus in managing these agencies.

The other issue I raise about the development of intellectual property is a social concern. Despite all of our problems, Australia is still an industrialised and affluent country. In relative terms and in world terms, Western Australia is an affluent State. I do not have a problem with government agencies developing some intellectual property which can be sold and marketed by the private sector which will result in profits. I would be concerned if the thoughts, ideas and capacities that we develop in the public sector are not shared on a reasonable basis with our near neighbours and developing countries of the world. That is a mean-spirited approach which can retard development in some of those countries in which we wish development to occur. The transfer of intellectual properties to developing countries is not simply a gift. It can be used in commerce and trade and it can be used to cement strong relationships between Western Australia and those countries. My concern with this Bill and the commercialisation of that intellectual property is that there may be a reticence in providing that information to developing countries or other parts of the world that are not in a position to pay significant amounts of money for that type of property. In principle, I do not have difficulty with intellectual property which is developed in government, being sold to the private sector where it is of a commercial value. However, I am concerned about departments or agencies losing focus. I am concerned about the degree to which we will seek to maximise the value of that property with some of our near neighbours when, for social and trade reasons, we should be acting in a different way.

Another matter I will raise is information. It is significant that part of the proposal within this Bill is that information will be made available. Information is a key issue today. Recently I attended a talk given by Robert Gottliebsen during which he spoke about the most valuable asset of a company. He challenged the audience - most of whom were from the business community - to tell him what they considered the most valuable asset of a business. Various people suggested technical competence; some people suggested the assets of the company; and others suggested good management skills. They were all wrong. As far as Mr Gottliebsen was concerned, the most valuable asset of a company is the customer base; that is, a strong relationship with the customer. One of my concerns is that this Bill will allow information to be commercialised and provided with a fee. Does that information include the customer base? Does that mean that the customer base of Western Power is now up for grabs? Is it possible for a company to seek to enter into an arrangement with Western Power, under which Western Power will deliver, through its network or its network services or products, into the community - which is most Western Australians - by using its customer base? If that were the case, I would be most concerned for a variety of reasons; one of which is the impact that could have on small business if such an arrangement was entered into by a major player, particularly a major retailer.

I also have concerns with privacy matters. Although it is possible to go to the private sector and buy lists - lists can be bought for any number of reasons and they are currently available - I would be concerned if information on customers was made available in this way. Another question is whether such information might include not only the customer base, but also customer usage if it were Western Power or AlintaGas. What could be better than a gas appliance manufacturer knowing which houses had gas connections and the gas usage in those homes? If the manufacturer became privy to that information, how would it be used for specific marketing opportunities? Can the Premier clarify what is meant by

"information"? Does it mean the customer base? Does it mean the provision of names and addresses? If it does not involve the provision of names and addresses of customers, will an organisation like Western Power, AlintaGas or the Water Corporation be able to, if not provide the names and addresses to the company, at least promote their products? That raises concerns and I will talk about one of them. A short time ago, a Western Australian gas manufacturer approached members of the Opposition because of an arrangement that was being considered by AlintaGas. Last winter AlintaGas entered into an arrangement with Rinnai Australia Pty Ltd in which a customer who purchased a heater received a certain amount of free gas. It was understood that a similar arrangement might be introduced again this year. Some inquiries were made and it turned out not to be the case. Members can see the significant commercial advantage that a private sector organisation could achieve if it entered into a partnership, sponsorship or advertising or informal arrangement with a public sector agency, particularly a large public sector agency such as AlintaGas or Western Power. Members can see the benefits that would be achieved if it were done with departments, such as the Health Department, depending on the information that was to be made available. I raise that because the degree to which information is to be made available, the nature of that information, and the perception created by any information that is provided to companies which seek to enter into such an arrangement is important.

I also have a number of concerns about advertising matters. At the moment, various sponsorship or advertising arrangements do not hold any great threat of influencing an organisation to adopt a particular viewpoint; for example, some schools in my electorate have arrangements under which small scholarships are made available for students. Those scholarships are donated by people from the local industry. They are small amounts and are made directly to students who excel in one field or another. None of that money goes into the school coffers, so there is no direct benefit for the school or the Education Department. However, there is a direct benefit for students who are the recipients of the scholarship. Those students can use the money received from the scholarship to purchase books and enhance their educational prospects.

That is a very small scheme, the amounts of money provided come from a variety of sources, the amounts of money are not great, and indeed there is an abundance of businesses in the area which wish to contribute to and participate in the scheme. The chances of any of those participants in the scheme being able to influence school policy or being able to suggest to the school that it should do things which are more of a commercial bent than an educational bent would simply not get to first base. That is, it would not be possible for sponsors or advertisers to exercise any significant influence or indeed any influence over the organisation. However, that is not my concern.

My concern arises where we may have sponsorship of a considerable amount which lasts for a period of one to three years at the end of which the sponsorship comes to an end, and within that partnership arrangement between the sponsor and the agency certain relationships are built, particularly if it is a substantial sponsor whose advertising is worth hundreds of thousands or even millions of dollars and a relationship develops between the chief executive officer of the agency and the sponsor. It is not possible to avoid that. Therefore, if towards the end of the contract the sponsor is unhappy about certain policies being pursued by that agency or the sponsor believes that those policies are having a negative effect on its customer base and that it is no longer prudent for that sponsor to be associated with or to be seen to be associated with that department or agency, in what position would that put the chief executive officer of that agency? The chief executive officer then has one of two choices: To continue to do what might be in the public interest, but risk the continued funding of the sponsor, not knowing whether that funding might be able to be replaced by another; or, alternatively, be influenced to some extent in terms of the policy of that department and the way in which that policy is implemented. In days when chief executive officers are called to account for every dollar, when budgets are tight and when there is no immediate replenishment of money from the consolidated fund for revenue lost for advertising, I wonder about the extent to which it will be a perfectly pure process in which departments, agencies and organisations that take sponsorship and advertising dollars will not be influenced as a result of taking such significant advertising dollars.

That is my concern. I do not suggest that it is a matter of corruption or such things. I suggest that it is a matter of influence. It could be very subtle indeed. In that respect we have seen the focus of some non-government groups change marginally now that they are supported more by the corporate sector than by the public sector. As the non-government sector, in a range of areas, has been encouraged more to seek corporate sponsorship than funding from the consolidated fund, corporate sponsors are exercising greater influence over those non-government organisations. They are not telling them precisely what to do and they are not governing their affairs, but they are exercising greater influence in their role and the perception of those organisations within the community.

My major concern with the Bill is that we risk going down that path in respect of government organisations. In terms of the independence of the public sector, irrespective of which political party may be in power, if there is a perception that the public sector is influenced by X or Y large manufacturer or corporate entity, the Government will certainly lose out in being able to ensure that all its policies and legislation are applied correctly and impartially. The checking mechanisms to which the Premier referred in respect of the regulations have been dealt with by the Leader of the Opposition. Although they provide some check, they do not provide the necessary checking mechanism in respect of entering a contract. I would like to know what checking mechanisms exist to make sure that the subtle shifts that I have talked about will not occur. I see no such checking mechanisms other than, of course, through the Auditor General and so on, particularly if we are talking of significant amounts of money - if that happens - being involved in sponsorship or advertising with government agencies. Those are some matters that I would like the Premier to address.

DR CONSTABLE (Churchlands) [4.06 pm]: It seems to be a case of the same song, next verse, as this is similar to legislation we debated just under two years ago. At that stage we debated virtually the same legislation to allow some departments and authorities to engage in certain commercial activities which are the same ones that are presented to us today. Of course, these refer to statutory authorities. I would be the first to agree that such commercial activities are very relevant to the late twentieth century, particularly those relating to intellectual property, advisory services and scientific and technical

matters. Although I have some questions about advertising opportunities, the other matters are relevant, but they bring with them a large number of problems as well. I have been witnessing work being done to commercialise a product that was developed recently in Western Australia. With the cost of developing intellectual property and the expertise that is required, it would worry me that government may be getting into areas in which it does not have the expertise or the funds to support it.

I want to talk about the State Trading Concerns Act which we are amending and whether it is relevant to amend it. In its historical context, the legislation was first passed in 1916. That was in a climate of the then socialist government of Scaddan which had launched a number of state enterprises. The Attorney General at the time was concerned about the Government being involved in certain enterprises without the involvement of Parliament - for example, the state brickworks, the meatworks, a dairy, Stateships, hotels and sawmills - a long way from the late twentieth century when we are looking at the modern product of intellectual property and so on. Although in the 1990s, of course, we have seen government involvement in cinemas, which has caused many comments in Parliament about whether government should be involved in such enterprises which I would put in the same -

Mr Court: We will sell those.

Dr CONSTABLE: It is about time.

The 1916 legislation legitimised the commercial activities in which the Government was involved at the time, and at least that legislation demanded the full involvement of the Parliament. This legislation, on the other hand, will give enormous power to the Treasurer to, in a sense, rubber stamp the commercial activities of statutory bodies by regulation. I acknowledge that those regulations will be presented to the Parliament, but that is not at the same level as presenting legislation to the Parliament that will enable it to examine those commercial activities.

It is worth reminding the House of the recommendations of the Royal Commission into Commercial Activities of Government and Other Matters and also of the Commission on Government. Both of those important inquiries recommended the abolition of the 1916 State Trading Concerns Act and its replacement with legislation that was more appropriate to the late twentieth century and the commencement of the next century. In response to the reports of both of those commissions, the coalition Government agreed that the State Trading Concerns Act should be abolished. My comments are not about whether government should be involved in commercial activities. I am the first to agree that there are certain commercial activities in which government should be involved. However, what is important for us to be reminded about is how government should go about doing that. To be precise, any new legislation should be about the accountability of government, and that is what we should be looking at. That is what both of those commissions looked at, and that is what they were asked to look at. Any new legislation should be about government activities being transparent. I do not believe that under this legislation, we have that full transparency. Any new legislation should also be about open government, and about parliamentary scrutiny of government commercial activity. I do not believe that under this legislation, we will have the opportunity to scrutinise that as we should. We certainly do not seem to have learnt from the mistakes of the past. The royal commissioners, in their considerable wisdom, recommended the repeal of the State Trading Concerns Act and its replacement by what they called the "State-Owned Companies Act". The royal commissioners were concerned about ensuring that government commercial activities were transparent and accountable and that Parliament was involved in scrutinising those activities. I venture to suggest that this legislation indicates the present Government is more concerned about expediency than it is about those important issues of accountability and transparency.

The Commission on Government recommended also that the State Trading Concerns Act be repealed and replaced by an Act which it suggested should be called the "Commercial Activities of Government Act". The name of the suggested new legislation does not really matter. What does matter is what it contains. The advice given to the Parliament and the Government by those two inquiries is important, and it is very disappointing that advice has yet to be taken up. The amending legislation in 1997 did little to improve government accountability and transparency, and this Bill, which is very similar, will do nothing more to improve government accountability and transparency. This Bill is about giving more power to the Executive and less power to the Parliament.

I remind the Premier that in 1991 when I first came into the Parliament, his was one of the loudest voices condemning the commercial activities of the Australian Labor Party Government of the 1980s and early 1990s. I am disappointed that his Government has refused to accept the advice of those two inquiries with regard to this matter, and I believe he is missing a great opportunity. I ask the Premier: Is the Government preparing legislation to replace the State Trading Concerns Act; and, if so, when are we likely to see it? I hope the Premier will answer that question when he responds, because when the Government responded to the Commission on Government, it agreed with the recommendation that the State Trading Concerns Act be repealed and replaced. I hope the Premier can give us some good news on that score, because it has been over three years since the Commission on Government reported. Three years is a long time in government, and I believe the Premier has had plenty of time to look at this matter and have new legislation drafted to replace this Act, rather than just amend it in this way. Given that the 1916 legislation had its origin in socialist thinking, I thought that is one of the things this Premier would want to change fairly quickly and bring up to date.

I also ask the Premier to let us know in his comments how many times he has sanctioned by regulation commercial activities in government departments that are related to the three areas covered in this legislation; namely, intellectual property; management or advisory services in the scientific, technical, educational and training areas; and advertising opportunities. It is important to have a summary of those activities, and it will be useful to have that summary today. I also ask the Premier to let us know the dollar value of those commercial activities to the State; namely, what has been the cost, and what, if any, has been the return to the State of any commercialisation. I will be the first to acknowledge that some of those matters may

still be in the pipeline, but given my earlier comment that the commercialisation of intellectual property can be an expensive exercise, it will be worth this House knowing where we stand, because we have few opportunities to have that information put before us. I impress upon the Premier that it is about time the 1916 State Trading Concerns Act was repealed and replaced by an Act that is more appropriate to the needs of Western Australia in 1999.

MR COURT (Nedlands - Treasurer) [4.16 pm]: I thank members for their contributions to this debate. With regard to the comments made by the member for Churchlands, a working group has been looking at what sort of overarching legislation can be enacted to replace the State Trading Concerns Act. We have been experiencing some difficulty. I shared the view initially in opposition and early in government that we should abolish the State Trading Concerns Act and replace it with an Act that is more appropriate. The way in which we operate currently is that if we want an agency to perform certain activities, we enact an Act of Parliament which authorises it to perform those activities. We have been considering what we would call a commercial activities of government Act, which would pick up commercial activities which were ancillary to the main business which an organisation was set up to conduct. However, we would then get into some difficult areas.

The member for Churchlands asked how many times I have sanctioned commercial activities, and what is the dollar value of those activities. I will need to get that information for the member, because I do not have it available at this time. A temptation always exists for government agencies and statutory authorities to get involved in business activities which are outside of their core business. We have a situation where some agencies are able to develop, as the member mentioned, intellectual property, which in this day and age is critical and can be very valuable. However, government agencies are often thwarted in that activity by the hurdle of how they can successfully capitalise on that innovation. We need to strike a balance between making it easier for government agencies to do that, and having a situation where government agencies can, as the member mentioned, run amok and get involved in too many activities, which is always a temptation for government.

The member for Bassendean asked whether these agencies can sell their customer base and other information. I will need to have that matter clarified, but I believe that statutory authorities can provide that information. The Valuation of Land Act has been amended to allow the Valuer General to sell information, and he sells a lot of demographic material, etc, to different industries that want that information.

As to AlintaGas and Western Power, my initial reaction would be that they do have the power in their legislation to sell that information because, among other things, they must operate in a commercially prudent way. In Victoria, which has privatised many of these utilities, the new owners have used their customer base to market a wide range of products including finance, insurance and travel, and they have been aggressive and successful in that endeavour. I will find out whether those authorities can already sell that database and provide the member with that information. However, my initial response is that they can.

The Leader of the Opposition stated that the Labor Party would amend the legislation in the Legislative Council to require reporting on advertising sponsorships over a specified amount. The Government will wait to see the proposed amendment, but my initial response is that the Opposition's concerns can be accommodated under the reporting requirements of the Treasurer's Instructions. If we can achieve the same thing through those reporting requirements, we will do that.

The solution to the HBF exercise would be that regulations cannot be acted upon until the period of disallowance has passed. However, that could hold up some sponsorship arrangements if Parliament were not sitting. That group entered into a sponsorship agreement, but when the Legislative Council sought to disallow the regulation, it was established that the Interpretations Act provided that any action taken in the intervening period and prior to disallowance would not be affected. As a result the disallowance had no effect. I can appreciate the Leader of the Opposition's point, but, as I said, the only way that can be guaranteed is for the disallowance procedures to have run their course.

Mr Brown: The problem in the HBF case was that the regulations could not run their course. Are you now contemplating them running their course?

Mr COURT: That is the purpose of the regulations and that should be the process. As I said, the only downside would be if the Parliament were not sitting. That might lead to delays if sponsorships and so on were being negotiated. Reporting requirements on sponsorships and so on may be able to be handled using the Treasurer's Instructions.

As the member for Churchlands said, it is difficult to decide how easy we should make it for government agencies to expand outside their core activities. Motorola set up its software operations in Adelaide specifically to concentrate on software for telecommunications. In fact, it has been concentrating on software for automotive, smart card and tooling developments. It has not done much in the telecommunications area because opportunities have opened up in other areas in Adelaide. It is a difficult issue because we do not have an overarching Bill. This legislation will extend what was done in other areas to statutory authorities. However, the Government may well scrap this legislation altogether if it can come up with what it believes is more appropriate legislation to cover the commercial activities of government. I do not mind giving the member for Churchlands an update on the issues arising, but at this stage I cannot give a timetable for that legislation.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and transmitted to the Council.

RESTRAINING ORDERS AMENDMENT BILL

Second Reading

Resumed from 16 March.

MR McGINTY (Fremantle) [4.26 pm]: This Bill is designed to allow violence restraining orders obtained in New Zealand

and potentially other countries to be registered and enforced in Western Australia. The Bill is as simple as that and it deserves the support of all members of this House, and for that reason I will not deal with it in any great detail.

It is important to note the emphasis this House has placed on the question of domestic violence in recent times. The Restraining Orders Act was the subject of considerable debate and was seen as very progressive legislation when it passed through this House three years ago. Its introduction saw a new simplified procedure because domestic violence orders had become more honoured in their breach. In fact, they had become something of a laughing stock because of the extent to which they were very publicly disobeyed. Men who were the subject of orders were breaching them by assaulting and in some cases killing their wives, frequently with firearms. I am pleased to note that there has been a reduction in recent times in the incidence of violence involving firearms. I have no doubt that that is a product of the aftermath of the Port Arthur massacre and the consequent strong gun laws introduced throughout the country and particularly in Western Australia.

The Restraining Orders Act was a very significant step forward, particularly for women, although it was not confined to the domestic situation and the situation confronting many women. Last year we saw the first amendment to the Act designed to cater for a situation that had arisen in a number of court cases. Some men involved in stalking argued they had no intent to stalk, and that issue was brought forward and dealt with appropriately. I mention that simply to illustrate that in recent years we have seen this Parliament take significant action in respect of legislation dealing with domestic violence.

This is a very straightforward Bill, which deals with the registration and enforcement in Western Australia of restraining orders which originate in New Zealand or some other jurisdiction. The measure has the support of the Opposition. I urge its expeditious passage through the House.

MR RIEBELING (Burrup) [4.30 pm]: I thought the member for Fremantle would speak for a little longer. I also support the legislation, the purposes of which were read out by the member for Fremantle; namely, to enable New Zealand restraining orders to be registered and enforceable in Western Australia without matters already determined in New Zealand being re-proved in this State. That intention is eminently sensible. The Restraining Orders Act was enacted so police were forced to act in predominantly domestic situations; that is, those in which they were previously reluctant to act. That Act created two categories of order; namely, violent and misconduct restraining orders. This enabled the police to act on the spot and to have a violence restraining order issued for three days to help stop domestic violence.

Information has been provided to me not through statistical returns but by way of people's perceptions of the way the legislation is working: I am told that the uptake rate is low for on-the-scene restraining orders which require police officers to ring a duty magistrate to issue a restraining order on the spot. I am informed that police officers in such situations are reluctant to go through the chain of command set down in police routine orders. In some cases this involves waking up not only a magistrate but also senior police officers to explain the need for an order. The number of such restraining orders issued is not large.

My main interest in supporting the relevant provision in the Act was to ensure that police apply for orders when violent situations arise. I am sure members will recall that the main emphasis of my speech during that debate was to ensure that the provision was used by the police. I understand it is being used, but whether it is to the extent it should be used is another matter. Perhaps the adviser to the Parliamentary Secretary can tell her about the uptake of such applications. It is important to have a system to protect women in domestic violence situations which is as easy as possible in its use by victims.

I do not know the numbers of New Zealand women who bring to Western Australia New Zealand restraining orders. I presume that if a woman arrives armed with a restraining order, she will be reluctant to tell the person restricted by the order - the respondent - where she is; that is, people may come to Western Australia from New Zealand to avoid such persons. I do not know whether the legislation will result in the restricted person being notified that the other party has moved to the Western Australian jurisdiction. I understand the need for the measure if the person against whom the order is made is also in Western Australia. Maybe the Bill contains some means by which written notification is not required. The second reading speech indicates that the registrar is responsible for registering in Western Australia an order issued in another jurisdiction.

Once registered, that order regarding the actions which were the subject of the New Zealand restraining order will become enforceable in Western Australia. My reading of the legislation indicates that it will prohibit actions normally covered by Western Australian restraining orders, but not necessarily covered by New Zealand restraining orders. I do not know whether New Zealand legislation has any deficiencies when compared to our statute. Will the Parliamentary Secretary advise the Chamber of any deficiencies in the New Zealand law which may require further amendment in this legislation to afford greater protection? I presume that the protection offered to these people will be equal to that afforded under Western Australian law. Was that envisaged in drafting this legislation? What else will be provided to help women who seek the protection of the Western Australian courts? It is sensible that if a court in another country has seen fit to issue an equivalent to our restraining orders, we should receive such orders, especially if the standard of proof required in the courts is the same as applies in our courts. Among the courts of the world, New Zealand courts operate most similarly to our courts. They have developed on a basis similar to the operation of the Western Australian court system. Also, the New Zealand population is similar to that of Western Australia.

The purpose of the Bill, as indicated by the member for Fremantle, is primarily to protect women and families from domestic violence. The Opposition supports that intent. Its only concern is to ensure that the legislation is effective in meeting the Government's intent; namely, to provide equal protection to, or greater protection than, that which the New Zealand court provides. Does the Western Australian system offer greater protection than a New Zealand order to be registered?

MR BLOFFWITCH (Geraldton) [4.39 pm]: I contribute to this debate as a chap in my electorate had a very bad experience with restraining orders. His wife, whom he brought out from the Philippines, decided she wanted to separate

from him. She left him and went to a women's refuge. After talking to people at the refuge, she decided that her only chance of staying in Australia was to gain a conviction under a restraining order. She filed through the Police Force for a restraining order. The police applied, and the restraining order was issued.

On his former wife's own admission, Mr Henfler had never hit her or done anything to her, so he was obviously aghast. However, after reading the legislation, I said that if he happened to argue with her, scream at her or anything like that, a restraining order against verbal abuse could be taken out in the same way as a restraining order against violence. He said, "If that is the case, I suppose we did have some arguments and she could have used that avenue." He said he would defend the action. The reason I was upset with the process was that when these people went to court, there was not only the lady's legal aid attorney - he could not get legal aid - but also the police who were defending the conduct of the woman in court. Mr Henfler said he did not mind fighting the legal profession, but he did not know why he should have to fight the Police Force as well. The magistrate was not happy with some evidence, so he wanted various people, such as the doctor, to testify about the husband's impotence and things like that. This man got a stay, and the case was not heard on that day.

Eight months later he finally got a court hearing. Members should bear in mind that the restraining order against this fellow had been in place for eight months. He went to court, gave his evidence, and the case was dismissed. He said to me that the situation was outrageous. For eight months everybody believed he had done something terrible to his wife. There was no way that he could vindicate himself. When he went to court on the last occasion, the same police officer was defending his former wife and speaking on her behalf. Again he asked why he should have to fight the police. Fortunately I checked with the police, and although they can take out a restraining order, that police officer should not have been present for the next two court appearances, including the deciding hearing. Nevertheless, police officers were present, and the ministry should address this situation.

Although this man should have been satisfied when the court dismissed, or did not uphold, the case against him, he said that after eight months his name was so bad among his friends and neighbours as a result of this restraining order that he was extremely distraught. Therefore, although I agree that in extreme circumstances the police should be able to appear in court, they should not be involved after the restraining order is granted and the matter is set down for hearing. At that stage the police should take an impartial view. I might add that this man went to the policeman concerned and showed him his evidence. The policeman said that he was not the least bit interested, could not care less and just ignored him. It was a tragic situation for this chap. He is still cheesed off with the whole system. In the meantime, his former wife has been sent back to the Philippines, and he was not happy about that; he is not a happy man. I do not expect the member who is representing the minister to solve all the problems.

Mr Riebeling: Was she at the hearing?

Mr BLOFFWITCH: Yes, she was at the hearing. I would like the member to advise the minister that these things are occurring in the community, and some special instructions must be given to the police. It is bad enough if a person feels he has been wronged; it is worse if he has not only an attorney but also the police appearing against him at these hearings.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [4.44 pm]: First, I thank members opposite for supporting the Bill. As both members have said, this is an important step forward for the people of Western Australia. As I said in April 1997 when the original Restraining Orders Bill was passed, family and domestic violence, as well as violence itself, is a major concern to all Western Australians. Restraining orders play a central role in the legal response to domestic violence, violence or even people who are being nuisances to others. Although the tackling of misconduct and violence generally must be across all agencies, ministers and ministries, it must also be across different countries, which is what we are trying to achieve now.

I refer to the Report of the Evaluation of the First Six Months of Operation of the Restraining Orders Act 1997. On page iii, it states -

> The most prevalent ethnicity of both applicants and respondents was Australian, followed by Aboriginal, British, New Zealander, Vietnamese and numerous others at a low prevalence.

The fact that New Zealand is covered by this Bill is important because it comes third or fourth on the list of people coming to Western Australia who have been subjected to domestic violence.

Mr Riebeling: How many people come here?

Mrs van de KLASHORST: My adviser and I do not have the exact figures. However, in answer to the member's question, a restraining order that is taken out in New Zealand can be implemented in Western Australia, and the conditions of that restraining order will be the same in Western Australia. If the New Zealand restraining order states that a male or female cannot do this or that, the same restrictions will apply here. I refer the member to proposed section 79C(4) of the Bill, which states -

> The clerk is not to give notice of the registration to the person who is bound by the order unless the applicant has made a written request for notice to be given to that person.

Mr Riebeling interjected.

Mrs van de KLASHORST: Yes. Therefore, they will not receive a notice saying that the restraining order has been registered here in Western Australia. As the member and I know from experience, what happens is that the person being restrained will jump on an aeroplane and come to find the other person. It is intended that these provisions will apply to all States. The Standing Committee of Attorneys General meeting agreed that this legislation would apply throughout Australia.

Mr Riebeling: This is template legislation.

Mrs van de KLASHORST: Yes. Western Australia is on a par with one or two other States with respect to this legislation. However, I do not have the exact date that it was passed in the other States. The Bill covers the problem of people coming from New Zealand. The Attorney General has tried to draft the Bill so that from the moment it is promulgated it will come into effect, thereby eliminating the need for any regulations, rules and so on. Therefore, those people who need a restraining order will be able to act immediately it is promulgated. That is a positive step.

Another point is that this will be extended to cover other countries. Work in that area is presently being undertaken. At the moment this Bill covers only New Zealand but allows for -

Mr Riebeling interjected.

Mrs van de KLASHORST: That would need to be examined before any legislation or regulations were put in place simply to make sure that it is compatible. In answer to the member's other question, on 16 December a Report of the Evaluation of the First Six Months of Operation of the Restraining Orders Act 1997 was tabled in the other place. This report contains recommendations on almost every page. The Attorney General has divided the recommendations into three areas. The administration recommendations mean that the courts are involved. There are also legislative recommendations, and the Attorney General is preparing legislation to cover every aspect of those recommendations which require legislation. More thought needs to be given to methods of overcoming problems in Aboriginal communities and more communication is needed with the groups involved. A task force is currently working on these matters, and every recommendation in this report is either being acted on or will be acted on. I commend the Attorney General for that because it is a very important issue.

Mr Riebeling: People are still telling me that there are major problems with the after-hours restraining orders.

Mrs van de KLASHORST: I understand that during the first six months of operation of the legislation, only nine telephone restraining orders were issued each month.

Mr Riebeling: Most domestic violence happens after hours.

Mrs van de KLASHORST: After the new legislation was introduced, 558 violence restraining orders, 39 misconduct restraining orders and only nine telephone restraining orders were issued each month. That could also be the result of teething problems. I will obtain a copy of this for the member.

Mr Riebeling: I have seen it.

Mrs van de KLASHORST: That should answer the member's question. There was not a massive take-up, but it was a new process and perhaps some people were not aware of it. I spoke to a group of Aboriginal women at a domestic violence conference after I had given an address, and I know that some of those people were not aware of it. The difficulty is always to convey the information to the community.

Mr Riebeling: It is not the community you need to worry about, it is the police.

Mrs van de KLASHORST: There is police training for this, as members are aware from the debate on the previous Bill. I commend the Bill to the House, and thank members for their support; this is a step forward for the community of Western Australia.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and passed.

TRANSPORT CO-ORDINATION AMENDMENT BILL

Second Reading

Resumed from 9 April 1998.

MS MacTIERNAN (Armadale) [4.53 pm]: The support of the Opposition for this Bill is contingent upon the Government's supporting an amendment proposed by the Opposition. The Bill has two fundamentally separate aims. The first is to provide clarification that the Minister for Transport has statutory power to sell and lease back the transferred bus fleet and outsource management of the fleet, rather than the service. It also empowers the Treasurer to give state guarantees on contracts entered into by the Minister for Transport. A liability on any guarantee is to be paid from consolidated revenue.

Members know that for some time the Government has wanted to follow the practice it adopted for its light vehicles; that is, lease the Perth bus fleet. The original tender specification for the 840 buses that this State will acquire at some point into the next century, was for the supply and financing of those buses. Clearly, significant problems have arisen in government ranks about the nature of the lease-back arrangements being mooted by the various people who submitted tenders. A number of those who submitted tenders for the supply of the buses are cross that the Government abandoned the financing aspects of the tender and went for supply rather than supply and financing. I understand that for the past 18 months the Government has been attempting to sell the bus fleet to Matrix Group Ltd and then lease it back. This is not an uncommon practice; it is a practice that Labor Governments from time to time and from place to place have engaged in. It is a practice in which business often engages.

The savings are largely, but not exclusively, predicated on tax advantages that can be gained by private sector companies.

Those tax advantages obviously are not available to State Governments because they are not taxed entities. It relates to accelerated depreciation rates - perhaps someone on the front bench will go into more detail on this aspect - and trading off tax losses that have occurred within other elements of the business. Certain capacities that are clearly available to the private sector but not to the public sector, mean that it is quite possible that the private sector can provide a fleet more cheaply than the public sector can. The Opposition does not oppose the principle outright. It is not an instance of privatisation but rather one of different principles of management.

However, the Opposition must take note of the report by the Auditor General which was issued in May 1998. This report, entitled "Selecting the Right Gear" - another very clever double entendre from the Auditor General - looks at the funding facility for the Western Australian Government's light vehicle fleet. It provides good information on precisely how these schemes work and whether, at the end of the day, they bring home the bacon. The report contains three major findings; that is, the initial savings did reduce vehicle costs by around 20 per cent and that these savings have now been substantially reduced due to a reduction in the return on retiring vehicles. The Auditor General found that the total sales shortfall of almost $8m at January 1998 and the resulting adjustments were adding some $90 000 to the monthly fleet rental bill. The report goes on to say, and this is the most important finding, that the Government is at risk if there is a revision in tax structures. These deals are very dependent on a number of factors going right and, indeed, are particularly vulnerable to changes in federal government taxing regimes.

Bearing in mind that those federal government taxing regimes are basically undertaken to obviate private sector tax minimisation, having availed themselves of private sector provisions through these arrangements State Governments will not be in a position to argue with the Federal Government against any tax changes that might negatively affect them. The Federal Government would have much bigger fish to fry because these tax arrangements affect many private corporate leasings.

The Opposition's concern is that we will have an ill-considered deal. People within the Department of Transport without a complete understanding of these issues may be lulled into a false sense of security by the promises of the leasing companies and agree to a deal that is superficially attractive but which, when given any rigorous testing, will turn out to be an economic lemon. The article in the Auditor General's report on selecting the right gear is not too fanciful a notion.

Putting aside the fact that it is the State Government robbing Peter to pay Paul - the State Government's advantage is largely derived to the disadvantage of the Federal Government - the Opposition does not have an objection in principle to this financing arrangement; nonetheless, we appreciate that they are extremely problematic arrangements. From our sources we know that a great deal of controversy has occurred within Treasury about the plans of the Department of Transport in this regard. The contract was announced, I think, in April 1998 and a financing arrangement still has not been implemented for the 804 buses that the Government claims it will be purchasing.

The Opposition's amendment, on which we will go into more detail during Committee and on which the Opposition's support for the Bill is contingent, will provide that before the Government enters into any arrangement to acquire or dispose of the fleet as part of a financing arrangement, it must provide to the Parliament a summary of the agreement, a cost benefit impact statement for the proposed transaction and a certificate from the Under Treasurer verifying that Treasury has signed off on this proposed arrangement. The Opposition would not be confident that departments such as the Department of Transport still employ staff with the skills to apply proper economic scrutiny to this arrangement. The Opposition certainly requires that any departmental impact statement should have an imprimatur of sorts from the Under Treasurer. The Opposition is not requiring that this be a disallowable instrument, but that it be adopted simply in the interests of open and accountable government so that we can ensure that no arrangement is entered into without the full and public approval of Treasury. The Opposition's amendment will also seek to provide that once the minister has entered into an agreement, he must table it within seven days. Although it is considered by this Government - the friend of Bevan Lawrence - that supports open and accountable government, that this provision is unusual in Western Australia, it is orthordoxy in the land of free enterprise, the United States. It is also implemented under the conservative Government in Britain where all contracts of this nature are put on a register of contracts for public scrutiny. It must be borne in mind that we are talking about some fairly long-term arrangements and about large deals. The new buses in the Perth bus fleet for example are worth in the order of $350m. Their purchase involves very large transactions of which we, as public representatives, have a right to a minimal degree of scrutiny. No doubt we can go into that in more detail during Committee.

The second part of the Bill relates to new standards for the bus and coach industry. However, the Perth commuter system, operated by the Government through the aegis of various private providers, stands outside this provision. Basically, the Government is seeking to capture the private bus and coach industry, tour buses and initially school buses. Extensive consultation was held with industry and a working group was established that was fairly representative of the industry. It has drafted a set of quality standards, which it is envisaged will provide a code of conduct for the industry.

I would like the minister to verify that these standards will be in addition to the requirements of annual vehicle checks and driver, criminal and traffic conviction checks. They will enable transport to enforce a regulatory scheme that will set up standards for driver training, vehicle maintenance and business practice. A star rating will also be established that will acknowledge the existence of various segments of the market. Some segments basically want a no-frills, cheaper service and some segments want something more luxurious. A star rating system will enable consumers to know what they are getting for the price of a ticket and tourists will not get a nasty surprise after paying top dollar by finding that they are riding in a bone rattler even if it is safe.

The Opposition wonders why this Bill took so long to come onto the agenda - it was introduced here more than a year ago. Did the Minister for Local Government's reluctance to deal with yet another transport Bill see it put to the bottom of the pile?

Mr Omodei: Definitely not. I like to get them over and done with.

Ms MacTIERNAN: The minister assures me that he was not responsible for the delay. Eight coalition backbenchers made representations to the Minister for Transport concerning the second aspect of the legislation. What was originally seen to be consensus within the bus industry has now evaporated. School bus operators believe that this regime will be too onerous for some of the small operators. I understand that a number of farmers are part-time bus operators and do not want to go through this process of accreditation. I have yet to see the amendments that the Government has proposed, but is it correct that the Minister for Transport has rolled over on this matter and will grant an exemption for school buses?

Mr Omodei: That is correct.

Ms MacTIERNAN: While that may not be the ideal situation, and we have some concerns about that matter, we acknowledge that some rigorous safety standards are already in place for school buses. I understand from some of my parliamentary colleagues that a fairly horrific bus accident occurred in the country about a decade ago, as a result of which very tough standards were imposed on school buses. Since that time, school buses have been treated separately from the rest of the industry and are subject to random inspections each year and also to compulsory retirement after 10 or 15 years, depending on the type of vehicle that is used. It is important to note that the tests are random. A random test has a lot more validity than a routine test. I have heard stories about taxis, particularly those in managed fleets, which have had tyres and all sorts of bits and pieces changed in order for the vehicle to pass the inspection, and upon the vehicle's return to the fleet, the good bits have been taken off and the dodgy bits have been put back on. The fact that those checks of school buses are random ensures that those vehicles have a high level of safety. I understand that about 10 inspectors are engaged full time to inspect school buses. Therefore, while the Opposition does not necessarily agree with the Government's exempting school buses, we believe at this time, unless we get further evidence to the contrary, that it will not compromise safety; therefore, we will not oppose the changes which the Government is proposing to make to this Bill to exempt school buses from the new standards that will apply.

This legislation has two fundamental aspects. The Opposition is serious about its proposed amendment with regard to the leasing and financing arrangements for the bus fleet. We are not seeking to prohibit the Government from entering into these arrangements, but we believe it must ensure a high degree of accountability when it is engaging in these practices, particularly given the warning flags that have been raised by the Auditor General with regard to the longevity of these leasing arrangements.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [5.14 pm]: I thank the member for Armadale for her comments about this Bill. The member is correct. This Bill has been in the Parliament for a year, and extensive discussion has taken place in the coalition party room about the star rating of buses and the use of school buses, and in the committee stage of the Bill I intend to move amendments to oppose certain clauses and delete certain lines. I will also deal in committee with the successful tenders for buses and the quality of those tenders. The Opposition has proposed an amendment which will require the minister to table in the Parliament a summary of the intended agreement, arrangement or transaction; and a cost benefit-impact statement. The Government will oppose that amendment, and I will deal with that matter more extensively in committee.

Ms MacTIERNAN: Can you explain why?

Mr OMODEI: I do not have all the detail before me; I am in the process of getting some assistance. It is more appropriate to debate that matter in committee.

The legislation refers to how the government bus fleet will be handled, the responsibilities of the successful tenderer, and the requirement to provide a safer and better bus service for all Western Australians. The Department of Transport will conduct performance reviews on an annual basis. The department will also monitor key indicators such as the average age of the fleet, customer satisfaction, costs, including maintenance and fuel, which has been matter of contention, and optimum bus age prior to its replacement. The Bill provides for the introduction of a standards scheme which will embody safety for passengers and the general public and that is consistent with national competition policy reforms. The public will further benefit from increased competition in service delivery which will incorporate a range of innovative transport products.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 7789.]

JURIES AMENDMENT BILL

Second Reading

Resumed from 23 March.

MR RIEBELING (Burrup) [5.18 pm]: The member for Fremantle is the lead speaker for the Opposition on this legislation, and he will be here shortly. The Opposition has no objection to the passage of this Bill. The Attorney General determined recently that people over a certain age should not sit as jurors. That has created a number of problems in the Central Law Courts because the majority of justices of the peace are over that age. This legislation endeavours to increase the number of people eligible for jury service and the number of seniors included on jury panels. I presume that is being done because of the increasing incidence of violent crimes against the elderly. I am sure members on this side of the House agree that those over 70 years of age in our community should be involved in this process.

I am somewhat concerned about this creeping back to a limit of 70 years of age. It is not necessarily correct that a 70 year old should be ineligible because he or she has lost the ability to determine the truth or otherwise of an offence. The best juries reflect the community as a whole. As we have seen on television and heard on radio recently, there is a propensity for violent crimes to be committed against the very elderly in our community, and they know the true impact of those offences. The elderly in our community should be party to jury deliberations, and for that reason members on this side will not object to this change. In fact, we should be including in the jury process all citizens over the age of 18 who are eligible to vote.

This legislation also deals with the confidentiality of jury deliberations. This change came as some surprise to me because I did not know that jury deliberations were anything other than confidential. What were the reasons for identification of jurors in the old system? Events in places such as the United States may have had some influence on this issue. Jurors in the US often sell their stories and give behind-the-scenes explanations of decisions, but I have not witnessed that in Western Australia. After a bikie murder trial in New South Wales, the jurors proffered explanations for decisions, but in this State it is very rare that information comes out about jury deliberations. I would like an explanation of this change.

The Opposition supports the introduction of computer selection of jurors in civil cases. Computers have been used for the selection of juries for criminal trials for about 15 years in this State, and it seems to have worked well. Changes are also proposed to the process for service of jurors by summons, and that appears to be commonsense. The Opposition supports the legislation.

MR PENDAL (South Perth) [5.25 pm]: I will make a very brief contribution. First, I congratulate the Government for introducing a number of important reforms, not the least of which touches on the age of jurors. Some years ago I made a submission on behalf of a constituent to the then Attorney General that the age limit of 65 years for jurors might be inappropriate in this day and age. I am pleased to say that several years down the track that has been acknowledged. The arguments which we put at the time, and which are somewhat reflected in the minister's second reading speech, included the fact that people are far better educated in a formal sense nowadays and that they are retiring from the active work force at a far earlier age. That has opened the way for a great deal more community service on the part of people who want to maintain their involvement in a variety of activities. Several years after I made that submission to the Attorney General there was some press publicity about the Juries Amendment Bill 1998. As a result, a constituent wrote to me expressing alarm that he might be called up for jury service. The last thing in the world he wanted in his senior years was to be confronted with the responsibility of having to decide someone's fate in a court of law. The Government has sensibly included in the Bill a provision to exempt people in those circumstances.

In his second reading speech the minister stated -

> . . . in order to strike a balance between increasing the age of eligibility for jury service to 70 years and the desire of some senior members of the community to be exempt, it is necessary that those citizens be provided with the means to be excused.

The minister continued -

> Part II of the second schedule to the Juries Act lists those persons who are excused as of right from serving as jurors if they claim to be excused. Under the Bill it is proposed to amend the second schedule to include provision for jurors over 65 years of age to have an automatic right to be excluded without giving reasons.

To that extent the minister has admirably met the criterion of striking a balance between those who feel that they are able to do jury service beyond the age of 65 and those who feel to the contrary, who do not want that responsibility at the time of their lives when they might expect to take things easy. All in all, the Government has done an excellent job of striking that balance. For those reasons and because of the other reforms incorporated into the Bill, I support the Bill.

MR BLOFFWITCH (Geraldton) [5.31 pm]: I support the Bill. Before becoming a member of Parliament I twice served on juries and in doing so I noticed a few anomalies. With this Bill the Attorney General is trying to make the running of the courts smoother and easier. The first amendment outlined in the second reading speech details the increase in the age of potential jurors from 65 to 70 with an important proviso: He has allowed people who have attained the age of 65 years to exclude themselves from a jury if they do not wish to serve. This is commonsense because some 68 and 69 year olds are perfectly at ease on a jury but it may be a terrifying experience for others and it is not the sort of experience we want to put people of that age through. The Attorney General has given those people an out. Another aspect of the Bill which appeals to me concerns juries in smaller communities with small jury pools. The provision allows for the defence or crown to exclude people but if only seven or eight people are left after that, the parties can return to the excluded people and pick the five next best people to form the jury. That way the process does not become a shemozzle where nothing goes forward. Also, while the Geraldton Court uses computers for jury selection, I am sure the process can be further streamlined with the available software and the programs which will be developed. This Bill will go a long way to making the process of serving on a jury better and more efficient. I commend the minister for this measure. Obviously it is a response to complaints which have been referred to him. The present system works well. What could be fairer than a person being tried having 12 people from his community decide whether he is guilty? All of us have the right to decide that in criminal matters. It is essential because in many cases people feel more at ease when talking to a jury. Therefore, we need to get the best possible people for these juries. Precluding people from the age of 65 was a negative. I know some people aged 72 in Geraldton who would serve very well. I wonder why the Attorney General did not raise the age limit to 75 with the exclusion clause for those who were not comfortable with the idea. That would also have worked well. I am happy that the age limit has been raised. The Government is looking at improving the system and this legislation will do that. I commend the Bill to the House.

MR BAKER (Joondalup) [5.35 pm]: I support the Bill. I am particularly impressed with the provisions which increase the age limitation on the eligibility of persons to be empanelled as jurors. A juror being a member of a panel does not necessarily mean that that person will serve on a jury on that day. It is quite common for jurors to be shunted from trial to trial if they miss out on being empanelled on a jury. Life is full of experiences and it may be unfair to generalise and say that the older a person is, the more experience he will have in all matters relating to life. In the ordinary course of things one would expect people aged 65 to 70 to be parents and grandparents, to have held several positions in community organisations or worked in several occupations and to be a good judge of character and be able to determine whether witnesses are telling the truth on key or material issues. That is important in criminal trials because the jury is the arbiter of fact and the trial judge the arbiter of law. The jury must consider what it believes to be the facts and the law is essentially applied to the facts. I accept the increase in the age limitation for jurors.

In looking at the peremptory challenges and the standing aside of jurors as outlined in the Juries Amendment Bill, it is interesting to consider the various factors a defence counsel will take into account when deciding whether to raise any challenges or to ask that a juror be stood aside. It is important to remember that in criminal trials prior to the commencement of the trial proper and the jury being empanelled the defence counsel receives a list of the names and occupations of the prospective jurors. The defence counsel and his client can then review who they believe to be suitable jurors. Some of the people in the pool may be known to the accused person, who may be concerned that a person may show some bias against him in the deliberations following the conclusion of the trial. Therefore, he will instruct his defence counsel to challenge that person and ensure he is not on the jury proper. The list also refers to occupations. The defence counsel and the accused person may not know the people listed in the pool but they may attempt to psychoanalyse potential jurors in advance by looking at their occupations. It may be a bigoted thing to say but some defence lawyers acting in complicated fraud trials involving what is commonly known as white-collar crime believe it is preferable to avoid having people who are hairdressers on the jury. The view is that perhaps they may not be in a good position to understand the complexities of the technical questions involved in technical fraud cases. That may be an inappropriate generalisation; however, some defence counsel have these general rules of thumb. Another example might involve housewives or those, be they male or female, doing home duties who essentially are caregivers to their children. Depending upon the nature of the charge their clients are facing, some defence lawyers take the view that in certain circumstances people in those categories may be inappropriate to be empanelled as jurors.

That process of elimination or psychoanalysis continues right up until the point where the jurors are called upon to swear the oath they are required to take prior to their commencing duties in the jury box. Members will be well aware that it is possible for counsel to challenge jurors right up until they commence reciting the oath, which is printed on a proforma card for them. In that process, the defence counsel has the opportunity to see each juror face-to-face, look at the clothes he is wearing and take note of his age prior to that person being empanelled. In many cases, it gives the defence counsel the opportunity to attempt, to the best of his ability, to psychoanalyse further, and, on the basis of his instructions, decide how he thinks the potential juror may view the charge, the accused and the facts to be alleged by the prosecution in due course.

Let us take the simple example of a serious aggravated sexual assault case involving a middle-aged person. A crown prosecutor, who can also raise challenges, would be loath to see someone who was wearing motor cycle colours and was covered in tattoos become a member of the jury. That is commonsense. In that instance, the prosecutor will not know the person, but will attempt to conduct an informal, amateur psychoanalysis based on the physical appearance of the person. Although it may be wrong to judge a book by its cover, many people say that is a commonsense approach. Other examples include cases involving elderly people facing fraud charges whether they be for an imposition against the Commonwealth or crimes resulting from misconduct several years earlier. In certain circumstances it may be beneficial to ensure the members of the jury are middle aged or older. These various techniques have been developed over the years.

Even when a challenge has been made, it stands to reason that the defence lawyers rely on their life experiences and their ability to judge character visually without knowing the prospective juror. Defence lawyers will make an assessment; sometimes they get it right, and sometimes they get it wrong. It is accepted amongst those who practice in criminal law, particularly in jury trials, that verdicts can vary, depending on the composition of the jury. It is often said that juries are intended to represent the reasonable man in the community. The main reason is that in the many excuses and defences provided by the criminal law, an objective test is often to be applied to the facts. Often the question is how a reasonable person will behave in similar circumstances. This objective test applies to, for example, the defences of self-defence or provocation. The defence of provocation requires that the person must have retaliated to the provocation prior to there being time for passions to cool. There is also an implicit objective test that the person must behave reasonably in all the circumstances. The jury performs an important role in being a representative body of objective, reasonable people in the community.

It is also fair to say that the thinking of juries differs from area to area. It may well be that juries in the north of the State are less prone to convict persons charged with assaults arising out of pub brawls than are juries in Perth. For many years I practised law in the Northern Territory where it was very difficult for the crown prosecutor to get a conviction for wilful murder. Juries in the Northern Territory, be they in Alice Springs or Darwin, seemed to be more accepting of violence in certain circumstances. A similar jury trial in Perth may not end up with the same result. The so-called reasonable man varies from area to area and a jury's verdict can vary substantially, depending on where it is empanelled.

It stands to reason that in a small country town if a defence counsel can make reasonable submissions to the trial judge that it would not be possible for his client to get a fair trial in the town with a local jury, it is possible for the counsel to make an application to have the trial transferred to another town, usually Perth. There are many reasons for that, but usually they are due to the "small town" syndrome: In that community the accused person is well-known, may have many friends and relatives or may have developed a good or bad reputation. There are concerns that jurors may be biased towards that

accused person; hence, they may not be as objective and dispassionate as they should be. All jurors are told that, after they retire to consider their verdict, they should assess the evidence before them in an objective, dispassionate manner and should disregard any pre-existing bias they have towards the accused or offences in the category of which the accused faces. In the real world it might be quite difficult for many members of the community who are asked to serve as jurors to assess evidence totally and objectively without, perhaps unwittingly, taking into account their own biases in relation to the nature of the offence or the facts giving rise to it.

As I said, the jury system is very important in the administration of criminal justice. In this State in the case of an indictable offence in certain circumstances an accused person may ask for a trial by judge alone. Just because a person has been charged with an indictable offence - a serious crime which cannot be dealt with summarily in a magistrates court - does not necessarily mean that that trial must proceed before a jury. In my experience people who are charged with indictable offences involving white-collar fraud or who, in view of the publicity surrounding the laying of the charge, are concerned that they will not get a fair trial before a jury, will instruct defence counsel to seek a trial by judge alone. Sometimes it works; sometimes it backfires. It is very difficult to know the outcome in advance.

Despite perceptions to the contrary, an accused person cannot be compelled to give evidence at his or her trial, and there are many advantages to that. Accused persons are entitled to the presumption of innocence until their guilt has been proved beyond a reasonable doubt. They can elect whether they will give evidence, irrespective of whether they propose to call other evidence. They can lead evidence through defence witnesses, without their having to give evidence in the witness box. One downside to their not giving evidence in the witness box is that the jury never really gets to see them being cross-examined, to have the opportunity to psychoanalyse them, to view their body language and their demeanour while in the witness box and to decide whether they are believable. In many cases that may be an advantage. During the trial if accused persons elect not to give evidence, the jury just sees them sitting in the dock. It is invariably the case that an accused male charged with serious matters when attending court wears freshly dry-cleaned suits, and if he previously had a beard, it would be shaved off. Members of the jury do not get to know the accused person just by looking at him while he is sitting on his chair in the dock during the trial.

In short, I support the Bill; in particular, the change in the age limitation is a great idea. Elderly people ordinarily are good judges of character. They have a wealth of life experience behind them and are normally good at sorting out the wheat from the chaff, and fact from fiction. The Bill also contains the general proviso that people over 65 years of age have an as-of-right entitlement to seek an exemption from jury service on the basis of their age.

MR MARSHALL (Dawesville - Parliamentary Secretary) [5.50 pm]: I will not delay the passage of this Bill. However, I would like to record in *Hansard* that in 1994 Mr Michael Strangways-Price came into my Dawesville office wanting to know why as a fit and proper person he could no longer do jury service just because he had turned 65 years of age. That prompted me to go to then Attorney General Hon Cheryl Edwardes and suggest that it was wrong that people over 65 years of age should be dumped off the roll because it was assumed they did not have what it takes to think clearly. I said that was age discrimination. In this International Year of Older Persons I praise the current Attorney General for finally getting the Juries Amendment Bill passed. I also praise Mr Strangways-Price for his perseverance. I must have received half a dozen letters from him in the intervening years asking what was happening with his idea. It just shows how long it takes for legislation to go through this place. The process started in 1994-95 and it has come to fruition in 1999.

Provided that people are up to the demands and tensions of jury duty, they can serve on juries until they are 70 years of age. We have an ageing population and jury duty could be the start of a new career for someone over 60 years of age.

Last weekend I played in the South West Tennis Championship in Bunbury. The young members here will be amazed when I tell them that my doubles event was for the combined age of 120 years and over. About 300 people played in that tournament at the Bunbury Tennis Club. They all enjoyed themselves. The 20 or so people I played against were fit and intelligent. Some had tertiary degrees. One chap ate nothing but yoghurt and vegetables; he looked like a greyhound. He was the fittest man on the court. Elderly people look after themselves, and we should acknowledge that they are capable of serving on a jury.

Next weekend in Broome I will open the Masters Games. It is the first time this event has been held in the north west of the State. Over 400 people will compete in a wide range of sports. In my electorate of Dawesville the Mandurah Senior Citizens Club has over 1 000 members and holds activities every day of the week. In my area, up to 80 people of the over-50s group of the South Mandurah Tennis Club, which has only 10 courts, play every Friday. I doubt any metropolitan club could boast that record.

Mr Shave: Not even East Fremantle?

Mr MARSHALL: No. The East Fremantle Tennis Club has 26 courts and is one of the best clubs in Western Australia, but not that many over-50s play on one day. Mandurah has more than 10 bowls club all of which have full membership. Most of those bowlers are retired and over the age of 60. Over 100 members of the over-55 cycling club ride throughout the week in their yellow guernseys. These people are fit and intelligent, and they want to do something in their retirement. Each Monday and Friday the veteran golf days at Mandurah clubs attract capacity houses. I would think that over 80 per cent of justices of the peace in the Mandurah area are over 60 years of age. We should not write off people who are over 60 years of age. They have life experience. They are well read, and educated. They are people of the world. Most of all, as far as jury duty is concerned, they have the time. It is with great pride that I am able to say to Mr Strangeways-Price - a gentleman who continually writes me letters containing good ideas and who is always thinking - that the idea he brought into my office in 1995 has now come to fruition. It is because of that that I support the Juries Amendment Bill.

MR SHAVE (Alfred Cove - Minister for Lands) [5.55 pm]: I want to comment on aspects of this Bill, particularly on the remuneration and services provided to people who carry out this civic duty. It is a fundamental responsibility of everyone to serve on juries when it is required of them. However, in this day and age, we should be concerned with the time that people spend travelling to and from the courts and what they receive for the service that they perform.

This subject came up at my home last night. My good friend, the former owner of the Willagee Park Hotel, came to see me last night and mentioned that he had been summonsed to jury duty. We discussed this Bill which, as the member for Marangaroo would understand, is an important issue. It transpired during this detailed discussion that my good friend attended the courts yesterday and was a little concerned with what occurred. Although he was not prepared to discuss the case he was on, he spoke about the remuneration and support that he was given for the time that he applied to that task yesterday. I was shocked to learn that for a day on jury service a member of the public is paid the sum of $15. That is inappropriate and unreasonable. A single parent such as I might have to leave his business. If that person were running a small hotel or tavern, he would be required to hire additional bar staff at $10 or $15 an hour - more on a public holiday. That person would be paid the same amount for the whole day that it would cost him to employ one staff member for one hour. That is inappropriate and unreasonable.

His experience was worse than that, because he spoke to me about the meals that were provided. I asked whether they had looked after him, and he said that he had been offered a roast dinner, which sounded all right. My friend is often accompanied to civic functions by a lady. She is a slight lady and does not eat a lot. He said that if his friend Deborah had been on jury duty yesterday, she would have required four of those meals to fill her. He said, "I think they've got a slicing machine like the one I used to slice fish rather thinly with at the Willagee Park Hotel." I knew all about that because I used to eat there; the Willagee Park Hotel was just down the road from where I lived.

Mr Cunningham: Did he water down the beer?

Mr SHAVE: He never did that. I used to worry about him when there was a beer strike. I used to think that a few bottles of beer occasionally went into the keg and then he put the bung back in. I do not think that is right, but I had a feeling that he might have done that. I could have advised him that there were more appropriate ways of doing something like that; but never with water. That is a negative. A good beer drinker knows whether people are putting water into the beer because he can see it. When I bought the Railway Hotel, my predecessor told me he would show me how to make a lot of money. He was putting water in the beer. On the end of the bank of three 18 gallon kegs was a 10 gallon keg full of water. He said, "Son, you will make a lot of money if you do this." I was only young and knew nothing about these untidy habits. As it turned out, I did not think it was the right thing to do. When I took over that hotel, I did not put water in the beer. In 25 years, I never agreed to do that. The week after I took over the hotel, we went from eleven 18 gallon kegs to about 15 or 16 kegs. With a bit of work and the personality of the member for Dawesville - talking to the customers - the trade increased; we went up to 20 to 25 kegs a week. There is a lesson in that.

Sitting suspended from 6.00 to 7.00 pm

Mr SHAVE: I will not take up too much of the Parliament's time because we must deal with a number of other important Bills. This is an important Bill. I made the point about my friend being offered a roast dinner at court yesterday. When he queried the size of the dinner, it was brought to his attention that a lot of people had to be fed. I do not know what the budget of the Ministry of Justice is like, but if people are prepared to give up a full day, they should be paid an amount that recognises the onerous task they must undertake, most times against their wishes. However, they always realise it is a civic responsibility. I support the provision to allow people over the age of 65 years to serve on a jury; it is well chosen. In many cases, people over the age of 65 years are far more competent to make decisions on a number of issues than are people aged between 18 and 65 years. I support the Bill and I hope other members will also support it.

Question put and passed.

Bill read a second time.

CHILD WELFARE AMENDMENT BILL

Committee

Resumed from 24 March. The Chairman of Committees (Mr Bloffwitch) in the Chair; Mrs Parker (Minister for Family and Children's Services) in charge of the Bill.

Clause 4: Part VIIIA inserted -

Progress was reported after the clause had been amended, and the following amendments had been moved -

Page 11, line 5 - To delete the words "may, if the manager is satisfied that it is" and substitute the word "shall".

Page 11, line 6 - To delete the words "to do so".

Mr CARPENTER: It has been some time now since the debate on the Child Welfare Amendment Bill was truncated in the Parliament. I am curious to know whether the minister has received any advice in the interim about new amendments that she may be moving and whether the minister is considering the amendments moved by the member for Mandurah.

Mrs PARKER: The amendments that I will propose are on the Notice Paper. As we have had 15 hours of debate on this Bill, we will proceed with it and I am happy to consider the amendments made by the member for Mandurah.

Mr NICHOLLS: I raise with the minister the issue that we left some time ago, as outlined by the member for Willagee; that

is, that the amendment would provide certainty that the manager would carry out certain duties. I hope the minister will agree to this amendment and we can move through the other amendments, some of which I hope to delete. I also plan to speak on other amendments and I will continue to move amendments. This Bill is still deficient and will create a number of serious problems for the minister and the department if it is introduced in its current form. I doubt whether the provisos that have been given by the minister will be deliverable. Nonetheless, it is important that the Bill reflect a clear onus on the manager and anyone else responsible for access to, or management of, the register, given not only the concerns that have been raised in the community about the register, but also the importance of a database such as this in the management of protecting children who have been identified as being at risk.

Mrs PARKER: As I have said in discussions with the member for Mandurah, I am willing to accept this amendment regarding a person against whom a conviction has been recorded and whose name is on the register.

Amendments put and passed.

Mr NICHOLLS: I move -

Page 11, line 12 to page 12, line 6 - To delete the lines.

This amendment is to keep the information on the register confidential. As I said previously, we should limit any opportunity for sensitive and specific information about people who are identified as being at risk or who have been abused to be circulated in the community. The House did not accept amendments I moved previously to limit access to the information or change the information to be only the name, address and birth date of an alleged victim, nor to put the name of the alleged perpetrator on the register. Therefore, although I still believe the register should operate without continual requests by, and responses to, individuals throughout the community, this is too little too late. One of my concerns is that the manager of the register will continually receive requests for access to information or verification of information held on the register. Division 4, access to children and parents, is important if a long list of people can access the information and the register holds information only about the alleged victim but which is drawn from a number of departments. I am also concerned that the role of the register may be bound up in legal process if people who do not believe their children's names should be on it seek appeal or court intervention to remove those names. If the register is to be functional, it must be totally confidential and accurate and used only as a basis to ensure that children do not fall between the cracks of departments. I have my doubts whether we have created that. Although I believe there is a genuine attempt to ensure people do not see it as a star chamber or a way of keeping secret files on people, it is difficult to understand how the register can remain confidential if we allow a process by which parents, children, and in some cases legal advocates, can at least seek information from the register.

If one can ask to see information on the register that pertains to me or my children, how can the register be confidential? How can the manager ensure that this information will not be communicated? How do we stop people who believe their child's name is on the register from fishing, even though the manager has said it is not on the register? Will that result in people appealing to the court for access to the register to verify that their details are not kept on the register?

Mrs PARKER: As I have said in private discussions with the member, we will not accept this amendment. This clause relates to the right of parents, and children of a mature age, to know in principle the information about them on the register. The clause provides discretion for the manager not to provide the information and an appeal process will be available by which his decision can be challenged. The Government believes the right of the parent of a child to know what information is held on the register is fundamental.

Mr NICHOLLS: Is it not correct that the register will be confidential; that people will not be able to search it or speculate about whether names are on it or have somebody verify whether the names are on it? If that is correct, where does the information stop? Must a letter be provided by the Department of Family and Children's Services verifying that a child's name is on the register before it can be accessed? Must the person whose name is recorded on the register have access to the register to know that his name is there, or must one be in a privileged position to effectively force somebody to advise that his name is on the register?

Proposed section 120K(1) provides that the manager shall, at the request of a parent, guardian or other person responsible for the day to day care, welfare and development of the child, permit the person to have access to the information in the register in respect of the child.

If the minister is saying that people will not be able to access this information on the register because it is confidential, this part of the Bill provides, although at the discretion of the manager, that one can have access to the information on the register. However, under proposed subsection (3), the manager may refuse access to the register under subsections (1) or (2). -

. . . if the manager is satisfied that it is in the best interests of the child to do so.

So we have a register of all that information and we are calling it confidential - "confidential" is a very loose term - but under the legislation in respect of which the minister opposes the amendment, a parent or a child may have access to the information on the register if the manager deems fit. Without putting limits on the manager, the manager may refuse access to information if the manager is satisfied that the child who has attained the age of 12 years -

. . . does not have sufficient maturity to understand the information or the circumstances to which it relates.

I am sorry but I can find no statement in the Bill that confidentiality of the register will be maintained, that no-one shall have access to scan through it and that somehow the integrity of the register will be protected. All it indicates to me is that any parent or child who has attained the age of 12 who is deemed by the manager to be mature enough to understand the

information on the register may have access or under the proposed subsection is entitled to have access to that information if he or she desires. If that is the case, firstly, how can we ensure that the register is confidential, and, secondly, how do we limit access? Do we say that the manager can choose whom he or she wishes to have access? If the parent or child comes back three or four times because he or she is still concerned, can the manager say, "I have had enough; I will not let you have any more access"? Will there be another more scientific, more accountable process that says, "We will allow people to have access to the information but only in certain circumstances, apart from it being in the child's best interests to do so"? How does it stop a person seeking to scan the register to identify whether a person's name is recorded on the register? How do we make sure that it remains confidential?

Mrs PARKER: We have dealt with confidentiality and the staff. The manager of the register and two assistants will have the codes to access the stand-alone computer. We have talked at length about confidentiality in our 15-hour debate. We are talking about a parent's right to access information on the register about their child. We have also talked at length about the process of notification. The parent would know that the child's name was on the register because he or she would have been notified. However, if someone writes to the manager of the register to query - I am advised by the manager that people inquire whether their names are on the register - he or she is told whether it is or not. As to whether they can access that information, quite simply if their name is on the register, there is capacity for the manager to provide that information to the parent who has been suitably identified in the process of applying for that information. As I have said, we will not support the proposal by the member for Mandurah because we believe that it is a parent's fundamental right to be able to have that information.

In regard to the manager's discretion when he or she believes it is in the best interests of the child not to provide that information, clearly we are dealing with difficult and contentious issues such as the abuse of our children and there might be circumstances in which it would be in the best interests of the child for that information not to be given at that time. However, the parent can go through an appeals process to challenge the manager's decision. Those are important provisions. It is important that there is an appeals process. As to the member for Mandurah's comments about scanning the register, that simply is not able to be done. The manager and the two assistants are those who have access to the register. The comments by the member for Mandurah regarding scanning give an irresponsible indication of what access we are talking about. We are talking about a parent, after he or she has been notified that the child's name is on the register, being able to apply for that information.

Mr BAKER: I shall make a few brief comments in opposition to the amendment. I cannot see why there is such a quandary over proposed section 120K. As with any law concerning issues relating to confidentiality, there is a general rule and it stands to reason that there will have to be exceptions. In this case it stands to reason that in the first instance there should be an as-of-right entitlement in favour of the classes of people referred to in proposed subsection (1) to have access to information on the register. If we consider the categories of people who are listed in that proposed subsection, commonsense would dictate that they are appropriate people. For example, they are -

> . . . a parent, guardian or other person responsible for the day to day care, welfare and development of the child . . .

It might be that in many cases, for whatever reason, the person who seeks the information has responsibility for the day-to-day care, control and welfare of the child, but due to difficulties in reflecting the physical arrangements in respect of the child's welfare in Family Court orders or a formal placement order, that person may not have been appointed as a guardian or as a person who is what is commonly known as a residential parent. Beyond that, of course, proposed subsection (3) provides for an exception, and that is that the as-of-right entitlement can be refused or access can be refused -

> . . . if the manager is satisfied that it is in the best interests of the child to do so.

It stands to reason that when making that assessment, the manager will obviously conduct a review of the nature of the person's entitlement to seek information. He will necessarily inquire whether that person is an appropriate person to whom to provide that information. At the end of the day, of course, if he decides not to provide the information - in other words, if he decides to rely upon an exception to the general as-of-right entitlement in proposed subsection (1) - the aggrieved person has a right of appeal under proposed section 120L.

I cannot see why the matter is causing such debate. I would have thought that it is commonsense that if the register is to be confidential, the people who should have access to it are those who are listed in proposed subsection (1) and that there should be exceptions to the general rule if it is not in the best interests of the child to release information to that person or to the child concerned if the child has attained the age of 12 years. The phraseology "in the best interests of the child" is a common term; it is used in the family law Act and of course in the Child Welfare Act. I cannot see why we are bothering to debate the point much further. It seems to me to be a case of much ado about nothing.

Mr CARPENTER: The amendment would delete a large section of the legislation in relation to access for children and parents. What would be the implication of deleting proposed section 120K? Would it prevent the manager from providing information? The Bill would then be silent on providing access for children and parents. Would that achieve the objectives of the member for Mandurah or would the manager still have discretion to provide that information?

Mrs PARKER: The acting manager advises me that if this clause were not in the Bill, there would be no capacity to provide information to parents or guardians. I reiterate that parents have a fundamental right to be provided with that information; therefore, this is an important part of the Bill.

Mr NICHOLLS: Obviously I have not communicated my views on this amendment very well. I am not seeking to prevent people from having access to information. I understand from the minister's previous statements that the register will not contain any information that is not already contained on government files. I understand also that the register will be totally

confidential and will be accessed by only a small number of people within the department, and that people outside the department will not be able to use the Freedom of Information Act to view the information on the register. If the register will be exempt from freedom of information, why do we need a provision that will allow people to see the information; and if the register will not be exempt from freedom of information, why not simply allow people to view the register under the Freedom of Information Act, as they can view their details on any other government file?

In case the minister's advisers are a bit mystified, I will outline the process. I understand that the minister wants this register to be exempt from the Freedom of Information Act so that people cannot use that Act to access information about themselves on this register. However, on the other hand, the minister wants to include a provision that will allow people to have access to the information that is on the register. If that is the case, why not allow people to use freedom of information to access the details on the register, rather than go through the charade of exempting the register from freedom of information but also putting in place a mechanism that will allow people to access that information? Will people be able to view all of the information about their file that is on the register, or will it be like the information that is held by government departments, which can be viewed subject to a lot of blacking-out across the page? Will parents be allowed to see only certain parts of the information, but will children be allowed to see a lot more of the information?

We have also established in previous debate that information on the register will not be able to be subpoenaed for use by a person in a court case, yet information on the register can be made available to a person who is deemed by the manager to be a fit and proper person to access the information. That is a nonsense. The reason I moved the amendment was to highlight what I regard as a deficiency in this Bill, where we have not confidentiality but simply a compiling of information on a basis that is causing concern to many people. The member for South Perth has raised his concerns about that compiling of information. I suggest to the minister that this is an absolute nonsense phase of the Bill.

Mrs PARKER: The Freedom of Information Act does not allow the manager to exercise discretion with regard to the information that is provided. Proposed sections 120K and 120L were included on advice from parliamentary counsel to provide for the principle that parents are entitled to access information on the register with regard to their child, at the discretion of the manager, if, for example, it will not jeopardise a current investigation, whereas an FOI access does not allow for that discretion. Proposed section 120L provides an appeal mechanism for parents to challenge the discretion that has been exercised by the manager. The member for Mandurah and I must agree to disagree about whether parents have the right to request and be provided with the information that is held on the register with regard to their child.

Mr BAKER: It is important to understand that if this amendment were passed, the net effect would be to prevent parents, guardians and people responsible for the day-to-day welfare and control of a child from gaining access to information on the register with regard to that child. Proposed section 120I(a) states that information on the register can be accessed by certain people "in the circumstances set out in sections 120J and 120K". Proposed section 120K is about the right of a parent or guardian, and of a child, to access information on the register in respect of the child. If this amendment were carried, it stands to reason that the reference to proposed section 120K would be deleted from proposed section 120I, hence parents and guardians, and the child, would not be permitted to access information on the register in respect of the child. I am sure that is not the member for Mandurah's intention, but that will be the net effect of his amendment. Parents and guardians should have the right to request and be given that information, as a general rule. It stands to reason that there should be an exception to the general rule. The obvious exception to the general rule in respect of the welfare of children is in cases where it is not in the best interests of the child to provide the information. Proposed section 120K provides for that exceptional circumstance. In addition, proposed section 120L provides for an appeal mechanism to which people can resort if they believe they have been wrongly denied access to information on the register. What could be more fundamentally fair, just, equitable, reasonable and proper than that?

Mr NICHOLLS: I thank the member for his great support. Will the minister categorically say that, first, every parent and child within Western Australia is notified of the information about them held on the departmental files and, secondly, that they are given access to or invited under special provision to view their file or what is held on the file relating to them? The member for Joondalup stated that this is a right we should have. If that is the case, every government department holding information on any individual should notify that individual and offer access to that information so that he or she can ensure that it is correct.

Mr Baker: I did not say that. It may not be in the public interest to do so. It depends on the circumstances.

Mr NICHOLLS: So we will have a process whereby government departments will collate information about people, hold it on file and not tell them and that will be acceptable. In this case that is not acceptable. This register is supposed to be totally confidential.

Mr Baker: No, it is not.

Mr NICHOLLS: It is; that is the problem.

Mr Baker: There are exceptions to every rule of confidentiality on earth.

The CHAIRMAN: The debate is between the member for Mandurah and the minister; not between the member for Joondalup and the member for Mandurah.

Mr NICHOLLS: This Bill relates to a confidential register. It is important that all members understand its implications as well as what the amendments seek to achieve. We are supposedly talking about a totally confidential register. Unfortunately some members, including the member for Joondalup, do not understand that or they share a different view.

Mr Baker interjected.

Mr NICHOLLS: I have tried very hard to amend this Bill so that it is totally confidential. However, he and other members have voted against my amendments and thereby have ensured that a wide range of people will have access to this information. I do not deny that people should have access to information; in fact, I fully support that.

If the register is to be confidential and if it will contain information already on government files, will the government departments recording the information write to all concerned telling them that their names have been recorded and details about child abuse are being held? Will that correspondence also include an invitation to view the details to ensure they are correct? That is not the practice as I understand it. We are supposedly creating a confidential database, but the only people not given legitimate access are members of the media. Almost everyone else has access to it in one form or another, or everyone else can at least inquire.

If a child's name is on the register and the parent wanting the information is not the custodial parent, I assume that person can also have access to the register. If the allegations of maltreatment are the subject of a Family Court action and determinations have been made, can a parent go to the register and view the information that has been collected as result of that allegation? The manager may say that he or she does not believe the parent should have access because that parent may have allegedly committed an offence, irrespective of whether it is proven.

Mr CARPENTER: I understand what the member for Mandurah is trying to do and his motivation. However, I thank the member for Joondalup for explaining the implications of silence on this issue. In these circumstances we should do as the member for Mandurah did and put ourselves in the position of the parent of a child whose details are on the register. Every parent would want the capacity to access that information as a matter of right. There might be circumstances in which the manager of the register or someone else determines that it is not in the best interests of the child for the parent to be given the information; for example, if the parent is an alleged abuser. However, as a general principle one could not sustain an argument that the parent of a child should not have the capacity to access information about his or her child on a register such as this, bearing in mind that earlier in the debate we raised serious concerns about the nature of the register in the first place. When we put this to a vote, I am sure the amendment will be lost.

I refer the minister to the people specified in clause 120K(1) who are not the parent but who have responsibility for the day-to-day care, welfare and development of the child. That is a very broad range of people who may have access to this information. There does not appear to be a specific list of who may have access to this information. The Opposition does not support the amendment because it would deny parents access to information to which they should have access by right. However, I am concerned about who else may have access to this information.

Mrs PARKER: I thank the member for Willagee for his comments and support of the Government's belief that parents have a fundamental right to apply for this information. I agree to disagree with the member for Mandurah on this issue.

In respect of the other people having access to the information, the guardianship issue would arise if a child were a ward of the State. Reference is made to other people responsible for the day-to-day care, welfare and development of the child. It could relate to a child in the long-term care of a grandparent and that person would be required to establish a bona fide right to access that information. This clause takes into account those other considerations. I am pleased to have the Opposition's support for this clause and I would like to move on with the debate.

Mr CARPENTER: The minister mentioned as an example a grandparent with primary care of a child. However, I am sure she would agree that the parameters of this clause are very broad. Is the minister ruling out teachers, principals, child health workers and so on?

Mrs Parker: Yes.

Mr CARPENTER: None of those people would be captured within this Bill and permitted access to the information on this register.

Mrs Parker: It refers to live-in care, the day-to-day care of the child.

Mr CARPENTER: Another point I would like clarified stems from some of the concerns raised mainly by the member for South Perth about the way notification of inclusion on the register has been provided. We have heard examples of people ringing the department and being told over the telephone that their child's name is on the register. There is some debate about whether that has occurred but assertions that it has occurred on some occasions have been put as fact. I am interested in the method by which access will be granted. How would access to the information be given? How would information be provided?

Mrs PARKER: I am advised by the acting manager that the parent of the child must apply in writing and establish his or her bona fides to justify access and the information is then provided in writing. I am advised that although that is the process, no applications for that information have yet been made under the provisions of this clause.

Mr NICHOLLS: I assume that a foster parent with day-to-day care of a child will be able to request information as possibly will a boarding school which is responsible for the day-to-day care of children and is concerned.

Mrs Parker: Not a boarding school.

Mr NICHOLLS: If a boarding school will not have access, we will limit it to a foster care situation. The issue I have tried hard to push is that if we are to provide access and the appeal mechanisms, we would be better off having the register under the current Child Welfare Act and allowing the provisions of freedom of information to apply as they do to current Family and Children's Services' files. I do not believe the nonsensical argument that that would allow more people to have access.

People who currently apply to access files within Family and Children's Services cannot apply to view files without direct contact. We continue to purport that effectively this Bill will create a register which will be kept totally confidential and which will replicate only information already held on government files. It is not as if new information will be recorded. It seems odd that we have this great process whereby people will apply through forms which will need to be filed and kept and no doubt the process of administration will be extremely onerous. We are creating a huge administrative nightmare when - as I understand the minister's comments in a previous part of the debate - we already have a provision to collate names and details of the information. We are creating a huge dilemma for ourselves.

Given that the Opposition and the Government have indicated that they will not support the amendment, it will be lost, but I make the point to the Chamber that this provision will be extremely difficult to manage. We may face some genuine problems with people using the courts in an effort to appeal. I am concerned that people with limited means will apply for legal aid, but what happens to those people who simply cannot afford to appeal? What happens in a situation where a court decides that a person should have the right to access but the manager disagrees? That means people will have access to the information, but it casts serious doubt on the manager's decision. I have serious reservations about this Bill containing numerous provisions for the manager, whoever that person may be, to use his prerogative to determine who will have access.

Amendment put and negatived.

Mr NICHOLLS: In light of the vote I do not intend to move my amendment to remove the appeals provision. If people have access, I want them to have the ability to appeal.

Mrs PARKER: I move -

> Page 13, line 6 - To delete "$5 000 or imprisonment for 12 months" and substitute the following -
>
> $20 000 and imprisonment for 2 years

This amendment was placed on the Notice Paper and agreed to after concerns about the penalty provisions for an offence under this Bill were raised in the second reading debate and in my discussions with the member for Mandurah. While members will see that the member for Mandurah has an amendment of his own on the notice paper, I have taken advice from parliamentary counsel as to the appropriateness of the penalty provision in this Bill. This amendment provides for a penalty including a $20 000 fine and imprisonment for two years, which is more significant than the original provision. It is also a more severe penalty than that proposed by the member for Mandurah as it includes a fine and a term of imprisonment. The offence is a breach of confidentiality in the register. I am advised that anything more severe would be inconsistent and that this is an appropriate response to the issues raised by the member for Mandurah.

The CHAIRMAN: If the member for Mandurah wants to move his amendment, he could agree with this one and, after it is agreed to, move his motion amending the insertion.

Mr BAKER: When I first became aware of the monetary sum and possible maximum term of imprisonment referred to in the original clause, I was concerned that the penalties seemed low bearing in mind that a sentencing magistrate has the discretion in applying a penalty from zero to the maximum fine stipulated in the penalty clause. Under the original clause the maximum fine was $5 000 and the minister is proposing to increase that to $20 000. The same applies to the term of imprisonment. Under the current clause it can be zero days or months, up to 12 months and the amendment proposes that period be increased to two years.

I am satisfied that the amendment covering the maximum fine and term of imprisonment is reasonable and appropriate in the circumstances, taking into account similar provisions regarding breaches of confidentiality and after reviewing, although cursorily, the range of penalties or fines for various other offences. Other members may well propose amendments that have the effect of implementing a Dutch auction; that is, who can come up with the toughest penalty. That will not achieve anything. Much has been said in this place in recent months about the efficacy of tougher sentences, tougher penalties and longer terms of imprisonment. In all the circumstances the amendment proposed by the minister is more than reasonable, without being an overkill of the penalty provisions. It is very unusual for a person to get the maximum fine or term of imprisonment for any offence.

Another salient feature of the amendment is the substitution of the word "and" for "or" between the monetary penalty and the possible maximum custodial sentence. In effect, it could be said that the amendment is more draconian or extreme than that proposed by the member for Mandurah. I accept the need to increase the fine and the term of imprisonment. I think the minister has struck the right balance, and I am highly persuaded by the fact that parliamentary counsel made this recommendation.

Mr NICHOLLS: I do not plan to move my proposed amendment, but will support this amendment for two reasons. I put my amendments on the Notice Paper to ensure that the register was as confidential as possible, limiting any access to it simply by recording on it the case reference numbers and the department that had dealt with the substance of the offence. The Chamber has not seen fit to restrict that information and has supported a register that will enable a reasonably broad range of people to have access to the information. In my view the penalties put forward by the minister are acceptable.

Proposed section 120M states -

> A person who gains access to the register or to any information provided or obtained for the purposes of this Part without the permission of the manager commits an offence.

I am concerned that the manager may authorise the information being provided, but ultimately it may come into the hands of people who may pass it on. I am trying to weigh up what happens if the manager has authorised the provision of that information to a person - for example, a parent - who may pass it on to another person, who may be a friend, to view, but that friend does not have permission from the manager. I assume the friend will have access to a document from a person who did have permission from the manager.

As I said, this proposed section refers to the person who gains access to the register or to any information provided or obtained for the purpose of this part. That does not say that the friend has gained permission. We are providing information to a wide range of people in the community - that is, to the parents and, in some cases, the children whose names are contained on register - and to other agencies. In my view a large number of people potentially at one stage or other may have access to the information on the register. The provisions covering penalties put forward by the minister are appropriate.

Mr CARPENTER: We do not have a problem with the legislation, bearing in mind, as I said previously, that it comes against our opposition to the register; therefore, we support any penalty for abuse of the information stored therein. This penalty is more reasonable than that originally proposed. It is probably more reasonable than that proposed as a possible amendment by the member for Mandurah.

I have a couple of queries, although they may be matters that are not worth considering. We are dealing with an offence and penalties for abuse of access to the register. What happens when a third party has been provided with information on the register or has obtained information from the register other than by a legitimate avenue - that is, the permission of manager - and then passes that information on to another person? The circumstances may be such that a parent, for example, could obtain information about his or her family's case from the register. That information finds its way into the hands of another person who then uses, or abuses, it. How are we to deal with that possibility? What penalty would apply in that case, if any?

Mrs PARKER: I thank the member for his support of the amendment. He raised the issue of how a parent might use the information. This amendment relates to an offence when a person gains access to the register or to any information provided or obtained without the permission of the manager. It covers cases where the parent has been provided with the information by the manager with his permission. That includes the parent's use of the information. This section of the Act relates to a person who gains inappropriate access to the register or information on it.

Mr CARPENTER: In the scenario I outlined, a person who obtains information -

Mrs Parker: A parent.

Mr CARPENTER: Let us say a parent has legitimately obtained information from the register with the permission of the manager and another person can access that same information and then uses it. I want to know the penalty, if any - I think the minister has just answered this - that would apply to the third person. If the minister were such a parent and, without gaining her permission, I obtained in an illegitimate way the information that she had received from the register in a legitimate way, and I then used that information without her permission, would I then be subject to the penalty proposed here?

Mrs PARKER: Advice from my legal counsel is that this provision relates to the offence where a person has gained access to information that has been provided without the permission of the manager. If the manager has given permission to the parent and someone obtains access to that information by, for example, burglary that is the responsibility of the parent. I understand this provision does not cover third party access by a neighbour who has taken the information from the family home if in the first instance the information was provided with the permission of the manager.

Mr CARPENTER: One of the concerns that has been raised consistently by groups that have an interest in this debate is that information will be traded among networks of paedophiles and so on. I would hope that the passing on and the abuse of this information would attract the same penalty that the minister has outlined here. I am not sure whether the minister's explanation is an accurate reading of the Bill. Is the minister saying that if a person were to obtain information which has been obtained legitimately from the register and provides that to another person who then trades that information he would not be subject to a penalty? We need legislation which applies the same penalty to whomever might be misusing the information. Let us say that information is obtained by one way or another from the register and is in the hands of person A. Somehow person B obtains the information from person A with or without his knowledge and trades that information around - it need not be theft; the file might be mislaid. All people who subsequently use, abuse and pass on that information should be subject to this penalty in order to prohibit the trade in information. That would address the fear that such a trade in information could take place.

Mrs PARKER: Has the member for Willagee considered the provisions of proposed new section 120P, which provides that a person cannot directly or indirectly record, disclose or make use of information on the register except in the circumstances prescribed in the Bill? Proposed new section 120P provides a penalty for the inappropriate recording, disclosure or use of information either directly or indirectly. That penalty is similar to the penalty for the offence contained in proposed new section 120M, which is inappropriate access to the information. Proposed new section 120P refers to the use of the information and proposed new section 120M to access.

Amendment put and passed.

Mr NICHOLLS: I move -

Page 13, after line 24 - To insert the following -

120P. Manager to report annually to Minister

The Manager, on or before 30 September in each year, is to prepare and present to the Minister a report on the operation and effectiveness of this Part during the period of 12 months ending on the preceding 30 June, containing such information as is prescribed.

I moved this amendment because the Bill needs an essence of accountability to ensure that formal reporting takes place. I had originally proposed to require the manager to report to the Parliament. However, that is not appropriate given the Bill's form and the general nature that the register will take. It is important for an onus to be placed on the manager to provide the responsible minister with an annual report highlighting the operation of the register, identifying areas that may need to be addressed and deficiencies that may have been identified and, more importantly, to provide the minister with insight into the operations of the register and in turn ensuring the minister's accountability in this Chamber. I hope this amendment will receive support on both sides of the Chamber because it will provide some basis of accountability in the years to come as we monitor the register's role and its functions.

Mrs PARKER: I am prepared to accept the amendment proposed by the member for Mandurah to require the manager to present a report on the operations of the register and "containing such information as is prescribed". I am sure the member for Willagee will want to know what will be prescribed. The information that will be prescribed will be set out in regulation and will include items such as the number of children who have been registered, the types of abuse, the compliance by agencies and whether they have provided the services that they are required to; it will record items such as the compliance by agencies according to reciprocal child protection protocols. I thank the member for Mandurah for the discussions we had on this amendment, and I support it.

Amendment put and passed.

Mrs PARKER: I move -

Page 14, line 9 - To delete "$5 000 or imprisonment for 12 months" and substitute the following -

$20 000 and imprisonment for 2 years

This amendment will ensure consistency in the penalty provisions for inappropriate use and inappropriate access to the register.

Mr BAKER: This amendment will bring the penalty in line with that which is contained in proposed new section 120M. It is important for the sake of consistency that any breaches of the general rule of confidentiality attract the same or similar penalties. I note that the member for Mandurah proposes to increase the maximum fine to $50 000 and to increase the maximum period of imprisonment from 12 months to five years. He did not move that amendment earlier when we dealt with proposed section 120M and I would therefore expect that he will not move it in relation to proposed section 120P.

Mr NICHOLLS: The member for Joondalup has foreshadowed my intent; however, I will reinforce one of the concerns raised by the member for Willagee. I am not sure that proposed section 120P in the Bill covers everyone, but hopefully commonsense will prevail and when people provide information to other people on the basis of genuine reason, they will not be breaking the law. Hopefully, people who obtain or trade in information will be caught under this provision. I stress to members the concerns that have been raised with me about information being circulated around the community about children whose names are on the register. There is some doubt in my mind about whether the penalty proposed by the minister will be sufficient to deter people from trading in those names, should they gain access. That should be evaluated if it becomes an issue. It is within the capacity of this Chamber to up the ante should that happen.

Mr CARPENTER: I raised the matter concerning to whom proposed section 120M would apply and the minister directed me to proposed section 120P. Proposed section 120P(1) states -

A person to whom this section applies shall not, directly or indirectly, record, disclose, or make use of any information in the register or any other information provided or obtained for the purposes of this Part except . . .

When we discussed proposed section 120M, I brought to the minister's attention the circumstances in which a member of the public somehow gained information from the register and then used, abused or traded that information. The minister directed me to proposed section 120P. In its entirety, proposed section 120P(2) states -

This section applies to any person who is or has been -

(a) the manager;

(b) any other officer of the Department; or

(c) an officer or employee of a reporting agency.

That does not fit the category of the person about whom I raised concerns. I return to the point that I raised previously: How does this Bill deal with a member of the public who is not, according to the provisions in the legislation, entitled to the information on the register, but who obtains that information and then passes on or uses that information. Are there any sanctions for that person's behaviour?

Mrs PARKER: We are dealing with proposed section 120P and reference has been made to proposed section 120M. I reiterate: The penalty provisions for the offence apply if the information is provided without the permission of the manager. The member for Willagee is talking about a case in which a third party obtains the information inappropriately from a

member of the public; in this case, we assume it is a parent. I am advised that the provision in the Bill does not cover the inappropriate use by that third party. The member is talking about paedophilia activity.

Mr Carpenter: That is one possibility.

Mrs PARKER: The member for Willagee and I agree - I am sure all members in this Chamber also agree - that it is an abhorrent activity and one that is to be deplored. We are talking about one member of the public obtaining information about a child from the home of another member of the public. The penalty provision in proposed section 120M does not cover it because the information has been provided with permission. Having said that, the member and I agree that the whole weight of the law should be applied to any activity involving paedophilia.

Mr CARPENTER: I agree with those sentiments and I am not opposed to that amendment. Proposed section 120M, which deals with the creation of an offence, states -

> A person who gains access to the register or to any information provided or obtained for the purposes of this Part without the permission of the manager commits an offence.

In other words, if a person cracks into the files without the permission of the manager, he has committed an offence with a revised penalty of $20 000. When I asked whether the penalty in the proposed section would apply to the scenario that I presented, the minister said, "No, go to 120P." Proposed section 120P does not deal with that circumstance.

Mrs Parker: Proposed section 120M refers to inappropriate access and proposed section 120P refers to inappropriate use. I wanted to draw the member's attention to the second provision in the Bill that referred to penalties so he could consider those activities together. I did not mean that one was the same as the other or that it covered the provisions to which he referred. I wanted the member to consider the provisions in the Bill under proposed section 120P for inappropriate use of the information.

Mr CARPENTER: I suspect that what I am talking about is dealt with in this legislation, but I want to make certain. If we pass legislation that does not include within it a penalty for a third party trading in information, the minister is in for a rough time. Proposed section 120P(2) states

> This section applies to any person who is or has been -
>
> (a) the manager;
>
> (b) any other officer of the Department; or
>
> (c) an officer or employee of a reporting agency.

If a person obtains information legitimately from the register and it falls into the hands of, or is provided to, another person, who then uses that information, is that person subject to a penalty? The minister will find that the person is probably covered by proposed section 120M, but certainly not by proposed section 120P. We should make certain that there are penalties for third parties - if that is the right term - who trade in this information. That is the central fear about this register for many people. We should make certain of our position on that before we proceed.

Mrs PARKER: I will seek clarification from parliamentary counsel on the matter raised by the member for Willagee. I cannot give that clarification now, but I will provide the member with that advice. If we need to make an amendment, that should be done in the other place. I give that undertaking. My legal adviser is here and I am advised that we need clarification of that matter. It has not been raised before and it needs to be clarified. It is an important issue. I undertake to seek parliamentary counsel's advice and to provide the member with that advice. We will debate whether we need to make any adjustments to accommodate the issue that the member has raised. Is the member happy with that?

Mr CARPENTER: Yes. Let us be clear: We are getting an understanding that if any person, be it a member of the manager's staff, the manager himself, a person who has been given legitimate access to the information or a person who has access to the information other than through those avenues, trades in that information or abuses that information, he or she will be subject to a penalty. We may need to amend the legislation to make certain that that will be the case, but there is agreement that that should be the case?

Mrs Parker: Yes.

Mr BAKER: In response to the concern of the member for Willagee, on my reading of proposed section 120M the phraseology is broad enough to cover third-party disclosure. The word "intentionally" is implied in the provision before the word "gains", so it would be an offence for a person to intentionally gain -

> . . . access to the register or to any information provided or obtained for the purposes of this Part without the permission of the manager . . .

In my view, the phraseology within proposed section 120M is sufficient as it stands to cover, as it says, any person. It does not refer to classes of people and it does not define the person to whom the provision applies, as is the case in proposed section 120P. Proposed section 120M states -

> A person who gains access to the register or to any information provided or obtained for the purposes of this Part without the permission of the manager commits an offence.

Those words are quite clear. They are not ambiguous. When interpreting the provision, the court would apply the literal

test. There is nothing ambiguous or uncertain about it. Certainly, proposed section 120M makes it an offence for the gaining of the information on the register, whereas proposed section 120P is broader; it refers to what happens after the person has gained the information. It refers to disclosure of the information, recording of the information or making use of the information. It also covers direct and indirect scenarios. It might be that parliamentary counsel's advice is that proposed section 120M is broad enough in terms of the gaining of the information, but it might need to be further embellished to cover situations that can arise after the initial gaining - in other words, subsequent disclosures, direct or indirect recordings or scenarios in which people make use of the information after they have gained it.

Mr CARPENTER: I would not disagree with that. The problem with proposed section 120P is that the definition of the people who are affected by it is very narrow indeed.

Mrs PARKER: I believe there is agreement. I have undertaken to seek clarification and advice from parliamentary counsel and to provide that advice. I will undertake to have discussions with the member for Willagee to clarify the important matter that he raised. The matter will be clarified appropriately.

Mr NICHOLLS: I hope that the minister will provide that information to the member for South Perth and to me as the main contributors in the debate.

Mrs Parker: Certainly.

Amendment put and passed.

Mr PENDAL: I move -

Page 14, after line 18 - To insert the following -

120Q. Specific offence to identify suspected person

(1) Where -

(a) any allegation of maltreatment is made against a particular person ("the suspected person"); and

(b) the name of the suspected person is not recorded in the register,

no person to whom this section applies shall disclose the name of, or otherwise identify, the suspected person to any other person in relation to -

(c) the fact of any such allegation; or

(d) any assessment or investigation of any such allegation,

except -

(e) for the purpose of performing express functions under this Act or another written law;

(f) as expressly required, or allowed, by this Act or under another written law; or

(g) in circumstances prescribed by regulation.

Penalty: $5 000 or imprisonment for 12 months.

(2) This section applies to any person who is or has been -

(a) the manager;

(b) any other officer of the Department; or

(c) an officer or employee of a reporting agency.

Earlier, considerable concern was expressed about, in effect, Family and Children's Services' practice of convicting people without a trial. For example, the department continues to use the insidious word "substantiation" - that is, that complaints against X, Y or Z are substantiated. Of course, when I asked for the definition of "substantiated" I was told that it was contained in the case practice manual, so I asked for the case practice manual to be tabled. I want the result to be seen for the record. The case practice manual runs to many hundreds of pages. The section in which I was interested is that under which claims and charges are substantiated. I show members the 49 pages of information that were provided to me.

Mr Osborne: I can't see it.

Mr PENDAL: The member for Bunbury cannot see it because the 49 pages have been obliterated. That is a good case of "open government". That is a good case of Parliament being held in contempt. It is unfortunate that Hansard cannot -

Mr Carpenter: Perhaps you could describe it.

Mr PENDAL: I can best describe it as 49 pages of computerised blockout. Frankly, I treat it as a contempt of Parliament. What does "substantiate" mean? That definition caused me much grief in earlier stages of the debate - grief on behalf of people against whom information had been "substantiated". The answer is that I do not know, nor do you, Madam Deputy Chairman, and nor do other members, because we have been denied that information by 49 pages of computerised blockout. My amendment would have two effects: Firstly, there could no longer be a trade in or a hawking about of the names of

people against whom allegations have simply been "substantiated". When the case against a person has been substantiated according to the case manual, it does not mean that the person has been to a court of law or had the benefit of a magistrate or a jury making a decision. It means that the case has been substantiated in secret, privately by the department and according to a case manual whose contents are denied Parliament. The first thing the amendment does is to ensure that the name of a so-called suspected person cannot be traded or hawked about. Secondly, and importantly, the amendment preserves for the department and the police the capacity to use those names from agency to agency; in other words, the amendment is in no way intended to impede the work of the police or the department. I put it to members that unless they are prepared to support the amendment, they will institutionalise a great evil. In due course I would like a further chance to explain that.

Mr CARPENTER: The member for South Perth is addressing a very serious issue.

Mr PENDAL: I thank the member for the opportunity. I seriously put it to the Chamber that unless this amendment, or one along its lines, is passed, we will be institutionalising what I regard as a great evil. The very best complexion that can be put on it is that it will be an unjust practice. If members throw the proposed section 120Q amendment out, they will in effect be saying that they are happy to have people convicted by the department without the processes of a court of law. I put it to members that this decision is the function of a court of law, a magistrate or maybe a judge sitting with a jury or a judge alone. Their role under our system is to convict people; it is not the department's.

The member for Willagee in his earlier comments raised a very good point. My understanding of the burden of his remark was not that there would be inadequate sanctions against a person in the department who abused the position of trust but against a person outside the department who had come by information illegally and then proceeded to hawk it about. The minister, quite sensibly, seemed to imply that a loophole could exist and that the Government would have it examined in time for the debate to be resumed in another place. If the minister does find that the member for Willagee's remarks are valid, she may well find a similar deficiency in my amendment. My amendment provides for a penalty of $5 000 or imprisonment for 12 months for anyone to whom the clause applies who is found trading unlawfully. Of course in this case the clause would apply, as spelt out in my amendment, to the manager, any other officer of the department or an officer or employee of a reporting agency. That would mean, of course, that it could apply to a police officer or some other officer at law who abused the position of trust. I do no more than draw attention to that in order that the minister and the member for Willagee do not do it before me.

I turn to the single, central thrust of my amendment, which is to protect people who have not been dealt with by a court of law and at the same time to preserve and protect the department, the department's function, and the functions of the police and other departments in tracking down evil-doers. This example had not come to my attention in the previous debate. I have here a letter that shows that information is currently hawked around by the department, and without the release forms to which the minister referred when we last debated this matter. The letter is signed by Julie Fitzgerald, the senior social worker of the Cannington office, and is dated 9 December of last year. She was writing to an employer of a young man whom I will call Jack. On this occasion I have gone to some pains to obliterate all identifying information. The letter says "Dear so and so", referring to the employer. It opens by thanking the employer for having been cooperative in the investigation. The second and crucial paragraph reads that -

> I wish to advise that Family and Children's Services' investigation is now complete. The allegations concerning [Jack] are substantiated by this department. The CIB investigation is continuing and a record will be entered on departmental file once the outcome is known. [Jack's] name will nevertheless, be placed on the Child Protection Services Register.

That is the effect of it. I hope that no-one will say to me that the member for South Perth is wrong and that names are not traded without a person giving a release form, to which reference was made some weeks ago. I urge members to support the amendment.

Mrs PARKER: The member for South Perth has raised important matters of safety screening and issues regarding the substantiation of allegations and matters that are dealt with by Family and Children's Services in the process of exercising its statutory responsibility for the care and protection of children. I have had discussions with the member on this matter. The issues he has raised relate to alleged offenders. It is important to remind members that I have been at pains to explain from the very beginning that only the names of convicted offenders will be recorded on the register. The Bill does not deal with the matters, albeit however important, of safety screening procedures and the internal procedures of the department. Discussions on the legal complexities of safety screening have been held around the nation. I recently made a ministerial statement regarding moves to further improve safety screening procedures in this State. A national working party chaired by Western Australia has been addressing ways to address the legal issues while improving safety screening procedures. The member's amendment does not relate to the register but to safety screening. We have had the debate on whether there should only be the recording of names of convicted offenders, and there has been agreement between the member for South Perth and me. When we are talking about safety screening and why we would not include in this Bill reference to alleged offenders, it is because they involve very serious issues of natural justice and procedural fairness.

Mr Pendal: My friend Jack has not got any procedural fairness.

Mrs PARKER: I will come to that matter. I know that a week or so ago when I had discussions with the member for South Perth, he said that he had another matter to raise, but this is the first time that I have heard of this particular case. I will respond when I have received advice on that letter.

Mr Pendal: In my discussions with you I attempted on three separate occasions to raise that particular case, and Mr Fisher acknowledged it.

Mrs PARKER: The member did say he had a case to raise, but did not, and I asked Mr Fisher to follow up.

Mr Pendal: He telephoned me the following Monday.

Mrs PARKER: That is right. He was asking questions regarding that case. I am advised by my counsel that information in the letter contained incorrect information and has since been rectified. Although that would be a grave concern, we must go right back to the fact that this legislation does not deal with allegations of offenders or the names of offenders where allegations have not been tested in a court of law. The matters that the member for South Perth raised are serious. However, they should not be dealt with in an ad hoc way in this legislation, which does not deal with the names of alleged offenders but with convicted offenders. There should be a full debate on the matters raised by the member for South Perth; however, it is not within the bounds of this legislation and I do not support the amendment.

Mr PENDAL: This is incomprehensible to me. It is not the first time that the minister has said this. An amending Bill can be amended beyond the original aim of the Government. I had intended to make a brief contribution to this debate but I can tell the minister that I will be happy to spin it out all night if that is the best response that I can receive.

The Government has brought into the Parliament legislation to amend a variety of statutes - the Freedom of Information Act, the Spent Convictions Act, the Child Welfare Act and the Young Offenders Act. The Government is the one raising the questions of maltreatment of children; the Government is the one raising the powers of the manager, not I. The Government's amendments fall short of what is fair and procedurally just and therefore it is ludicrous to say that the Bill has nothing to do with this; the Bill has everything to do with it. I was told previously that the matter I raised several weeks ago had nothing to do with the register but to do with departmental files. I happened to read into the record this letter which makes specific reference to the fact that my constituent Jack's name will be entered notwithstanding that the police investigation has found nothing. It says that Jack's name will nevertheless be placed on the child protection services register. I may be dumb; however, I read that to mean that Jack's name will be placed on the child protection services register. Do I misunderstand the use of plain English?

My amendment goes further. My amendment is not concerned with the outcome for a man whose name is put on the register because he has been convicted in a court of law; that is a suitable punishment. My concern is the name being hawked about and traded under the guise that it has been substantiated when it has not been. This department is not a court of law. The department does not consist of magistrates or judges. The department has people who are making serious errors and affecting people's lives. Therefore, the amendment was designed to overcome the objection by the Government which might have said, "We would like to be able to protect Jack and we would like to be able to protect all those other people who have never had their case taken to court but we do not want to do it to the detriment of ongoing investigations"; and I agreed with that. Thus my amendment includes the provision that the trade in those names is not impeded between agencies. The police and Family and Children's Services can continue to do those things forever and a day, waiting for the day when they will have enough information to charge that person and take him or her to court. What could be fairer than that?

However, the minister is saying that she is prepared to reject an amendment that otherwise sets out to preserve a person's right not to be convicted unless by a court of law. That is what that amendment means and I will never be convinced that an unelected, accountable Family and Children's Services should in secret use the word "substantiated" and then flog it around the neighbourhood as though that allegation has been tested and has passed all of the tests in a court of law. That is evil. I will not be part of it and I invite anyone in the Chamber who believes that the principle is wrong to support the amendment.

Mrs PARKER: I repeat: The issues that are being raised by the member for South Perth relate to departmental procedures on safety screening and substantiations of allegations. They are serious matters and they should be debated thoroughly. A national working party, which has been studying these matters for some time, will be reporting on progress into how to establish a balance between the care and protection of children and matters of procedural fairness and natural justice. They are important debates and are being held right around this country currently; and so they should be. The matter raised by the member for South Perth is important. However, because of matters of procedural fairness and natural justice, the Government gave consideration to the names that would be placed on the register. Out of all of us in this Chamber, the member for Mandurah disagreed. He believes that the names of alleged offenders should be placed on the register. In the early stages of the debate, the member for South Perth, the Opposition and I agreed that the names of alleged offenders will not be placed on the register as it goes against the principles of natural justice. We had strong agreement on that and I continue to stand firm on that matter, with agreement from the member for South Perth.

Mr Pendal: You have enunciated that very well in the last 15 seconds. If you can accept the principle in respect of the register, why can't you accept the principle in respect of all the other information and data held by the department which is currently being illegally, immorally and evilly traded to people who have never been near a court of law? Why can't you treat both situations the same?

Mrs PARKER: We talked together about the exercise of the responsibilities involved in safety screening requirements for example, for a child care worker or a prospective foster carer who will be put in a position of trust and care of children when applying for a job. It is appropriate, when that person is given a position of trust in the care of children, to have agreement by that person - in this case we talked about Tom - where permission has been given to check his departmental records. There are different levels of allegations leading though to the contest in a court of law. There is the untested allegation. The next level is a substantiated allegation following investigation to establish whether that incident has occurred to the best assessment of the professional. There is then the contest in a court of law. There are three levels.

We have discussed the frustration of prosecuting successfully cases of child abuse in a court of law because they can be lost

on a technicality or because of the age of the child as a witness. There is not a great success rate in terms of criminal convictions; however, because of procedural fairness and natural justice, the names of the alleged offenders would not go onto the register. In the care and protection of children and the exercise of that statutory responsibility, Family and Children's Services has processes through which there can be checks against the departmental files. As I said, this legislation does not cover the issues of safety screening and the allegations against offenders. It encompasses only the names of those against whom a conviction has been recorded. I look forward to debating this matter in full in the community and with my ministerial colleagues from other States. It is neither appropriate nor within the ambit of this legislation to debate it in an ad hoc way and to consider this amendment that deals with provisions, other than those specifically in the Bill, covering the names of the convicted offenders.

Point of Order

The DEPUTY CHAIRMAN (Mrs Holmes): If members read the amendment of the member for South Perth very carefully, they will see that it seems to fall outside the scope of the Bill with which we are dealing, which relates only to the register. Paragraph 1(b) of the amendment refers to the name of the suspected person not being recorded in the register. That point shows that the amendment is outside the scope of the Bill; however, I am prepared to allow the member for South Perth to inform the Committee of his opinion as to whether it comes within the scope of the Bill. My belief is that it falls outside the scope of this Bill.

Mr PENDAL: I am astonished that five weeks into the debate and a fortnight after the amendment was placed on the Notice Paper we should get a hint of a ruling of this kind. One expects those things to be challenged very early in the piece. Notwithstanding that, I will say why any ruling of that kind would be quite improper. It is partly because of the reasons I mentioned earlier in responding to the minister. The Government's legislation deals with the maltreatment of children. The Government's definitions deal, for example, with the person occupying the position of manager, and with interagency contact between the Family and Children's Services people, the police force and a whole host of other people, including those at public and private hospitals. All of those things, therefore, bring the amendment within the scope of the Bill. Nothing in this amendment widens the scope of the Bill. The amendment says to the Government that it currently holds information - the minister was insistent on this in the early weeks of the debate - in two parts; in a register and in departmental files.

If my amendment sought to negate what the Government is intending, it would be possible to rule that way; however, it seeks to extend the coverage from the Government's register to the partner information channel and the other records of the department. I repeat my view: Unless we attend to the amendment tonight, we will institutionalise a great injustice. The minister has said that debates have gone on around Australia and eventually we will address the issue. I agree. The debate has gone on around Australia for years, since some of the more notorious royal commissions in the eastern States. There is no further reason now to be tarrying when there is an opportunity to plug a very serious loophole. If the loophole was not covered a fortnight or three weeks ago, it seems passing strange to me that it could be suggested that it is covered now. I will conclude my remarks by returning to my original point: Unless this amendment is supported, the department will be permitted to institutionalise an unjust system without procedural fairness by which, in secret, it allegedly substantiates complaints by a process which is hidden from the eyes of this Chamber; that is, the 49 pages of computerised blockout. The minister will be ensuring that no longer is guilt determined by a court of law; instead that will be done by a government department, in secret, by processes which it has contemptibly refused to lay before the Chamber. For those reasons, not only should the amendment proceed, but also it should succeed.

The DEPUTY CHAIRMAN (Mr Barron-Sullivan): I ask the minister whether she intends to speak to the point of order. She is welcome to do so if that is her wish.

Mrs PARKER: Yes, I am. I have said repeatedly that the amendment is an important issue, but it falls outside the ambit of this legislation. Mr Deputy Chairman, I seek your ruling on that.

The DEPUTY CHAIRMAN: After considering the arguments put forward by both the minister and the member for South Perth, I take the point that it was not a point of order; however, the Chair gave the member the opportunity to detail the reasons that the amendment might be considered to fall within the scope of this Bill. Having considered the request from the minister, the Chair rules that this amendment does not fall within the scope of the Bill. Putting it quite simply, this legislation is very specific in its intention to establish a child protection service register. Although this amendment may have some bearing on child protection matters, it does not relate directly to the main intent of this Bill. Consequently, the Chair rules that the amendment does not fall within the scope of the Bill.

Debate Resumed

Mr CARPENTER: I shall be brief. I suspect we are drawing towards the conclusion of the debate now that this amendment has been ruled out of order. I refer to the general functioning of this register. The minister may have given this explanation earlier and the passage of time has caused it to slip from my mind. Has the trial of the register come to a conclusion? Was there any intention to bring the trial to an end or are we simply ratifying what has become standard practice?

Mrs PARKER: A pilot scheme was established to assess how the register would operate without legislation, whether it would be supported by all agencies and how to achieve the maximum benefit from cooperation between the relevant agencies. After a period of time it became obvious that agencies such as the Police Service and the Disability Services Commission required some protection in law before they would put a name onto the register. The pilot project was used to assess how we would best achieve the objective of the register, which was to prevent the mismanagement of child abuse cases as a result of a failure to coordinate across relevant agencies. It became obvious that legislation was needed to give protection to the agencies and to enforce compliance by agencies, so that we could check the standards of accountability.

The participating agencies will be required to meet performance standards, which is an important part of the register's function. The register is operating per se. However, the majority of registrations are made by Family and Children's Services because it does not need that legislative protection. We need this legislation in order to obtain full cooperation across government agencies, so that children do not fall through the gaps of care and accountability requirements are in place when agencies deliver the services they are required to deliver to the child. The register is operating in a limited form because the protections that this Bill will provide are not in place.

Mr NICHOLLS: I will not move the remaining amendments on the Notice Paper in my name, because they are no longer relevant given previous amendments.

Clause, as amended, put and passed.

New clause 5 -

Mrs PARKER: I move -

Page 15, after line 10 - To insert the following new clause to stand as clause 5 -

5. Section 142 amended

Section 142(1) of the principal Act is amended by deleting "the provisions of this Act, other than section 107A(1), (2) or (4) or section 107B(2) or (4)," and inserting the following -

" section 60, 61, 66B(1) or (2) or 117(1), (2) or (3) ".

This is a technical amendment to ensure that the general penalty provisions of the Child Welfare Act do not apply to this amendment but the specific penalty provisions that we have discussed tonight will apply.

New clause put and passed.

Clause 5 put and passed.

Title put and passed.

Bill reported, with amendments.

TRANSPORT CO-ORDINATION AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [9.16 pm]: Prior to the dinner break I referred to the Opposition's foreshadowed amendment. I said that the Government would not accept the amendment as put forward. Over the dinner break I understand that discussion has taken place between the member for Armadale and my advisers. I understand that a compromise may have been negotiated.

The Government does not intend to proceed with the introduction of a compulsory omnibus operator scheme. One of the main reasons is the strength of the opposition in the coalition party room where a number of members spoke and voted against that proposal. It is the Government's view that the issue should be handled by the industry. Although the Government will provide assistance to the industry through the Department of Transport by developing voluntary codes of conduct for operators, it is of the view that there may be a case for regulation in the future. At present the industry is in the best position to regulate its own affairs. That part has now been removed from the Bill and I foreshadow that during the committee stage I will move to oppose some clauses and to amend others. I look forward to completing debate this evening.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Barron-Sullivan) in the Chair; Mr Omodei (Minister for Local Government) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 18C amended -

Ms MacTIERNAN: I said during the second reading debate that the Opposition's support for the first part of this legislation is entirely contingent upon the Opposition's achieving greater accountability in relation to the proposed financing arrangements that the Government is empowering itself to enter into with these amendments. Essentially, the Government wants to empower the minister to enter into financing and leasing arrangements for the bus fleet. The Opposition understands the reasons for this as a commercial practice. The case for this mode of funding plant has been set out by the Auditor General in his "Selecting the Right Gear" report of May 1998. Basically, the arrangements into which the minister wants to enter are predicated upon a private financier providing an interest rate for funding these vehicles which is below the interest rate at which Treasury can borrow funds. The capacity of the private sector to do that is based, by and large, upon the availability of certain tax deductions which do not apply to the State Government because it is not a taxpayer.

The Opposition recognises the commercial reality and, in some instances, the commercial efficacy of this arrangement, but it takes seriously the warnings given by the Auditor General in this regard. He has spoken in considerable detail about the vulnerability of these arrangements to changes in taxation legislation. He has also indicated that these funding models are predicated on a guaranteed rate of return to investors, and these are underpinned by a number of economic assumptions specifically indemnified in transaction documentation. Not only do conservative Governments find themselves in hot water with these deals; we know that the previous Labor Government entered into a similar leasing arrangement with Stateships.

Mr Bloffwitch: A little different. We are not proposing to do it in American dollars.

Ms MacTIERNAN: That was a standard commercial practice at the time, but the problem was that adequate regard was not given to providing proper hedging for that transaction. Members on this side have also been in a situation in which they have made a mistake in these sort of arrangements. As the Auditor General said, these arrangements are prone to a number of problems, over and above that of the Federal Government changing the taxation regime, and we must be careful of the arrangements put in place. I know that the member for Bassendean will shortly ask me to continue my fascinating comments.

Mr BROWN: I am keen to hear from my colleague on this important subject, as I may wish to comment after she has finished.

Ms MacTIERNAN: I could not rely on the same indulgence that the member for Geraldton gives ministers by allowing them to go well over time, so I thank the member for Bassendean for stepping in.

Mr Bloffwitch: That was a reflection on the Chair and you should not do that.

Ms MacTIERNAN: Consequently, the Opposition seeks a greater degree of disclosure in relation to these transactions. It does not seek to prevent the Government from entering into them, but members on this side want to make sure that the Government is required to give more detail to the Parliament and the public in relation to these proposed transactions. We are also keen to ensure that Treasury signs off on these transactions. Accordingly, I foreshadowed a particular amendment. However, during the dinner break, the Minister for Local Government, his advisers and I were once again able to reach a compromise.

Mr Omodei: You are starting to damage my reputation.

Ms MacTIERNAN: We probably could have sorted out the RFA if we had been involved! The minister and I have arrived at a measure which is somewhat more modest than that originally proposed, but which captures the essence of what the Opposition had proposed. This amendment will provide that within three sitting days of the Government's entering into one of these financing and leasing arrangements, it will be required to table in Parliament a cost benefit analysis of the proposed transaction or arrangement, and also provide a certificate issued by the Under Treasurer verifying that the savings are reasonably attainable. It will be a public declaration of precisely how the Government proposes that these savings will be made and a certificate from the Under Treasurer verifying that there is some credibility to these figures. As I said, it is not a perfect system; it is not as fully open and accountable as the Opposition would like. Notwithstanding its comments on the recommendations of the Commission on Government, the Government has flagged that it is not prepared to have the contracts tabled even after they have been signed. It is hiding under the refuge of scoundrels by claiming commercial confidentiality. Nonetheless, it is a move forward in that it will require that fairly promptly after the agreement has been entered into we will at least get some notion of what it is. It also means that the Government must bear in mind that at the time of executing this agreement the Treasury sign-off will need to be made public within a short period. We hope that will act as some sort of constraint on greater folly than otherwise might occur. I move -

Page 4, line 16 - To insert after "Minister", the words ", subject to subsection (4),".

Page 4, after line 26 - To insert the following -

(4) Where the Minister enters into an agreement, arrangement or transaction referred to in subsection (3)(b) to acquire or dispose of (including disposal for the purpose of subsequently acquiring) all or any part of the Transperth omnibus fleet (however described), the Minister must, within 3 days when the Parliament is next sitting, cause to be tabled in both Houses of Parliament -

(a) a cost/benefit statement including details of expected savings projected over the term of the agreement, arrangement or transaction; and

(b) a certificate issued by the Under Treasurer verifying that the savings are reasonably attainable.

Mr OMODEI: The amendments moved by the member for Armadale are self-explanatory. As she said, during the dinner adjournment discussions were held with my adviser, and I understand the minister has agreed to the amendments. I had some concerns about the requirement to table within three days in both Houses of Parliament. However, I understand it allows for about a week for the department to be able to do that. It will depend on whether those three days are within one week. The Government has agreed to that amendment again in the spirit of cooperation with the member for Armadale and I am pleased that the minister has agreed to it.

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 8 and 9 put and passed.

Clause 10: Section 26 amended -

Mr OMODEI: The Government will oppose clause 10 which relates to the omnibus operator standards to which I referred in the second reading speech. Subsequent to discussion in the government joint party room, it was decided that the omnibus operator standards be removed from this Bill.

Ms MacTIERNAN: I find this extraordinary. This Bill has been on the Notice Paper for more than a year.

Mr Bloffwitch: That is why it has been there for so long.

Ms MacTIERNAN: The member for Geraldton and others have made approaches to the Government with concerns about this Bill. I broached this issue with the Minister for Transport just last week. The indications to us, and from discussions within industry, were that the problem related purely to school buses.

Mr Bloffwitch: That is not true; it was also about the other buses.

Mr Bradshaw: That was the minister's interpretation.

Ms MacTIERNAN: The minister was wrong. Obviously during the dinner adjournment the backbench was activated and a lot of scurrying around occurred. Earlier this evening when I sought clarification from the Minister for Local Government, he said that the amendments were simply to exclude the school bus operators.

Mr Omodei: Did you get that impression from me?

Ms MacTIERNAN: Before the dinner adjournment I asked the minister if that assumption was correct.

Mr Omodei interjected.

Ms MacTIERNAN: That was what he said after dinner. Before dinner he referred to school buses.

Mr Omodei: What did you have for dinner?

Ms MacTIERNAN: I did not have dinner; I was reading these amendments in horror. This Bill has been on the Notice Paper for a year. We had a discussion with the Minister for Transport last week which suggested that the concern was about school bus operators and that he was considering exempting them. On that basis, after we made contact with various industry players, I took it to our party room and we agreed to go along with it. Although we were not necessarily convinced that the school bus operators should be exempted, we were confident there were sufficient safety protections - that is probably the crucial factor - in the Bill to oblige the feisty coalition backbench on this matter. That is where it stood; yet after a year, suddenly during the dinner break there is a complete change of plan, contrary to all the magnificent statements the minister made in the second reading speech. The fundamental guts of this legislation, which is to introduce a code of practice, are explicit in the second reading speech which reads as follows -

> The aim is to enhance safety and efficiency in the transport system by setting minimum standards which will be to the benefit of passengers and customers. The omnibus industry has recognised the need for improving the overall level of service to promote growth in the industry and to enhance Western Australia's tourism capabilities. That was strongly evident from the level of support demonstrated by the industry at a series of workshops and seminars conducted towards the end of 1997 . . .

Mr Omodei: It is called democracy.

Ms MacTIERNAN: I presume that the Minister for Local Government has some credibility and he has not been making up statements about wide industry consultation. It is not only in the second reading speech, but also the Tammin Tiger himself put out various statements promoting this development saying what a great thing it would be for the industry. A media statement was released by Mr Charlton on 17 July last year launching the omnibus operator standards scheme at the Claremont Showgrounds, before he finally departed from politics. It states -

> . . . transport Minister Eric Charlton said the concept had been developed in partnership with all sectors of the bus and coach industry and had the full support of major industry bodies.

We have heard statements about the fantastic level of support for this Bill. We know from our discussions with the bus operators that they support this Bill and want it to go ahead. However, over the dinner suspension, that support has evaporated!

Mr McGOWAN: I would love to hear more from the member for Armadale.

Ms MacTIERNAN: The member for Rockingham is as stunned as I am that all of a sudden, after one year, the government has done a complete U-turn and is saying the industry should do it. That is fantastic!

Mr Bloffwitch: It should do it.

Ms MacTIERNAN: Why not say that about every safety scheme?

Mr Bradshaw: The Road Traffic Act states that buses must meet certain standards.

Ms MacTIERNAN: How does the Government justify all the time and effort it has put in with these industry groups to draw up this legislation, and all the money it has spent on this lavish documentation, when it is now saying it is a load of rubbish and was not needed in the first place? What does that say about the estimable former Minister for Transport?

Mr Omodei: We are not saying that. We are saying that the industry has the capacity to self-regulate.

Ms MacTIERNAN: Why has this legislation been on the book for a year?

Mr Omodei: It is not the first time legislation has been on the book for a year.

Ms MacTIERNAN: No, but it is the first time it has been changed. The whole thrust of the Bill has suddenly been abandoned over the dinner break, after it has been on the book for a year! What the Government has done to the Opposition and this Parliament is completely unfair and is a complete contempt of the Parliament. The Government presented us with this legislation. We talked to industry and sought its input, and at the end of the day we went along with the Government and said it was fine and we would agree with the Government on this legislation; and we were even prepared to go along with the Government on the parts that we did not think were so fine. Now, not at the eleventh hour, but at the eleventh hour and fifty-ninth minute, the Government has told us that it has changed the Bill. We have had no opportunity to talk to the industry. The first I knew about this was at 6.50 pm, after this Bill has been on the book for a year, after I had spoken to the Minister for Transport last week, and after I had asked the Minister for Local Government a direct question today during the second reading debate. This Bill should be held over for a day or two to give us the opportunity to speak to the industry, which the Government has been telling us absolutely supports this legislation and has been working in partnership with the Government to get this legislation through. It is absolutely unreasonable to ask us to take a stand on amendments of which we received notice 10 minutes ago, when they completely abandon the scheme that the minister has been promoting for the past year. Mr Deputy Chairman, I move that these clauses be postponed until another day, to give us time to undertake the necessary consultation. It is a complete contempt of the Parliament to do otherwise.

The DEPUTY CHAIRMAN (Mr Barron-Sullivan): The member for Armadale has suggested that a number of clauses be postponed. We are dealing with clause 10, and the member is welcome to move that consideration of that clause be postponed until after consideration of the last clause of this Bill.

Ms MacTIERNAN: It may be that at the end of the day, we will agree to this, but it is not fair to expect us to make a decision about this matter now when we have been led up the garden path about the Government's intentions. I accept that may have been completely accidental, but it is unreasonable to ask us to support it at this stage. I move that we postpone consideration of this clause until later in the week.

The DEPUTY CHAIRMAN: The member for Armadale cannot postpone it until later in the week. The member can move either that consideration of this clause be postponed until after consideration of clause 16, or that it be postponed until after consideration of a particular clause.

Ms MacTIERNAN: I seek an indication from the Government of its intention. We are happy to deal with other clauses that do not relate to this excision.

Mr OMODEI: The Government is prepared to postpone consideration of these amendments to give the Opposition another day to look at them. However, I find it a bit unusual. The member knows that this Bill has been in the Parliament for 12 months. The member has said also that she knows that discussion has taken place on the government back bench about the omnibus operator standards scheme. Either the member knows what is going on or she does not. She should make up her mind. If she knows that the Government has been discussing the omnibus operator standards scheme and there has been some disagreement, she should understand why we are opposing these clauses.

Ms MacTiernan: The issue as put to me by the Minister for Transport and by the Department of Transport, and my understanding from the statement that the minister made earlier tonight, which he may forget having made - he should look at *Hansard* - is that the proposal was to exclude school buses, but that the remainder of the Bill would remain, and it was on that basis, and on the basis of what the Minister for Transport told us were the rumblings from the back bench, that we made our determination. We had no idea until 6.50 pm that the minister was talking about vacating the field in its entirety.

Mr OMODEI: I am sorry the member had that understanding, but it was clear to me, and I am sure the backbench members will bear me out, that the issue that was discussed was not only school buses but also star rating and the whole of the omnibus operator standards scheme, and they have subsequently been deleted. I understand that if any amendments are made to this legislation, it will need to come back after another day of sitting in order to progress to the third reading stage, and on that basis I am prepared to postpone these amendments and discuss them tomorrow after we have reported today. Is that satisfactory, Mr Deputy Chairman?

The DEPUTY CHAIRMAN: The member for Armadale has indicated her intention to move that consideration of this clause be postponed until after consideration of clause 16. The member for Armadale is perfectly entitled not to proceed with that motion, in view of the minister's advice that this matter can be considered later.

Ms MacTIERNAN: Does the minister wish to finish the other clauses? I will not proceed with that motion, on the understanding that these clauses will be removed from consideration until tomorrow.

The DEPUTY CHAIRMAN: In which case, I will put the question that the consideration of this clause be postponed, which means that it will be considered after all the other clauses have been dealt with, in accordance with the minister's advice.

Further consideration of the clause postponed, on motion by Ms MacTiernan.

Clause 11 postponed, on motion by Ms MacTiernan.

Clauses 12 and 13 put and passed.

Clause 14: Section 58A inserted -

Mr OMODEI: I move -

Page 9, line 27 - To delete "use, driving,".

This clause was intended to apply in respect of vehicles illegally parked or on departmental premises such as bus stations and the like. It is therefore not necessary to have the owner onus applying in respect of the use or driving of a vehicle.

Amendment put and passed.

Ms MacTIERNAN: I am surprised that the minister says that this relates to parking. I understand from my discussions with the ministry that there is a broader intention in respect of owner onus. Where does the minister get the idea that this relates only to parking?

Mr OMODEI: It relates only to a situation in which one could not identify the driver or the person in charge of the motor vehicle at the time of the commission of the offence. The understanding of the joint party room is that it relates to the parking, standing or leaving of a motor vehicle. That could be on any premises, including bus stations and so on. The owner onus would relate to those situations and not when the vehicle is being driven.

Ms MacTIERNAN: Proposed section 58A refers to the principal Act. Is the principal Act the Transport Co-ordination Act or another Act?

Mr OMODEI: It is the Transport Co-ordination Act.

Clause, as amended, put and passed.

Clause 15 postponed, on motion by Mr Omodei (Minister for Local Government).

Clause 16 put and passed.

Progress reported.

House adjourned at 9.54 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

LIVESTOCK, HORMONE GROWTH PROMOTANTS

1938. Dr CONSTABLE to the Minister for Primary Industry:

(1) With reference to question on notice No 3496 (8)(a) to(d) of 1998, can the Government assure the public that there are no dangers to the health of the livestock and/or human consumers of that livestock, due to the concerns raised in part (8)(a) to(d) ?

(2) Does the Government intend to direct that scientific studies be undertaken with regard to the concerns raised in part (8)(a) to (d) of question on notice No 3496 of 1998?

Mr HOUSE replied:

(1) With Reference to question 3496 of 1998 to part 8(a), there is no evidence of a connection between HGPs and the development of mutation of disease or proteins. The use of HGPs has been rigorously tested in many countries and poses no danger to livestock or human health. With reference to question 3496, 1998 to part 8(b)-(d). It has been recognised that the feeding of meat products to ruminants is a potential risk in the development of certain neurological diseases. As a result the practice of feeding meat products to ruminants has been banned in Western Australia.

(2) Western Australia does take part in the national program monitoring neurological diseases of livestock.

PIG AND POULTRY FEED, HORMONE GROWTH PROMOTANTS

1940. Dr CONSTABLE to the Minister for Primary Industry:

(1) Is the Government aware that a majority of European countries, including Britain, have agreed to phase out by June 1999, the routine use of *zinc bacitracin*, *spiramycin*, *virginiamycin* and *tylosin phosphate*, which are antibiotics used in pig and poultry feed to promote growth?

(2) Are any of these drugs permitted in Australia either by inclusion in feedstuff or by routine injection?

(3) If the answer to (2) above is yes, has the Government imposed a similar ban on all or any of the drugs referred to in (1), and which drugs are they?

Mr HOUSE replied:

(1) Yes.

(2) Tylosin (pigs), Virginiamycin (pigs & poultry) and zinc bacitracin (poultry) are registered in Australia for growth promotion and disease control purposes. Many of these products are classified as Schedule 4 Poisons, requiring a veterinary script for their use or inclusion in feed.

(3) No ban has been proposed in Australia to date, however, it is recognised as an important issue and the Joint Expert Technical Advisory Committee on Antibiotic Residues (JETACAR), (a national combined medical - veterinary group) was developed to ensure the issues raised by the EU Ban are adequately addressed under Australian conditions. The JETACAR report will be finalised later this year and some further changes to allowable antibiotic uses may be expected as a result of this report.

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2033. Mr BROWN to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

How many employees under the age of 21 years were recruited by each department and agency under the Premier's control in the -

(a) 1997-98 financial year; and
(b) 1998-99 financial year (to date)?

Mr COURT replied:

I am advised that :

Ministry of the Premier and Cabinet
(a) 33.
(b) 16.

Treasury
(a)-(b) Nil.

Anti-Corruption Commission
(a)-(b) Nil.

Governor's Establishment
(a)-(b) Nil.

Office of the Public Sector Standards Commissioner
(a) One.
(b) Two (one Public Sector Entry Level Trainee).

Gold Corporation
(a) Nil.
(b) One.

Office of the Auditor General
(a)-(b) Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2054. Mr BROWN to the Parliamentary Secretary to the Minister for Sport and Recreation:

How many employees under the age of 21 years were recruited by each department and agency under the Minister's control in the -

(a) 1997-98 financial year; and
(b) 1998-99 financial year (to date)?

Mr MARSHALL replied:

MINISTRY OF SPORT AND RECREATION
(a) 1.
(b) 2 (one has since terminated).

RECREATION CAMPS AND RESERVES BOARD
(a) Nil.
(b) 1.

WESTERN AUSTRALIAN SPORTS CENTRE TRUST
(a)-(b) 2.

WESTERN AUSTRALIAN INSTITUTE OF SPORT
(a) 1.
(b) 2.

GOVERNMENT CONTRACTS

2055. Mr BROWN to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

(1) How many contracts (other than employment contracts and contracts for less than $50,000) did each department under the Premier's control enter into in the months of -

(a) November 1998; and
(b) December 1998?

(2) What was the amount of each contract?

(3) What is the name of each person/entity with whom the contract is been awarded to?

(4) What is the nature of the work or services required by the contract?

(5) What is the completion date of the contract requirements?

(6) Was each contract awarded to the lowest tender?

(7) If not, why not?

Mr COURT replied:

I am advised that :

Ministry of the Premier and Cabinet
(1) (a) Two.
(b) Three.

(2)-(7) Arthur Andersen
November 1998. Completion date 15 February 1999 (or as negotiated)
$89,500
- to provide consultancy services in the development of appropriate evaluation mechanisms to assess organisational performance in accordance with Output-Based Management policy
- 15 February 1999 (or as negotiated)
- the contract was not awarded to the lowest tenderer as the proposal submitted by Arthur Andersen following a request for proposal was judged by the evaluation panel to be superior to that of other respondents

Brian Sadler
December 1998. Completion date 30 October 2001
$35,000/year maximum
- to provide the personal services as Chair of the Indian Ocean Climate Initiative joint implementation panel to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business
- the State Supply Commission waived the calling of public tenders

Australian Property Consultants
December 1998. Completion date of contract indefinite
$75,000/year maximum
- to provide the consultancy services of Mr Ross Hughes to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs to assist the Minister on an ad hoc basis in matters relating to the Commercial Tenancy legislation, Real Estate Agents Fees etc.
- the State Supply Commission waived the calling of public tenders

Clayco Computing Pty Ltd
December 1998. Completion date 8 December 1999 (with two 12 months options)
$50,000 (maximum value)
- to provide document imaging services
- awarded to lowest tender

Australian Graphics Signmakers
November 1998. Completion date 4 December 1998. $66,000
- construction of lighting towers and graphic panels
- awarded to second lowest tender. Selected because the tender provided comprehensive costing, a good knowledge of lightbox construction from previous jobs, and the ability to produce the items within the tight time frame.

Gold Corporation
(1) Gold Corporation (GC) regularly enters into agreements with bullion banks to purchase precious metals in excess of $50,000. But these routine balancing transactions are part of the Corporation's normal course of business. Apart from such routine transactions, GC did not enter into any contracts for external advice or assistance in the provision of goods and services in November and December, 1998.

(2) Not applicable.

GOVERNMENT CONTRACTS

2076. Mr BROWN to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) How many contracts (other than employment contracts and contracts for less than $50,000) did each department under the Minister's control enter into in the months of -

(a) November 1998; and
(b) December 1998?

(2) What was the amount of each contract?

(3) What is the name of each person/entity with whom the contract is been awarded to?

(4) What is the nature of the work or services required by the contract?

(5) What is the completion date of the contract requirements?

(6) Was each contract awarded to the lowest tender?

(7) If not, why not?

Mr MARSHALL replied:

(1) (a)-(b) Nil.

(2)-(7) Not applicable.

TOURISM, HIGH RISK ACTIVITIES

2091. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Has the Government/Western Australian Tourism Commission taken any steps to review the warnings and information provided to overseas visitors who intend to undertake more adventurous and more high risk tourist activities?

(2) What action has been taken in this regard?

(3) What changes will be implemented?

Mr BRADSHAW replied:

(1) Yes.

(2) The Western Australian Tourism Commission is to work with the Ministry of Sport and Recreation to produce guidelines for scuba diving activities. Some regional marketing brochures, one of which I table, include warnings and tips on travel in remote areas. The Western Australian Tourism Commission has also worked with the Police Services and the Road Traffic Board to produce the attached leaflet on "How to enjoy touring in Western Australia" written in 8 languages to help tourists drive around Western Australia.

(3) In addition warnings with regard to scuba diving activities will be included in all future dive product brochures produced by the Western Australian Tourism Commission.

[See paper No 908.]

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2135. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?

(2) Will the Deputy Premier provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?

(3) If not, why not?

Mr COWAN replied:

(1) Yes.

(2) The guidelines for cash profiling and exception reporting, which were forwarded to all budget sector agencies, are tabled. [See paper No 869.]

(3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2136. Mr BROWN to the Minister representing the Attorney General:

(1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?

(2) Will the Attorney General provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Attorney General's control?

(3) If not, why not?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(1) Yes.

(2) The guidelines for cash profiling and exception reporting, which were forwarded to all budget sector agencies, are tabled. [See paper No 869.]

(3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2143. Mr BROWN to the Minister for Housing; Aboriginal Affairs; Water Resources:

(1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?

(2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?

(3) If not, why not?

Dr HAMES replied:

(1)-(3) Please refer to the response to question on notice 2134 of 9 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2146. Mr BROWN to the Minister representing the Minister for Finance:

(1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?

(2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?

(3) If not, why not?

Mr COURT replied:

The Minister for Finance has provided the following response:

(1)-(3) Please refer to the response to Question on Notice 2134 of March 9 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2148. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?

(2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?

(3) If not, why not?

Mr COWAN replied:

The Minister for Finance has provided the following response:

(1)-(3) Please refer to the response to Question on Notice 2134 of March 9 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2149. Mr BROWN to the Minister representing the Minister for Mines:

(1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?

(2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?

(3) If not, why not?

Mr BARNETT replied:

(1)-(3) Please refer to the response to question on notice 2134 of 9 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2151. Mr BROWN to the Minister representing the Minister for the Arts:

(1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?

(2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?

(3) If not, why not?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(1) Yes.

(2) The guidelines for cash profiling and exception reporting, which were forwarded to all budget sector agencies, are tabled. [See paper No 869.]

(3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2153. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?

(2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?

(3) If not, why not?

Mr BRADSHAW replied:

(1)-(3) Please refer to the response to question on notice 2134 of 9 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2154. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

(1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?

(2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?

(3) If not, why not?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1) Yes. The guidelines for cash profiling and exception reporting, which were forwarded to all budget sector agencies, are tabled. [See paper No 869.]

(3) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CASH PROFILING

2155. Mr BROWN to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) Has the Government/Under Treasurer introduced a new process of financial management incorporating cash profiling on a fortnightly basis for the whole financial year, and an exception-reporting mechanism against that profile?

(2) Will the Minister provide all of the latest documents necessary to understand the profiling of the departments and agencies under the Minister's control?

(3) If not, why not?

Mr MARSHALL replied:

(1)-(3) Please refer to the response to question on notice 2134 of 9 March 1999.

TRAVEL ABOUT PUBLICATION, CAMPING LOCATIONS

2156. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Is the Minister aware of the publication *Travel About* which is in part sponsored by the Western Australian Tourism Commission?

(2) Is the Minister aware that the publication refers to organised tours ‘camping' alongside the road to Laverton and setting up in bush camps miles from civilization?

(3) Will the Minister advise if camping in the locations referred to in the brochure have been approved or are in accordance with the Caravan Parks and Camping Grounds Act 1995?

(4) Do the camping arrangements comply with the provisions of that Act?

(5) Do the camping arrangements referred to in the publication also comply with the requirements now imposed by Main Roads on kerbside stops and rest areas?

(6) If so, what government departments and agencies have approved those arrangements?

Mr BRADSHAW replied:

(1)-(3) Please refer to the response to question on notice 2134 of 9 March 1999.

COUNTRY SCHOOLS, TEACHER SHORTAGE

2183. Mr RIPPER to the Minister for Education:

(1) Will the Minister advise the House which country schools currently have vacancies that have not been filled at this stage?

(2) In what subject areas in country high schools is there a shortage of teachers?

(3) Why does the Minister consider that there is such a shortage of teachers willing to work in the country?

(4) Does the Minister consider that the Country Incentives package provides sufficient incentive to attract teachers to isolated schools?

(5) If not, why not and what is he going to do to improve it?

Mr BARNETT replied:

I am advised

(1) As at 3pm, 3 May 1999, there were 9.5 full-time equivalent (FTE) vacancies in country primary positions, 8.0 FTE vacancies in country secondary positions and 3.4 Languages Other Than English (LOTE) positions across both primary and secondary country schools. The following indicates the level of vacancies by district:

Bunbury	
Collie Senior High School	LOTE
Esperance	
Norseman District High School	LOTE
Goldfields	
Boulder Primary School	primary
Coolgardie Primary School	primary
Eastern Goldfields Senior High School	secondary
Kambalda Senior High School	LOTE
Menzies Remote Community School	primary
O'Connor Primary School	primary
West Kambalda Primary School	0.5 x primary
Kimberley	
Broome Primary School	primary
Wyndham District High School	secondary
Midlands	
Northam Senior High School	secondary
Quairading District High School	secondary
Toodyay District High School	0.4 x LOTE
Mid-West	
Cue Primary School	primary
Mount Magnet District High School	secondary
Northampton Senior High School	secondary
Narrogin	
Hyden Primary School	primary
Katanning Senior High School	secondary
Narrogin Senior High School	secondary
Pilbara	
Paraburdoo District High School	primary
Port Hedland School of the Air	primary

(2) LOTE, Design and Technology, Science and Mathematics positions have been difficult to fill in all schools across the State, but particularly in country areas.

(3) 1998 was an atypical year for the recruitment of graduates as there were significantly fewer graduates due to the requirement for a four year qualification to complete teacher education courses. However, there has also been a significant trend towards graduates declining offers of country positions. The reasons for this are many, but would include the following:

> In the area of primary teaching, constraints on teacher availability rather than teacher numbers are causing teacher shortages. This is confirmed by there being an oversupply of primary teachers available for appointment in the metropolitan area. The situation is exacerbated by the increasing feminisation of the profession. Past experience indicates that women teachers have restricted availability and mobility due to family responsibilities, and are more likely to seek part time work.
>
> In secondary teaching there are shortages primarily in specific subject areas. Factors impacting on this are the lack of supply of appropriately trained graduates from the universities, changes in curriculum content and focus, and changes in the retention rate of secondary students and the types of courses that schools need to provide.
>
> Graduate teachers are increasingly unwilling to go to country locations, most citing family commitments and lifestyle choices as their reasons. The percentage of graduates making themselves available for appointment statewide has fallen from 60 per cent in the early 1990s, to only 15 per cent. Every graduate who indicated statewide availability was offered appointment in 1999.

(4)-(5) The Country Benefits Package for teachers in remote and rural areas has been highly successful in retaining temporary teachers in schools designated as being *Difficult to Staff*. While its introduction late in 1998 and delays in negotiating the financial component of the package may have affected its impact in attracting graduates and teachers not already in rural schools for 1999, it will prove an increasingly effective strategy in future years. The Education Department of Western Australia is continuing negotiations with the State School Teachers Union of Western Australia about the cash component of the Package and a result is expected soon from this. The package will be continually reviewed and adjusted to maximise its usefulness. The Package is not considered the only

solution to issues affecting country staffing. The Department has an ongoing interest in the improvement of teacher housing, access to professional development and the right of country teachers to return to preferred locations. The Department is pursuing a wide range of strategies at both a system and locality level to increase the supply of teachers to country areas.

MILK PRICES, INDIVIDUAL BARGAINING

2199. Mr BROWN to the Minister for Primary Industry:

(1) Is the Minister aware of an article that appeared in *The Weekend Australian* on 23 January 1999 under the heading of "Visual Sublime Curdles in Dairyland"?

(2) Is the Minister aware that the article dealt in part with the new bargaining arrangements facing Taree dairy farmers?

(3) Is the Minister also aware that the article reported that, as part of national competition policy rules, from next year 350 dairy farmers in the district will individually bargain their milk price contracts with the towns to dairy processing plants, breaking existing arrangements where prices had been set by legislation?

(4) Is the Minister also aware of comments made by dairy farmer Peter Ruprecht who described the new arrangements as "the very worst of the American industrial system" where individuals have to bargain in a very unfair power relationship?

(5) As a matter of policy, does the Government accept these changed relationships involving the move to individual bargaining will weaken the power relationship of dairy farmers?

(6) If not, why not?

Mr HOUSE replied:

(1)-(6) Taree is outside the jurisdiction of the Western Australian Government and therefore I am unable to comment on any reported changed relationship within the Taree Dairy Industry.

GRANT THORNTON, CONTRACTS

2234. Ms MacTIERNAN to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) How many contracts have been awarded to Grant Thornton since 1 January 1997?

(2) For each contract, will the Minister state -

(a) the project the contract was awarded for;
(b) the original contract cost;
(c) the actual final cost of the contract;
(d) the date the contract was awarded and the date it was completed; and
(e) whether the contract went out to tender, and if not, why not?

Mr MARSHALL replied:

(1) Nil.

(2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2300. Mr RIEBELING to the Parliamentary Secretary to the Minister for Sport and Recreation:

In relation to the employment status of Level One employees of the agencies falling within the Minister's responsibility -

(a) what is the total number of Level One employees at each agency as at 9 March 1999; and

(b) of these employees, how many were -

(i) permanent full time; and
(ii) on short term contract?

Mr MARSHALL replied:

MINISTRY OF SPORT AND RECREATION
(a) 19
(b) (i) 8
(ii) 5

RECREATION CAMPS AND RESERVES BOARD
(a) 28
(b) (i) 3
(ii) 6

WESTRALIAN SPORTS CENTRE TRUST

(a) 57
(b) (i) 49
(ii) 8

WESTERN AUSTRALIAN INSTITUTE OF SPORT

(a) WAIS has its own salary scales and the Level One Public Sector grade is not relevant to the organisation.

(b) (i)-(ii) Not applicable.

MINISTERS OF THE CROWN, FREE TICKETS TO SPORTING EVENTS

2314. Mr GRAHAM to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) Has any sporting club or organisation provided the Deputy Premier with free tickets to any major sporting events in Western Australia?

(2) If so -

(a) to which events were the tickets provided; and
(b) on how many occasions have tickets been provided?

Mr COWAN replied:

(1) As with all members of Parliament, invitations to attend sporting, arts and social events are a common occurrence.

(2) (a)-(b) This information is not readily available. If the member has a specific enquiry, I will endeavour to provide a reply.

MINISTERS OF THE CROWN, FREE TICKETS TO SPORTING EVENTS

2315. Mr GRAHAM to the Minister representing the Attorney General:

(1) Has any sporting club or organisation provided the Attorney General with free tickets to any major sporting events in Western Australia?

(2) If so -

(a) to which events were the tickets provided; and
(b) on how many occasions have tickets been provided?

Mr PRINCE replied:

The Attorney General has provided the following reply:

(1) All members of Parliament, and the Attorney General in particular, receive hundreds of invitations to attend sporting, arts and social events every year. Whilst the Attorney General tries to attend as many events as possible, regrettably this is not always possible.

(2) (a)-(b) This information is not readily available. Provision of this information would require considerable research which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response. If the member has a specific enquiry I will endeavour to provide a reply.

MINISTERS OF THE CROWN, FREE TICKETS TO SPORTING EVENTS

2322. Mr GRAHAM to the Minister for Housing; Aboriginal Affairs; Water Resources:

(1) Has any sporting club or organisation provided the Minister with free tickets to any major sporting events in Western Australia?

(2) If so -

(a) to which events were the tickets provided; and
(b) on how many occasions have tickets been provided?

Dr HAMES replied:

(1) All members of Parliament, and the Minister in particular, receive hundreds of invitations to attend sporting, arts and social events every year. Whilst the Minister tries to attend as many events as possible, regrettably this is not always possible.

(2) (a)-(b) This information is not readily available. Provision of this information would require considerable research which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response. If the member has a specific enquiry I will endeavour to provide a reply.

MINISTERS OF THE CROWN, FREE TICKETS TO SPORTING EVENTS

2330. Mr GRAHAM to the Minister representing the Minister for the Arts:

(1) Has any sporting club or organisation provided the Minister with free tickets to any major sporting events in Western Australia?

(2) If so -

(a) to which events were the tickets provided; and
(b) on how many occasions have tickets been provided?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following reply:

(1) All members of Parliament, and the Minister in particular, receive hundreds of invitations to attend sporting, arts and social events every year. Whilst the Minister tries to attend as many events as possible, regrettably this is not always possible.

(2) (a)-(b) This information is not readily available. Provision of this information would require considerable research which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response. If the member has a specific enquiry I will endeavour to provide a reply.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD USE

2407. Mr CARPENTER to the Premier; Treasurer; Minister for Public Sector Management; Federal Affairs:

In relation to the use of Government credit cards -

(a) have any credit cardholders either working in the Ministerial office or with a Department/Agency for which the Premier has responsibility used their cards -

(i) for personal use; or
(ii) to gain frequent flyer points; fly buys or similar benefits;

(b) if yes, will the Premier provide details of this use;

(c) if not, why not?

Mr COURT replied:

(a)-(c) I refer the member to the answer to Assembly Question Without Notice 627 asked on 16 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD USE

2416. Mr CARPENTER to the Minister for Housing; Aboriginal Affairs; Water Resources:

In relation to the use of Government credit cards -

(a) have any credit cardholders either working in the Ministerial office or with a Department/Agency for which the Minister has responsibility used their cards -

(i) for personal use; or
(ii) to gain frequent flyer points; fly buys or similar benefits;

(b) if yes, will the Minister provide details of this use;

(c) if not, why not?

Dr HAMES replied:

(a)-(c) I refer the member to the answer to Parliamentary Question Without Notice 627 asked on 16 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD USE

2417. Mr CARPENTER to the Minister for Local Government; Disability Services:

In relation to the use of Government credit cards -

(a) have any credit cardholders either working in the Ministerial office or with a Department/Agency for which the Minister has responsibility used their cards -

(i) for personal use; or
(ii) to gain frequent flyer points; fly buys or similar benefits;

(b) if yes, will the Minister provide details of this use;

(c) if not, why not?

Mr OMODEI replied:

(a)-(c) I refer the member to the answer to Assembly Question Without Notice 627 asked on 16 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD USE

2419. Mr CARPENTER to the Minister representing the Minister for Finance:

In relation to the use of Government credit cards -

(a) have any credit cardholders either working in the Ministerial office or with a Department/Agency for which the Minister has responsibility used their cards -

(i) for personal use; or
(ii) to gain frequent flyer points; fly buys or similar benefits;

(b) if yes, will the Minister provide details of this use;

(c) if not, why not?

Mr COURT replied:

The Minister for Finance has provided the following response:

(a)-(c) I refer the member to the answer to Assembly Question Without Notice 627 asked on 16 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD USE

2420. Mr CARPENTER to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

In relation to the use of Government credit cards -

(a) have any credit cardholders either working in the Ministerial office or with a Department/Agency for which the Minister has responsibility used their cards -

(i) for personal use; or
(ii) to gain frequent flyer points; fly buys or similar benefits;

(b) if yes, will the Minister provide details of this use;

(c) if not, why not?

Mr BOARD replied:

(a)-(c) I refer the member to the answer to Assembly Question Without Notice 627 asked on 16 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD USE

2421. Mr CARPENTER to the Minister representing the Minister for Racing and Gaming:

In relation to the use of Government credit cards -

(a) have any credit cardholders either working in the Ministerial office or with a Department/Agency for which the Minister has responsibility used their cards -

(i) for personal use; or
(ii) to gain frequent flyer points; fly buys or similar benefits;

(b) if yes, will the Minister provide details of this use;

(c) if not, why not?

Mr COWAN replied:

The Minister for Finance has provided the following response:

(a)-(c) I refer the member to the answer to Assembly Question Without Notice 627 asked on 16 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD USE

2422. Mr CARPENTER to the Minister representing the Minister for Mines:

In relation to the use of Government credit cards -

(a) have any credit cardholders either working in the Ministerial office or with a Department/Agency for which the Minister has responsibility used their cards -

(i) for personal use; or
(ii) to gain frequent flyer points; fly buys or similar benefits;

(b) if yes, will the Minister provide details of this use;

(c) if not, why not?

Mr BARNETT replied:

(a)-(c) I refer the member to the answer to Assembly Question Without Notice 627 asked on 16 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD USE

2426. Mr CARPENTER to the Parliamentary Secretary to the Minister for Tourism:

In relation to the use of Government credit cards -

(a) have any credit cardholders either working in the Ministerial office or with a Department/Agency for which the Minister has responsibility used their cards -

(i) for personal use; or
(ii) to gain frequent flyer points; fly buys or similar benefits;

(b) if yes, will the Minister provide details of this use;

(c) if not, why not?

Mr BRADSHAW replied:

(a)-(c) I refer the member to the answer to Assembly Question Without Notice 627 asked on 16 March 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, CREDIT CARD USE

2428. Mr CARPENTER to the Parliamentary Secretary to the Minister for Sport and Recreation:

In relation to the use of Government credit cards -

(a) have any credit cardholders either working in the Ministerial office or with a Department/Agency for which the Minister has responsibility used their cards -

(i) for personal use; or
(ii) to gain frequent flyer points; fly buys or similar benefits;

(b) if yes, will the Minister provide details of this use;

(c) if not, why not?

Mr MARSHALL replied:

(a)-(c) I refer the member to the answer to Assembly Question Without Notice 627 asked on 16 March 1999.

"KINGS IN GRASS CASTLES", FUNDING

2464. Ms McHALE to the Minister representing the Minister for the Arts:

(1) Did the Western Australian Government provide financial assistance for the production of "Kings in Grass Castles"?

(2) If so, how much?

(3) If money was advanced was it -

(a) a distribution advance;
(b) equity investment; or
(c) other, if so, what was it?

(4) How much funding comprised each of the categories mentioned in (3) above?

(5) How much has been recovered?

(6) When was it recovered?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response:

(1) Yes.

(2) $500,000.

(3) (a) No.
(b) Yes.
(c) Not applicable.

(4) It was all equity investment.

(5) None at this time.

(6) Not applicable.

POTATO GROWING AND MARKETING REGULATIONS, REVIEW

2563. Ms McHALE to the Minister for Primary Industry:

(1) How many submissions were received in response to the review of legislation regulating the growing and marketing of potatoes?

(2) Who were the submissions from?

(3) What is the average cost per kilo of first grade potatoes in each state of Australia?

Mr HOUSE replied:

(1) 55.

(2) A broad range of interest groups.

(3) ABS collects and records prices, which for the (latest available) December 1998 quarter, were as follows (in cents per kilogram):

(a)	Sydney	127
(b)	Melbourne	137
(c)	Brisbane	134
(d)	Adelaide	086
(e)	Perth	135
(f)	Hobart	077
(g)	Darwin	123
(h)	Canberra	149

ARTS, CULTURE AND LIBRARIES, BOARDS AND FUNDING

2564. Ms McHALE to the Minister representing the Minister for the Arts:

I refer to the Ministry of Culture and the Arts and ask the Minister -

(a) do the Art Gallery Board, the Library Board and Board of Trustees of the Museum currently operate as statutory authorities;

(b) what are the current roles of each Board;

(c) is the Ministry of Culture and the Arts currently funded as one agency via the Consolidated Revenue Fund (CRF);

(d) under the new Culture, Libraries and the Arts legislation, will the total budget be allocated to the Ministry of Culture and the Arts;

(e) how will the budget be allocated among agencies; and

(f) what guarantee can the Minister give that the allocation of Ministry funds will not diminish the current Arts Western Australia allocation to its constituents - arts companies?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response:

(a) Yes.

(b) These are referred to in their respective Acts.

(c)-(d) Yes.

(e) As they are now, on the Minister's recommendation to Cabinet

(f) This will be dependent on the same process.

QUEENS PARK PRIMARY SCHOOL, AIRCRAFT NOISE

2594. Mr RIPPER to the Minister for Education:

(1) Is the Minister aware that aircraft noise currently hampers the operations of Queens Park Primary School?

(2) Is the Minister aware of aircraft noise forecasts which show that the problem will become worse in the future?

(3) Is the Education Department planning any measures to reduce the impact of noise on children at the school?

(4) If not, why not?

(5) Has the Minister approached the Federal Government for assistance to minimise the impact of aircraft noise on affected schools?

(6) If not, why not?

Mr BARNETT replied:

(1) Aircraft noise is evident during outdoor assemblies and causes some interruption during addresses. However, there is no interruption to the delivery of normal teaching, as all classrooms have been air-conditioned by the school and the windows are closed.

(2) No.

(3) No, but the situation will be closely monitored.

(4) As all teaching classrooms are air-conditioned and the windows have been sealed, there is no real disruption caused by aircraft noise. The Education Department has no plans to undertake any further remedial work at this time.

(5)-(6) No. The matter of aircraft noise is not considered to be a major problem at Queens Park Primary School.

FINANCIAL NEGOTIATIONS ASSESSMENT COMMITTEE, REPORT

2608. Mr BROWN to the Deputy Premier:

(1) Further to question on notice No. 2705 of 1997, will the Deputy Premier now table the report of the Financial Negotiations Assessment Committee?

(2) If not, why is the report being kept secret?

Mr COWAN replied:

Department of Commerce and Trade

(1)-(2) The Financial Negotiations Assessment Committee was established by the Minister for Works, Services to -

- examine current major purchasing issues;
- propose initiatives to address them; and
- define the role of various Public Service Agencies including State Supply Commission, Contract and Management Services, Public Sector Management Office, Department of Commerce and Trade and Crown Solicitor's Office.

A report was drafted and approved by the Committee and presented to Cabinet. The release of the report is a matter for the Minister for Works and Services.

BUSINESS LONGITUDINAL SURVEY, FUNDING

2614. Mr BROWN to the Minister for Small Business:

(1) Is the Minister aware that the Federal Government has decided to terminate the funding for the *Business Longitudinal Survey*?

(2) Did the State Government and/or the Small Business Development Corporation support the termination of the survey?

(3) If so, why?

(4) Does the Government and/or the Small Business Development Corporation intend to make representations to the Federal Government to continue the *Business Longitudinal Survey*?

(5) If so, when?

(6) If not, why not?

Mr COWAN replied:

(1) Yes.

(2) No.

(3) Not applicable.

(4) The Small Business Development Corporation has made representation to the Australian Bureau of Statistics, strongly recommending the allocation of funding to complete the final stage of the business Longitudinal Survey. The Small Business Development Corporation has been a major proponent of the survey, being involved in the early concept design leading up to its development by the Australian Bureau of Statistics.

(5) 15 March 1999.

(6) Not applicable.

AUSTRALIAN INDIGENOUS ART TRADE ASSOCIATION

2615. Mr BROWN to the Minister for Commerce and Trade;

(1) Is the Minister aware of the formation of the Australian Indigenous Art Trade Association?

(2) Does the Government intend to work with the Association in the promotion of Australian Indigenous Art and the business opportunities that may arise?

Mr COWAN replied:

(1) Yes.

(2) Yes. The Office of Aboriginal Economic Development within the Department of Commerce and Trade will hold discussions with the Australian Indigenous Art Trade Association to discuss ways in which the two organisations may collaborate in the development and promotion of indigenous art and associated enterprises.

BUSINESS LONGITUDINAL SURVEY, AVAILABILITY OF INFORMATION

2616. Mr BROWN to the Minister for Small Business:

(1) Did the Government and/or the Small Business Development Corporation make any use of the *Business Longitudinal Survey*?

(2) If so, what use?

(3) Is the information collected by the survey available through other sources?

(4) If so, what sources?

Mr COWAN replied:

(1) Yes.

(2) The survey data has provided the Small Business Development Corporation, and other government agencies, with an accurate profile of small business activity and performance at both the state and national level. This information has been used by the Small Business Development Corporation in the development of small business policy advice, programs and development services, and to educate both the public and media on the characteristics of small business and its contribution to the economy.

(3) There are no comparable data sets which feature information to the same extent.

(4) Not applicable.

WATER CHARGES, COMPONENTS

2622. Ms McHALE to the Minister for Water Resources:

(1) Is there a component in annual water rate charges for reading the water meter of dwellings and billing?

(2) If so, what is the amount?

Dr HAMES replied:

(1) There is no component of the charges identified specifically for meter reading and billing.

(2) Not applicable.

CALL CENTRES, REGIONAL AREAS

2626. Mr BROWN to the Minister for Regional Development:

(1) Is the Minister aware of an article that appeared in *WA Business News* on 18 March 1999 and 31 March 1999 concerning the Call Centre industry following a United States of America trend to move their operations away from major cities to smaller locations?

(2) Is the Minister also aware that the article reported that recent research by the Call Centre research company stated there was an investment fall of $1.8 million, representing around 17,000 new jobs, that will shift from established Call Centre markets in major metropolitan cities to regional locations?

(3) What initiatives is the State Government taking to attract Call Centres to regional Western Australia?

Mr COWAN replied:

(1) Yes.

(2) Yes. However, the article referred to "an investment pool of $1.8 billion" rather than "an investment fall of $1.8 million" as stated in the member's question. Additionally, it should be noted that in the research report, "The Australian Call Centre Location Study":

- The total amount of investment in growth of call centres in Australia over the next 24 month period (1999-2000) is valued at $1.34 billion. This excludes any new market entrants.
- The total employment growth in the total call centre market in the same period is estimated at 8,700 new positions. It is estimated that 5,700 positions will be relocated. There is potential for some of these positions to be relocated to "regional" sites.
- "Regional" refers to locations outside the metropolitan areas of the major cities of Melbourne, Sydney and Brisbane, where the majority of call centres are currently based.

(3) The Government has a number of initiatives either under way or being developed. These are:

- Surveys of Local Industry and Compilation of Database - a preliminary survey and data base was compiled in early 1998 and regular surveys are proposed.
- Establishment of a Call Centre Steering Committee - comprising Government, the private sector and the peak industry body, the Australian Teleservices Association.
- Call Centre Industry Strategy being developed in conjunction with government agencies and the private sector.

- Identification of Call Centre Location in WA - being undertaken in conjunction with industry and relevant government agencies, including the nine Regional Development Commissions.
- Training needs analysis - currently being developed by industry groups, government agencies and training providers.
- Promotional Material - an industry attraction brochure (Western Australia Calling) has been developed which promotes the benefits of Western Australia as a call centre option, including regional Western Australia.
- Call Centre Source Book - an industry-based directory, listing the support services and capability of the call centre industry in Western Australia is currently being produced.
- Submissions to Targeted Clients - a comprehensive call centre package has been submitted to approximately 15 key international and national companies that have expressed interest in setting up new or additional call centres in Australia
- Call Centre Awareness Program - in conjunction with other agencies and the private sector, a series of briefing sessions, seminars and workshops are being held, including input towards the SmartBusiness'99 Expo and a proposed series of regional Smart Business Expos.
- Research Project for Establishing Call Centres in Regional Australia - sponsorship of a national study conducted by the company, Call Centre Research (referred to in Part 2 of this question)
- WA Telecentre Support Unit (WATSU) - within the Department of Commerce and Trade, and several Commonwealth government agencies have been investigating the delivery of selected Government information services, including Centrelink services, through WA's regional Telecentres operating as Call Centres.

FLOODS, METROPOLITAN AREA

2628. Dr EDWARDS to the Minister for Water Resources:

How many houses would be affected if there was a one in one hundred year flood event affecting the whole of the metropolitan area?

Dr HAMES replied:

There are approximately 300 houses that would be affected by 1 in 100 year flooding on the floodplains of the Swan and Canning Rivers. The number of houses that would be affected by 1 in 100 year flooding from local drainage schemes and creeks throughout the metropolitan area would be highly dependent on the distribution and intensity of rainfall, ie storms can hit in varying ways all within the same 1:100 ranking.

GIBB STREET PRIMARY SCHOOL, AIRCRAFT NOISE

2638. Mr RIPPER to the Minister for Education:

(1) Is the Minister aware that aircraft noise currently hampers the operations of Gibb Street Primary School?

(2) Is the Minister aware of aircraft forecasts which show that the problem will become worse in the future?

(3) Is the Education Department planning any measures to reduce the impact of noise on children at the school?

Mr BARNETT replied:

(1) No. I am unaware of any complaints from Gibb Street Primary School regarding aircraft noise.

(2) No.

(3) Education Department records do not indicate any complaints from the school regarding aircraft noise or disruption to normal teaching as a result of aircraft noise. However, Education Department officers will contact the school principal to investigate the level of aircraft noise and any effects on curriculum delivery to the students.

BALLAJURA COMMUNITY COLLEGE

2647. Mr RIPPER to the Minister for Education:

(1) Has the Education Department now received an architectural consultant's report to determine the final scope of works at Ballajura Community College?

(2) If not, why not?

(3) If yes, what works will be undertaken at the College and at what cost?

(4) Will monies to fund these works be allocated in the 1999-2000 State Budget?

Mr BARNETT replied:

(1) An architectural consultant has completed a feasibility study for the final stage of works at Ballajura Community College. The study has been presented to the Education Department and to the college.

(2) Not applicable.

(3) The final extent of works will be determined in consultation with the Ballajura School Community and within the context of the funding allocation.

(4) The funding allocation will be announced in the 1999/2000 State Budget.

SCHOOLS, TEACHERS' LIABILITY FOR CHILD CARE BEFORE SCHOOL

2649. Mr RIPPER to the Minister for Education:

Is a teacher present at a school well before school starting hours liable for disciplinary action if a child also present at that time is injured?

Mr BARNETT replied:

In the event that a teacher is upon school premises prior to the recognised commencement time of school at the same time as a student is injured and was unaware of the presence of the student, the teacher would not be considered to be responsible. Should it be established that the teacher was aware of the presence of the student, that the student was engaged in a potentially injurious activity, and the teacher took no preventative action, then the teacher would not be considered to have acted as a reasonable adult, nor exercised "duty of care" and therefore may be subject to legal and/or disciplinary action.

LOTTO LICENCES, SERVICE STATIONS

2654. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) Is the Government/Lotteries Commission giving consideration to issuing Lotto licences to service stations/retail fuel outlets?

(2) If so, what criteria does the Government/Lotteries Commission intend to apply in the allocation of such licences?

(3) Has the Government/Lotteries Commission given any consideration to the impact on small business newsagents if Lotto licences are issued to service stations/retail fuel outlets?

(4) If so, what is assessed to be the impact on such small businesses?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

(1) The Lotteries Commission has no specific plans to expand its distribution network by selling Lotto or other lottery products through service stations/retail fuel outlets. However, the Commission has had a presence in a few service stations for a number of years, in two cases where the Outlet sells the full range of lottery products, and in the other where only 'Scratch'n'Win' tickets are sold. The Commission recently received applications to either relocate an existing Lottery Outlet or establish a new one into a convenience store within a retail fuel outlet. In one case the application was declined, and in the other a decision was deferred pending further information. Although the Lotteries Commission has no specific plans to expand its distribution network, the Commission closely monitors changes to retail trends, shopping patterns and customer preferences. The Commission is aware of growth in convenience stores and is conscious of changes in the design, size, variety of products offered, and trading hours of such outlets. The Commission is currently in the process of gathering further information about this industry to help determine the impact and potential of these outlets in terms of lottery products. It is also gathering information on the newsagency industry, including patronage of newsagencies, frequency of visits, main purchases, reasons for visits, and average spent. The information is being gathered so that comparative analysis of sales potentials can be understood.

(2) The Lotteries Commission has various criteria it applies in considering applications for relocating an existing Lottery Outlet or establishing a new one. These are applied to all Outlets regardless of the nature of the Outlet. They include:

- the likelihood of the Outlet achieving lottery sales of at least $12,800 per week (the sales break even point for the Commission).
- the location of the Outlet, so as to maximise sales
- the in-store design, presentation and space that would be devoted to Lotteries Commission products
- the degree of commitment by the applicants to maintaining high standards in terms of presentation and service relating to lottery products
- existing representation in the area
- costs to the Commission

(3) The Lotteries Commission is very supportive of small business. Its distribution network comprises approximately 600 small businesses in Western Australia who received in excess of $31 million last financial year from the Commission for selling lottery products. Although approximately 71% of the Commission's Retail Outlets are in newsagencies, the Commission uses a variety of other small businesses to distribute its products including -

- Kiosks 6%
- Deli's 8%
Other 15% (includes pharmacies, convenience stores and general stores

One of the criteria the Commission considers when assessing possible relocations of existing Lottery Outlets or the establishment of new Outlets is the likely impact on existing Lottery Retail Outlets.

While the Commission would possibly be in breach of part IV of the Trade Practices Act if it actively protected the earning capacity of existing Retail Outlets, it is also mindful that transferring sales from one Outlet to another does nothing other than increase the overall costs of distribution and reduces funds available to the community. As a consequence, the impact of all new appointments and transfers of existing Retailers and the total costs of distribution (to the Commission) is very carefully considered prior to any approval being granted. Such criteria will continue to be applied in the assessment of any applications to relocate an existing Outlet or to establish a new Lottery Outlet. It is worth noting that many retail fuel outlets are also small businesses run as a family concern under a franchise arrangement with an oil company.

(4) Each application for relocation of an existing Outlet or establishment of a new Lottery Outlet is assessed on a case by case basis giving consideration to the normal criteria used in evaluating such applications, as well as other factors relevant to the particular situation.

HOMESWEST, WAITING LIST

2673. Mr MARLBOROUGH to the Minister for Housing:

(1) Will the Minister advise what the total Homeswest rental waiting list was as at -

(a) 30 June 1996;
(b) 30 June 1997;
(c) 30 June 1998; and
(d) 30 March 1999?

(2) Will the Minister -

(a) list the 10 suburbs/areas in the Perth Metropolitan area that currently have the highest rental waiting list; and
(b) identify the steps that are being taken to specifically address this problem?

(3) Will the Minister -

(a) list the 10 towns/areas outside the Perth Metropolitan area that currently have the highest rental waiting list; and
(b) identify the steps that are being taken to specifically address this problem?

(4) Will the Minister advise, how many people were on the rental waiting list for each of the following regions as at 30 March 1999 -

(a) North Metropolitan;
(b) South Metropolitan;
(c) South East Metropolitan;
(d) Southern;
(e) Southwest;
(f) Central;
(g) Midwest;
(h) Pilbara; and
(i) Kimberly?

Dr HAMES replied:

Please note that the rental waiting list includes those applicants listed priority and wait turn.

(1) (a) 11,799.
(b) 12,514.
(c) 12,625.
(d) 13,160 (as at 31 January 1999).

(2) (a)-(b) As at 31 January 1999 the zones with the highest rental waiting lists are:

Town	No of Applicants	1997/98 Building Program	1998/99 Building Program	Total Stock
Perth	1299	34	69	1479
Doubleview	795	69	62	1042
Mirrabooka	732	102	87	2960
Bayswater	605	52	63	1059
Fremantle	561	14	32	1254
Joondalup	532	4	14	255

Kensington	495	93	103	2315
Rockingham	483	67	47	759
Cannington	385	46	16	746
Hamilton Hill	385	76	29	1678

Homeswest formulates its building programs based on the level of demand for accommodation and as is demonstrated by the above table. In recent years Homeswest has been ensuring that its limited resources are targeted at the areas of greatest demand.

(3) (a)-(b) As at 31 January 1999 the towns with the highest rental waiting lists are:

Town	No of Applicants	1997/98 Building Program	1998/99 Building Program	Total Stock
Broome	379	17	20	697
Bunbury	360	47	51	982
Albany	331	23	33	638
Kalgoorlie/ Boulder	279	23	34	657
Karratha*	216	7	11	363
Busselton	212	18	35	438
Port Hedland	202	24	21	775
Geraldton	189	5	9	976
Derby	118	0	2	285
Carnarvon	92	5	4	440

* There are land supply issues involved with this town.

As stated above, Homeswest's building program is based on the level of demand for accommodation and as is demonstrated by the above table, in recent years Homeswest has been ensuring that its limited resources are targeted at the areas of greatest demand.

(4) As at 31 January 1999 the following number of applicants were on the rental waiting list in the respective regions:

(a)	North Metropolitan	5,008
(b)	South Metropolitan	2,507
(c)	South East Metropolitan	2,256
(d)	Southern	478
(e)	South West	794
(f)	Central	592
(g)	Midwest	419
(h)	Pilbara	488
(i)	Kimberley	618

It should be noted that it is not the level of demand or the number of applicants that is the main issue. The length of time an applicant waits for accommodation should be Homeswest's performance indicator. In this regard, I have discussed the issue with Homeswest on numerous occasions and as a result of those discussions, a target has been set to reduce all waiting times to less than three years.

HOMESWEST, PRIORITY ASSISTANCE

2674. Mr MARLBOROUGH to the Minister for Housing:

(1) Will the Minister advise how many people were listed for priority assistance from Homeswest as at -

(a) 30 June 1996;
(b) 30 June 1997;
(c) 30 June 1998; and
(d) 30 March 1999?

(2) Will the Minister -

(a) list the 10 suburbs/areas in the Perth Metropolitan area that currently have the highest priority lists; and

(b) identify the steps that are being taken to specifically address this problem?

(3) Will the Minister -

(a) list the 10 towns/areas outside the Perth Metropolitan area that currently have the highest priority lists; and

(b) identify the steps that are being taken to specifically address this problem?

(4) Will the Minister advise how many people were listed for priority assistance in each of the following regions as at 30 March 1999 -

(a) North Metropolitan;
(b) South Metropolitan;
(c) South East Metropolitan;
(d) Southern;
(e) Southwest;
(f) Central;
(g) Midwest;
(h) Pilbara; and
(i) Kimberly?

Dr HAMES replied:

In responding to this question, I would bring the member's attention to the information provided in response to Question on Notice 2673. Please note that the figures quoted relate to all applicants requesting priority assistance only, figures exclude tenants listed for priority transfers and applicants listed priority awaiting construction of purpose built or modified accommodation.

(1) (a) This information is not available.
(b) 297 applicants.
(c) 297 applicants.
(d) 288 applicants.

(2) (a) The zones with the highest number of priority applicants listed are:

Cannington (23), Armadale (20), Belmont and Fremantle (17), Kensington (16), Mirrabooka (14), Hamilton Hill and Willagee (12), Bayswater (11), Perth, Thornlie and Doubleview (10).

(b) Homeswest is aware of the need to assist these clients as soon as possible and makes every endeavour to locate a suitable property for every applicant in their preferred zone in the short term. Homeswest's building program is formulated in recognition of all applicants, including priority, and is reviewed on a quarterly basis. This enables the building program to be altered or modified to address any significant increases in demand. Homeswest has implemented a number of avenues to enable these clients to be assisted in the shortest possible timeframe. Priority applicants are actively encouraged to consider, and are offered, suitable accommodation in alternative higher turnover zones if nothing is available in their preferred zone. Homeswest also ensures that priority applicants continue in their endeavours to obtain alternative housing such as through the private rental market with the assistance of Homeswest bond assistance. Further, Homeswest regularly reviews the circumstances of all priority listed applicants to ensure they still warrant priority assistance.

(3) (a) The towns with the highest lists of priority applicants are:

Kalgoorlie/Boulder (11), Albany (10), Bunbury (8), Port Hedland (6), Karratha, Geraldton and Broome (4), Busselton (3) and Carnarvon, Derby, Northam, Kununurra and Wickham (2).

(b) These figures are not considered unreasonable and current stock and building programs are considered sufficient to adequately satisfy these applications.

(4) As at 30 March 1999 the following number of applicants were listed for priority assistance in the respective regions:

(a)	North Metropolitan	69
(b)	South Metropolitan	63
(c)	South East Metropolitan	92
(d)	Southern	12
(e)	South West	11
(f)	Central	13
(g)	Midwest	6
(h)	Pilbara	14
(i)	Kimberley	8

HOMESWEST, SECURITY DEVICES IN HOMES

2675. Mr MARLBOROUGH to the Minister for Housing:

(1) Will the Minister confirm that under the Government's Two Year Plan for Women 1996-98, Homeswest made a commitment to safety for women, that included allocating funds for security features in Homeswest homes?

(2) If yes, how much was allocated for this specific commitment in the financial years -

(a) 1995-96;
(b) 1996-97;
(c) 1997-98; and
(d) 1998-99?

(3) What security features are provided for under this commitment?

Dr HAMES replied:

(1) Yes.

(2) Homeswest spent the following amounts in respect of the financial years:

(a)	1995-96	$891,354.76
(b)	1996-97	$602,933.43
(c)	1997-98	$812,632.62
(d)	1998-99	$760,090.87 (to date)

(3) Homeswest installs:
- Barrier screens to front and rear doors and to adjustable and accessible windows in density accommodation.
- Window locks and lockable bolts to sliding doors.
- Solid core doors.
- Dead locks to external doors.
- Barrier screens to front and rear doors and windows on all pensioner housing and also to family accommodation where there is evidence of high crime rates and/or a history of domestic violence.
- Barrier screen doors when replacing any standard flydoor.

HOMESWEST, COMMONWEALTH FUNDING

2676. Mr MARLBOROUGH to the Minister for Housing:

(1) Has the Minister signed the new Housing Agreement with the Commonwealth, to replace the interim Commonwealth-State Housing Agreement which ends on 30 June 1999?

(2) If no -

(a) why not;
(b) have any alternative arrangements for funding been negotiated with the Commonwealth; and
(c) if yes -

(i) what funding arrangements have been made; and
(ii) what level of Commonwealth grants and contributions will Homeswest expect to receive under this arrangement?

Dr HAMES replied:

(1) No.

(2) (a) Negotiations are proceeding and are expected to be finalised at the next Housing Ministers Conference which is scheduled to be held on 3 May 1999.
(b) No.
(c) Not applicable.

HOMESWEST, COMMONWEALTH FUNDING

2677. Mr MARLBOROUGH to the Minister for Housing:

(1) What level of Commonwealth grants and contributions did Homeswest receive in -

(a) 1996-97; and
(b) 1997-98?

(2) What level of Commonwealth grants and contributions does Homeswest expect to receive in 1998-1999?

Dr HAMES replied:

(1) (a) $109.447 million.
(b) $101.246 million.

(2) $100.873 million.

HOMESWEST, RISK ASSESSMENT

2678. Mr MARLBOROUGH to the Minister for Housing:

I refer to Homeswest's 1998 Annual Report and ask, will the Minister list the top 55 significant risks identified in the risk assessment undertaken by AON Risk Services Australia Ltd?

Dr HAMES replied:

Comprehensive Risk Management Plans have been prepared and are too detailed to include in this reply. I am happy to arrange a briefing for the member at a convenient time.

HOMESWEST, QUEENS PARK HOUSES

2681. Mr RIPPER to the Minister for Housing:

(1) Is Homeswest revising the plans for Queens Park following the publication of the Ultimate Capacity Australian Noise Exposure Forecast for Perth International Airport which shows increased aircraft noise over this suburb?

(2) Will Homeswest now make provision for insulation, double glazing or other noise amelioration measures in houses to be refurbished in Queens Park?

(3) If not, why not?

(4) Has Homeswest approached the Federal Government or Westralia Airports Corporation for assistance in implementing noise amelioration measures in Queens Park houses?

(5) If not, why not?

Dr HAMES replied:

(1)-(5) Homeswest will attempt to negotiate a solution with the Federal Government, Westralia Airports Corporation and the Ministry for Planning for the proposed redevelopment of Queens Park.

PRIMARY SCHOOLS, ENROLMENTS IN EXCESS OF 600

2686. Mr RIPPER to the Minister for Education:

(1) Are there any publicly funded primary schools in Western Australia that have student numbers in excess of 600?

(2) If yes, which primary schools are they?

Mr BARNETT replied:

(1) Yes.

(2) The tabled list is based upon the 1st Term 1999 census date. Pre-primary numbers include four and five year olds and represent actual numbers of enrolments. [See paper No 909.]

WATER RESOURCES, *NAEGLARIA* TESTING

2687. Mr RIPPER to the Minister for Water Resources:

(1) What procedures are implemented if *naeglaria* is identified in the water supply?

(2) Have these procedures been followed in all cases where *naeglaria* has been identified since 1996?

(3) If no, on what occasions were these procedures not followed?

(3) Will *naeglaria* testing be undertaken in those areas that were affected by flooding around Moora and Exmouth?

Dr HAMES replied:

(1) The procedure to be followed if any sample should contain naeglaria tolerant to 42°C and above, is to immediately re-sample and investigate to determine the source of contamination, complemented by remedial action as appropriate in order to bring the system into compliance.

(2) No.

(3) These procedures were not followed on some occasions. There are many thousands of amoebae (naeglaria) samples taken from all schemes throughout the State. Internal and external audits conducted by the Water Corporation since 1996 indicate that resampling had not occurred on all occasions. Systems to manage water quality have been progressively strengthened since 1996 and as at 30 March 1999, all the Corporation's 231 schemes complied with the Health Department's criteria for amoebae (naeglaria).

(4) Routine monitoring will be performed in Moora and Exmouth.

TELEVISION, CAPTIONING FOR THE DEAF

2697. Ms McHALE to the Minister for Disability Services:

I refer to the captioning of television programs for the deaf and hard of hearing and ask -

(a) will the Minister advise whether television sets which receive digital transmission (DTTB) and are captioned will cost more than television sets which are not; and

(b) has the Minister considered supporting legislation which makes it compulsory for digital television sets to include a decoder?

Mr OMODEI replied:

(a) It is not yet known whether there will be a difference in cost.

(b) This matter is a Commonwealth Government responsibility. In principle, I would support legislation as suggested.

PRIMARY SCHOOL, EATON

2704. Dr GALLOP to the Minister for Education:

With regard to the proposed new Primary School in Eaton -

(a) will funding for the construction of this school be included in the next State budget;
(b) if yes, when will construction commence;

(c) when will the school be ready to enrol students; and
(d) what age groups will be catered for at the school?

Mr BARNETT replied:

(a) Yes.

(b) October 1999.

(c) The new school will open in transportable classroom accommodation on the existing Eaton Primary School site at the commencement of next year. It is anticipated that the students will move to the new school in East Eaton at the end of Term 2.

(d) Kindergarten, Pre-Primary and all classes through to Year 7.

BUNBURY AIRPORT, PILOT TRAINING FACILITY

2706. Dr GALLOP to the Deputy Premier:

(1) Does the Government support the proposal to establish a training operation for student pilots at Bunbury Airport?

(2) What steps are being taken to support this investment in regional Western Australia?

Mr COWAN replied:

(1) The company in question, Singapore Airlines, has indicated a desire to establish a pilot screening operation in regional Western Australia if the company's bid for a major contract requiring such screening is successful. It has indicated its preferred location is Bunbury. The Government supports that decision.

(2) Provided the investment meets the various eligibility criteria, the venture could be considered for support under the Regional Headworks Development Scheme, which is administered by the Department of Commerce and Trade, and the Regional Airfields Development Scheme which is administered by Department of Transport.

EDUCATION DEPARTMENT EMPLOYEES, DISCIPLINARY ACTION

2707. Mr RIPPER to the Minister for Education:

(1) Against how many employees has the Education Department of Western Australia (EDWA) taken disciplinary action since 1 January 1998?

(2) How many of these employees were either suspended on full pay or transferred to other duties pending the outcome of disciplinary inquiries?

(3) How many employees are currently suspended on full pay or working on other duties pending the outcome of disciplinary inquiries?

(4) What has been the total cost of payment since 1 January 1998 to EDWA employees either suspended or working on other duties for disciplinary reasons?

Mr BARNETT replied:

(1) The Education Department has undertaken disciplinary action against 30 employees since 1 January 1998.

(2) 14 employees were either suspended on full pay or transferred to other duties pending the outcome of disciplinary inquiries.

(3) 7 employees are currently suspended on full pay or working on other duties pending the outcome of disciplinary inquiries.

(4) The salaries of the 14 employees suspended on either full pay or transferred to other duties from 1 January 1998 is approximately $170 000.

SCHOOL PRINCIPALS, DISCIPLINARY ACTION

2708. Mr RIPPER to the Minister for Education:

(1) Will the Minister advise how many school principals the Education Department has taken disciplinary action against since 1 January 1998?

(2) What penalties have been applied to these principals?

(3) How many of these principals have been demoted?

Mr BARNETT replied:

(1) The Education Department has taken disciplinary action including inquiries against 4 school principals since 1 January 1998.

(2) The allegations against two principals were not substantiated. One principal has been demoted. One principal has received the provisional view of the Director-General in relation to the penalty.

(3) One, at this stage.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL TWO EMPLOYEES

2756. Mr RIEBELING to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

In relation to the employment status of Level Two employees of the agencies falling within the Deputy Premier's responsibility -

(a) what was the total number of Level Two employees at each agency as at 20 April 1999; and

(b) of these employees, how many were -

(i) permanent full time;
(ii) permanent part time; and
(iii) on short term contract?

Mr COWAN replied:

Department of Commerce and Trade
(a) 24
(b) (i) 23
(ii) 1
(iii) None.

Small Business Development Corporation
(a) 8
(b) (i) 3
(ii) 2
(iii) 3

International Centre for Application of Solar Energy (CASE)
(a)-(b) All CASE employees are employed on limited duration contracts and do not fall under the public service classification system.

Technology Industry Advisory Council (TIAC)
(a) 1
(b) (i) 1
(ii)-(iii) None.

Gascoyne Development Commission
(a) None.
(b) Not applicable.

Goldfields-Esperance Development Commission
(a) 1
(b) (i)-(ii) None.
(iii) 1

Great Southern Development Commission
(a) Nil.
(b) Not applicable.

Kimberley Development Commission
(a) 2
(b) (i)-(ii) 1
(iii) None.

Mid West Development Commission
(a) 1
(b) (i)-(ii) None.
(iii) 1 (3 years).

Peel Development Commission
(a) None.
(b) Not applicable.

Pilbara Development Commission
(a) 1
(b) (i) 1
(ii)-(iii) None.

South West Development Commission
(a) 4
(b) (i) 3
(ii) 0
(iii) 1

Wheatbelt Development Commission
(a) 4

(b) (i) 1
(ii) None
(iii) 3

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL TWO EMPLOYEES

2764. Mr RIEBELING to the Minister for Housing; Aboriginal Affairs; Water Resources:

In relation to the employment status of Level Two employees of the agencies falling within the Minister's responsibility -

(a) what was the total number of Level Two employees at each agency as at 20 April 1999; and

(b) of these employees, how many were -

(i) permanent full time;
(ii) permanent part time; and
(iii) on short term contract?

Dr HAMES replied:

Aboriginal Affairs Department:
(a) 21.
(b) (i) 12.
(ii) 2.
(iii) 7.

Country Housing Authority, Government Employees Housing Authority and Homeswest
(a) 161.
(b) (i) 129.
(ii) 32.
(iii) 0.

Office of Water Regulation:
(a) 1.
(b) (i) 1.
(ii) 0.
(iii) 0.

Swan River Trust and Water and Rivers Commission:
(a) 57.
(b) (i) 36.
(ii) 4.
(iii) 17.

Water Corporation:
(a) 283.
(b) (i) 262.
(ii) 21.
(iii) 0.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL TWO EMPLOYEES

2765. Mr RIEBELING to the Minister for Local Government; Disability Services:

In relation to the employment status of Level Two employees of the agencies falling within the Minister's responsibility -

(a) what was the total number of Level Two employees at each agency as at 20 April 1999; and

(b) of these employees, how many were -

(i) permanent full time;
(ii) permanent part time; and
(iii) on short term contract?

Mr OMODEI replied:

Keep Australia Beautiful Council:
(a) Two.
(b) (i) One.
(ii) Nil.
(iii) One.

Disability Services Commission:
(a) Fifty-nine.
(b) (i) Fifty-two.
(ii) Five.
(iii) Two.

Department of Local Government:
(a) Five.
(b) (i) Five.
(ii)-(iii) Nil.

Metropolitan Cemeteries Board:
(a) Seven.
(b) (i) Four.
(ii) Two.
(iii) One.

Fremantle Cemetery Board:
(a) Nil.
(b) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL TWO EMPLOYEES

2767. Mr RIEBELING to the Minister representing the Minister for Finance:

In relation to the employment status of Level Two employees of the agencies falling within the Minister's responsibility -

(a) what was the total number of Level Two employees at each agency as at 20 April 1999; and

(b) of these employees, how many were -

(i) permanent full time;
(ii) permanent part time; and
(iii) on short term contract?

Mr COURT replied:

The Minister for Finance has provided the following response:

State Revenue Department
(a) 49
(b) (i) 37
(ii)-(iii) 6

Valuer General's Office
(a) 23
(b) (i) 8
(ii) Nil
(iii) 15

Government Employees Superannuation Board
(a) 27
(b) (i) 19
(ii) 3
(iii) 5

Insurance Commission of Western Australia
(a) 63
(b) (i) 52
(ii) 4
(iii) 7

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL TWO EMPLOYEES

2768. Mr RIEBELING to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

In relation to the employment status of Level Two employees of the agencies falling within the Minister's responsibility -

(a) what was the total number of Level Two employees at each agency as at 20 April 1999; and

(b) of these employees, how many were -

(i) permanent full time;
(ii) permanent part time; and
(iii) on short term contract?

Mr BOARD replied:

I am advised that:

CONTRACT AND MANAGEMENT SERVICES
(a) 53
(b) (i) 45
(ii) 5
(iii) 3

OFFICE OF YOUTH AFFAIRS
(a) One
(b) (i) One.
(ii)-(iii) Not applicable.

STATE SUPPLY COMMISSION
(a) Nil.
(b) (i)-(ii) Not applicable.

OFFICE OF CITIZENSHIP AND MULTICULTURAL INTERESTS

(a) One.
(b) (i) One.
(ii)-(iii) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL TWO EMPLOYEES

2770. Mr RIEBELING to the Minister representing the Minister for Mines:

In relation to the employment status of Level Two employees of the agencies falling within the Minister's responsibility -

(a) what was the total number of Level Two employees at each agency as at 20 April 1999; and

(b) of these employees, how many were -

(i) permanent full time;
(ii) permanent part time; and
(iii) on short term contract?

Mr BARNETT replied:

(a)

Department of Minerals & Energy (DME)	116
Chemistry Centre of WA (CCWA)	12
Total	128

(b) (i) 92 permanent full time - DME 87, CCWA 5
(ii) 7 permanent part time - DME 7
(iii) 29 short term contract - DME 22, CCWA 7

DEPARTMENT OF COMMERCE AND TRADE, CP RESOURCING CONTRACT

2792. Mr BROWN to the Minister for Commerce and Trade:

(1) Does CP Resourcing have any other contracts with the Department of Commerce and Trade apart from the contract for the provision of professional services?

(2) If yes, what are these contracts?

(3) When were the contracts entered into?

Mr COWAN replied:

(1) Yes.

(2) A contract for the "Provision of Events Management Services" for staging of minor departmental promotions and events.

(3) 6 April 1998.

DEPARTMENT OF COMMERCE AND TRADE, CP RESOURCING CONTRACT

2793. Mr BROWN to the Minister for Commerce and Trade:

In relation to the contract which CP Resourcing has with the Department of Commerce and Trade to provide a Project Director for the Jervoise Bay Project -

(a) how much was paid to CP Resourcing for the period 5 April to 31 August 1998; and
(b) how much was paid to CP Resourcing for the period 5 April 1998 to 5 April 1999?

Mr COWAN replied:

(a) $71 920.
(b) $163 452.

DEPARTMENT OF COMMERCE AND TRADE, CP RESOURCING CONTRACT

2794. Mr BROWN to the Minister for Commerce and Trade:

In relation to the contract which CP Resourcing has with the Department of Commerce and Trade to provide a Project Director for the Jervoise Bay Project -

(a) has the Project Director been issued with a Government credit card;
(b) is the provision of this credit card included in the contract with CP Resourcing;
(c) for what purposes can this credit card be used; and
(d) what was the total expenditure on this card for the period of the 12 month contract?

Mr COWAN replied:

(a) The Project Director was issued with a card. The card was cancelled at the conclusion of the contract.

(b) No.

(c) The credit card can be used for expenses incurred in accordance with public sector rates and guidelines.

(d) For the period of the 12 month contract, $9 410.99 was the total expenditure on this card.

HOMESWEST, ORGANISATIONS ASSISTED

2802. Mr BROWN to the Minister for Housing:

(1) Since 1 July 1996 how many organisations has Homeswest -

(a) assisted;
(b) entered into arrangements with; and/or
(c) entered into joint ventures or supported arrangements with;

to provide -

(i) housing;
(ii) seniors accommodation; and/or
(iii) other accommodation?

(2) What was the nature of the support, assistance or joint venture?

(3) In what suburbs -

(a) has the accommodation been provided; and/or
(b) will the accommodation be provided?

(4) Has Homeswest assisted any ethnic community organisations in this way?

(5) Which organisations have been assisted?

(6) What is the degree of assistance provided to each organisation?

Dr HAMES replied:

(1)-(6) Homeswest operates a number of programs under which organisations provide assistance with the provision of accommodation. To provide specific details on each and every project under each program would be too labour intensive and I am not prepared to have Homeswest commit the resources to answer the question in its current form. If the member has a specific question in relation to a particular project, organisation, agreement or program I would be prepared to commit the resources to provide an answer.

HOUSING, INITIATIVES FOR LOW INCOME EARNERS

2828. Mr BROWN to the Minister for Housing:

(1) What new initiatives does the Government intend to take to enable low income earners to build and own their own homes?

(2) When will the new initiatives be taken?

Dr HAMES replied:

(1) $528 million will be spent in 1999/2000 representing 5,400 loans on innovative home loan schemes for low income earners as well as special purpose groups such as the disabled and Aborigines.

(2) 1999/2000.

TEACHERS AND PRINCIPALS, SUSPENSIONS

2829. Mr PENDAL to the Minister for Education:

(1) How many teachers/principals employed by the Education Department of Western Australia are currently under suspension?

(2) Of these, how many are under suspension without pay?

(3) Of the numbers referred to in question (1) above, how many teachers/principals have been under suspension for -

(a) three months;
(b) six months;
(c) nine months;
(d) 12 months;
(e) more than a year?

Mr BARNETT replied:

(1) Seven teachers/principals are currently under suspension.

(2) One is under suspension without pay.

(3) (a)-(c) Four have been under suspension for three months or less. Three have been suspended between six and nine months.

(d)-(e) None.

QUESTIONS WITHOUT NOTICE

REGIONAL FOREST AGREEMENT, ADDITIONS TO RESERVES

742. Dr GALLOP to the Premier:

Can the Premier explain why only 13 per cent of our remaining south west old growth forest has been added to the formal reserve system under the Regional Forest Agreement?

Mr COURT replied:

Today we published a Regional Forest Agreement, which, as I said, outlines four key areas: The reserve designs, sustainable yields, compensation packages, and changes to the bureaucracy administering the forest. In relation to the balance that has been achieved, I believe it is significant that we have been able to add some 45 000 hectares of old-growth forest to the conservation reserves. I find it interesting that in his response to a statement on this matter that I gave today the Leader of the Opposition at no time gave us the slightest indication of what the Opposition would do. Mr Deputy Speaker, I will tell you what members opposite did in government, because it will give you an indication of their credentials. For their last five years in government, from 1987 to 1992, they allowed a cut of nearly 600 000 cubic metres of jarrah. Interestingly, on Christmas Eve, 24 December 1992 - an unusual time I would have thought to come out with their forest management plan - they said that they had a new sustainable plan and that their cut would be 520 000 cubic metres. It is interesting that the cut was nearly 600 000 cubic metres for their last five years in government and then, weeks before they finished their 10-year term, the cut went to 520 000 cubic metres.

Mr McGinty: You are misleading the Parliament.

Mr COURT: The member knows because he was the person who made the decision. The member for Fremantle said, "We have undertaken an exhaustive process to ensure that we can achieve a sustainable forest and a sustainable timber industry in Western Australia." Those were his comments. When we came into government, the minister came in with a cut of around 490 000 cubic metres but made it clear that the cut would have to come down to 300 000 cubic metres by the year 2004. Today we have signed an agreement which means that the cut will be phased down to 285 000 cubic metres. We can judge people on their performance. It is not as if different people are doing it; they are the same people who were making the decisions back in those days. I heard the criticisms the Leader of the Opposition made about the people who have produced the reports and the like. I believe he is demeaning those people who have produced expert reports which have been made public.

Mr Kobelke: You are too embarrassed to answer the question.

Mr COURT: I will answer the question. The consultants wrote of the Department of Conservation and Land Management -

> We can attest that in our dealings with the CALM officers we have found that they have handled the data competently and objectively. Their scientific knowledge about the jarrah and karri forests was profound and this is reflected in the complexity of the models that they have developed to simulate the state and changes of the forest over time. They were able to answer our many questions with careful thought or immediate response depending on the type of question, or by retrieval of the information from the schedulers. They were able to respond rapidly to requests for further scheduling runs and interpret the solutions for us when needed. They had realistic views on the precision of the results of the simulation runs and were able to accept our minor criticisms of the process with equanimity and concern. We assume that the final part of our requirement asks us to verify that . . .

I will make an offer to the Leader of the Opposition. He has a conference coming up this weekend. We have the scientists and the ability. If he has a model and a proposal that he wants to put forward, we can have it assessed by experts so that he can go to his conference next Saturday and be able to tell delegates whether his reserve design meets all the criteria. He will be able to tell his conference how many jobs in those communities will be affected by his proposals. If the Leader of the Opposition is serious, he will come up with his reserve design proposals. He does not mind sniping at the Government's, but he should tell the ALP conference how his reserve design and yield levels will operate under the Janus criteria and what effect they will have on jobs. The Government has gone public and put its plans on the table. The leader should have outlined in his response what he will do.

The Leader of the Opposition kept asking what the Government will do about the workers. I sincerely hope that this package will create many more jobs in the timber industry than will be lost as a result of these changes. This morning I met with a producer of fine furniture who explained to me that his orders from the United States this year have increased by 60 per cent and that he is very keen to participate in the restructuring package that the Leader of the Opposition ridicules. This producer will create more jobs for timber workers in an important part of this restructuring project.

The Government has spent countless hours working with all the different groups involved. Members opposite can snipe from the sidelines, but sooner or later they will have to come up with proposals that will need to go through the same assessment processes the Government's proposals have gone through.

TRAFFIC CALMING DEVICES

743. Mr JOHNSON to the minister representing the Minister for Transport:

Will the minister please confirm that, following the tragic death of a young woman and many other accidents at the intersection of Northshore Drive and Whitfords Avenue in Hillarys, traffic calming devices are to be installed? Will the minister advise what traffic calming devices are to be installed?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

> Northshore Drive and Whitfords Avenue are local government roads under the care and control of the City of Joondalup. I understand the council has sought funding from the Federal Government in the 1999-2000 black spot program for construction of a roundabout at this location. I am advised that a decision on whether the project has been successful in attracting funds is expected in June this year.

REGIONAL FOREST AGREEMENT, CONSERVATION RESERVES

744. Dr EDWARDS to the Premier:

I refer to the Regional Forest Agreement signed today and ask whether the Premier will confirm that about 50 000 hectares of previously approved conservation reserves will now be extinguished and converted to state forests for logging?

Mr COURT replied:

That is correct.

Several members interjected.

Mr COURT: I cannot provide the exact figures. There is a net increase involving swapping some areas that were not seen to be of the same conservation significance for areas of old-growth forest - some of the icon areas.

Several members interjected.

Mr COURT: There is a net increase. We have taken some areas that are second rate compared with the conservation values of the old-growth forest that we have now included in the reserves.

POLICE SERVICE, FIRE AND EMERGENCY SERVICES

745. Mr OSBORNE to the Minister for Lands:

What are the Department of Land Administration and the minister's office doing to ensure that the Police Service, Fire and Emergency Services and other services have access to the information they need for operational purposes in an emergency?

Mr SHAVE replied:

I thank the member for some notice of this question. I am pleased to advise that the Department of Land Administration is working in partnership with other agencies throughout Western Australia and through the Western Australian land information system, which is known as WALIS, to improve the accessibility and quality of the data sets required by the Police Service and the Fire and Emergency Services. Specific initiatives include, first, DOLA's assistance with the use of leading-edge technology that is now providing high-resolution images containing 10 times the detail of standard aerial photographs. These versatile images can be produced quickly for use by the police at crime scenes and in other emergencies. I am pleased to advise that DOLA and the Police Service recently received a national government technology productivity award for this very important initiative.

Secondly, DOLA, supported by other WALIS members, is undertaking a project to give every property in regional towns and rural areas a street address. I know that the few Labor members opposite who come from the bush will appreciate that. This project will help minimise delays in locating properties in the case of fire or medical emergencies.

Thirdly, an emergency services computer-aided dispatch and communications system is under development. This system will integrate data sets from DOLA, Main Roads, local government and numerous other state agencies. It will provide the police and fire services with an up-to-date electronic map to support rapid deployment of emergency service vehicles. I commend the department for its efforts.

WOMEN'S REFUGES, FUNDING

746. Mrs van de KLASHORST to the Minister for Family and Children's Services:

I refer to a statement made by the member for Perth on ABC radio last week in which she was quoted as saying that women's refuges in Western Australia have not had an increase in funding for about 10 years. This statement concerns me, as it should all Western Australians. Will the Minister inform the House of the true funding position?

Mrs PARKER replied:

I am interested again to hear the member for Perth's assertion that the funding to domestic violence services and refuges in Western Australia has remained the same for the past 10 years. This Government regards domestic violence as abhorrent and it recognises that we need a statewide strategy and commitment matched with funding to respond to it. I want it clearly on the record that the Government has not only continually increased funding to refuges but has also increased the range of services available. Along with crisis refuge accommodation, this Government provides support and advocacy services for women and their children, who are the secondary victims of domestic violence, and assistance for the perpetrators of the violence. Over the term of this Government, funding to women's refuges in this State has increased by a staggering 79 per cent. I table for the information of members a list of all the refuges in this State and the comparison of the funding levels as at 1992 and 1998-99.

[See paper No 913.]

Mrs PARKER: It is interesting to note that the member for Perth also said that the State Government was not passing on federal government moneys related to the CASH award. I reiterate that I have gone through a case-by-case assessment of the impact of that award in an environment that has previously been largely award free. I have made allocations to 19 of the 33 refuges.

Several members interjected.

Mrs PARKER: Some of them have not applied and others are still going through the assessment process. The money has not run out. The payments to those that have received increased funding have been backdated to 1 January 1998. I will continue to lobby my federal counterpart to ensure that the Federal Government responds appropriately to the increased funding requirements as a result of this award. This is a shared funding arrangement and I hope that the Federal Government comes to the table as we have in Western Australia.

REGIONAL FOREST AGREEMENT, EMPLOYMENT

747. Dr EDWARDS to the Premier:

What is the estimate of loss of direct timber industry jobs as a result of the Regional Forest Agreement signed today?

Mr COURT replied:

Because we have been able to negotiate a phase down with the industry during the next four years, we hope there will be very few losses.

Dr Gallop: That wasn't the question.

Mr COURT: We have outlined the total number of jobs. We have said that if there was no compensation package, 400 direct and indirect jobs would be lost in the private and public sectors.

Dr Edwards: Why have things changed so much in the last week?

Mr COURT: What does the member mean?

Dr Edwards: Your figures are all over the place. Every answer we get is different.

Mr COURT: People write to the paper and speculate - that is their prerogative - and they have proved to be wrong. We hope there will be very little disruption because we have been able to negotiate a phase down. In some areas like Nannup, where the Government may be involved in negotiations for a change of ownership of the operation there, we have the ability to assist in restructuring as a result of the $59m package. We hope that in a centre like Nannup with significantly lower timber yields, our proposals will result in an increase in jobs for timber people.

The Leader of the Opposition said that we have achieved only 13 per cent of the aspirations. I presume he is referring to the amount of old growth being logged. Including the informal reserves, there is 71 per cent. If the Leader of the Opposition wants to use that term, we have protected 71 per cent.

Dr Gallop: No you haven't; you have added 13 per cent.

Mr COURT: Yes, to make it 71 per cent.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr COURT: It is interesting to note that 59 000 hectares of old growth forest must be cut in the assessment of the WA Forest Alliance proposal. Even the WA Forest Alliance accepts that there must be cuts in old growth forest. We have increased it to 71 per cent. This issue is about balance. If members opposite want 100 per cent, it will affect some 6 000 people in communities who simply cannot take that hit. If members opposite want their proposals to go through the same process, I suggest that they bring them forward and we will see what effect they will have.

AUSDRILL, CHAIRMAN

748. Dr GALLOP to the Premier:

(1) Is the Premier aware that the chairman of the Anti-Corruption Commission and ex-Liberal Party member, Terry O'Connor QC, is also chairman of directors on the board of Ausdrill?

(2) Is the Premier also aware that Ausdrill was involved in organising a political rally against the Australian Labor Party in Kalgoorlie last week?

(3) Does the Premier believe it appropriate for the chairman of the Anti-Corruption Commission to be involved in campaigns against political parties in this State?

Mr COURT replied:

(1)-(3) It got much worse than that. I think there were a number of Labor Party members involved in the protest.

Dr Gallop: Get to the question. We are talking about the chairman of the Anti-Corruption Commission.

Mr COURT: I am not aware of the business interests of the chair of the Anti-Corruption Commission.

Dr Gallop: Do you think it is appropriate? I can tell you he is the chairman and helped organise a political rally against the Australian Labor Party; and he is the head of the Anti-Corruption Commission. I want you to tell me what you think of that, Premier.

Mr COURT: I am not aware of his private interests.

Dr Gallop: Is it appropriate?

Mr COURT: Is the Leader of the Opposition saying that in this democracy, with freedom of speech and the ability to protest, a company and its employees cannot protest against the Australian Labor Party?

Dr Gallop: No, we are not saying that. We are talking about the chairman of the ACC, Premier.

Mr COURT: The Leader of the Opposition did not get the message. The message is that half of the geologists of this State are currently out of work. They cannot work as geologists because they cannot get jobs.

Mr Thomas: Would it be okay if Bob Falconer was the chairman of this company?

Dr Gallop: Are you saying that the head of the ACC can be engaged in political campaigns against the party?

Mr COURT: Is the Leader of the Opposition implying that that company cannot protest against the Australian Labor Party?

Dr Gallop: No, we are not saying that, Premier.

Several members interjected.

Mr COURT: I make the point that it is normal for people to protest against the Government, not the Opposition.

EMPLOYMENT

749. Mr BAKER to the Minister for Employment and Training:

Despite the excellent record of this Government in creating a better climate for employment, is there any particular area of employment which is currently under threat?

Mr KIERATH replied:

I thank the member for the question, particularly about the state of the employment market in this State because each time the figures are published, more and more Western Australians are in some form of employment. In the last two or three months, record numbers of Western Australians were in some form of employment, the largest number ever in the history of this State. That is something about which we should all be proud. We on this side of the House believe that can continue with the help and cooperation of all the business sectors. However, I give this House a serious warning. There have been huge gains in the past six and a half years and all of those gains will be lost unless there is a swift resolution to the native title issue, a matter touched on by the Premier. The figures recently given by geologists show that 50 per cent of all geologists in this State are either under-employed or unemployed, which is a major problem for the geologists concerned, the reason being that mineral exploration has virtually stopped. Since 1997, 19 mines have closed and only two opened. At a geologists' unemployment crisis meeting it was pointed out that 72 per cent of the State's exports are mineral exports and help to pay for our schools and hospitals, something for which the Labor Party does not give credit. There are problems with commodity prices but the big problem is native title. In this State there has been a continuing drop in mineral exploration and an increase in mineral exploration overseas. The Labor Party, in its stance on native title, is exporting Western Australian jobs overseas. Whether or not they like it, that is the result of their actions. It gets worse: A member of the ALP was at the unemployment crisis meeting sympathising with the geologists and trying to take their side. We on this side of the House know which members of the ALP have been sympathetic to resolving the native title issue. We know that some of them are concerned about the results because working men and women in this State are missing out on jobs.

Mr Graham interjected.

Mr KIERATH: I ask the ALP member, who has not kept his mouth shut the whole time I have been on my feet and who has been continuously interjecting, to put his money where his mouth is and vote for jobs in his constituency or to protect his own job. We will see which way he votes. I ask all ALP members representing mining areas to do so.

ATTORNEY GENERAL, LEGISLATIVE SOLUTIONS TO LAW AND ORDER PROBLEMS

750. Mrs ROBERTS to the Premier:

I refer to the Deputy Premier's comments reported in *The West Australian* on 27 April regarding the Attorney General and the Cabinet Law and Order Committee.

(1) Was the Deputy Premier correct when he stated that the Attorney General was the only member of that committee who had fulfilled his brief by delivering legislative solutions to law and order problems on deadline?

(2) Where have other members of the committee, including the Premier, the Ministers for Police, Local Government and Family and Children's Services, failed to deliver?

Mr COURT replied:

(1)-(2) In relation to the legislative package, I attend most of the meetings of the Cabinet Law and Order Committee. We have a regular agenda item on the progress of legislation. Most of this legislation comes through the Attorney and

the Minister for Police, both of whom have been progressing legislation rapidly. A great deal of this package is before the House.

Mrs Roberts: Are you saying that the Deputy Premier was incorrect?

Mr COURT: I am not aware of his specific comments. I tell the member that both the Attorney General and the Minister for Police work together on the legislation package they are introducing through that cabinet committee.

CABINET LAW AND ORDER COMMITTEE

751. Mrs ROBERTS to the Premier:

How many meetings of the Cabinet Law and Order Committee has the Premier attended?

Mr COURT replied:

I cannot tell the member specifically. Meetings, including those I attend, are chaired by the Deputy Premier. I have made a point of attending most of those meetings as a result of the seriousness with which we approach this situation. The committee has been meeting about every fortnight.

UNDERGROUND POWER PROGRAM

752. Mr MARSHALL to the Minister for Energy:

The state underground power program is an enormous project undertaken by this Government. Can the minister tell the House -

(1) How the program is progressing?

(2) What criteria select the areas of need?

(3) What is required for underground power to be implemented in Dawesville?

Mr BARNETT replied:

(1)-(3) I thank the member for Dawesville for the question. As indicated in the question, the underground power program is progressing extremely well. The project was part of our election commitment in 1993, and the project was finally put in place following the May storms of 1994. The pilot stage saw 8 500 households receive underground power. We are now in round 1 of an ongoing rolling program. This covers a number of areas, including some in my electorate I am pleased to say.

Mr McGowan: It is a well-targeted program!

Mr BARNETT: Yes. It includes Rossmoyne, Doubleview, Swanbourne, Peppermint Grove, Dalkeith, parts of Cottesloe, Como and East Fremantle.

Several members interjected.

Mr BARNETT: It is going very well. Members will not find the member for Fremantle complaining.

Arising from the pilot program, a number of smaller projects have been put in place in Dongara, Margaret River, Donnybrook, Dowerin, Collie and Nannup. The round 2 applications will open in August of this year. I invite members opposite to encourage local governments in their electorates to put in proposals. That is all that is needed. The proposals are then objectively assessed by the Office of Energy, Western Power and the WA Municipal Association. When round 2 is completed, some 19 000 further households in Perth will have underground power. Indeed, when the project was started, 18 per cent of households in Perth had underground power. The target is set for 50 per cent of Perth households to have underground power by 2010. Over 30 per cent of Perth households will have underground power when the round 2 project is completed within two years. If the member for Armadale speaks to some of the local governments in her electorate, she may be surprised by the number of so-called lower socioeconomic areas that are planning to develop underground power projects.

ROADS, COST

753. Ms MacTIERNAN to the Premier:

Given that Main Roads spends more than $600m of taxpayers' money each year, is the Premier concerned that the cost per kilometre of constructing and maintaining roads in this State has trebled in the past five years, while Main Road reports show that the percentage of roads failing to meet operational standards has increased significantly?

Mr COURT replied:

I keep many things in my head, but I simply do not have that detail. If the member puts the question on notice, I will find the detail.

PEEL FOOTBALL INJURY PREVENTION PROJECT

754. Mr NICHOLLS to the Parliamentary Secretary to the Minister for Sport and Recreation:

The Peel football injury prevention project has been undertaken over recent years in an effort to reduce the number of injuries suffered by local players.

(1) What has the project involved, and how much does the State Government contribute each year?

(2) Has the project been successful?

(3) Has there been a reduction in the number of injuries as a result of the program?

(4) Is it intended to continue the program in the future?

Mr MARSHALL replied:

I thank the member for some notice of this question. I know the member is intensely interested in football in the region. He is the President of the Mandurah Mustangs Football Club. He took over the responsibility last year when the team was in a lowly position on the local league table; the team is now on top of the league near the start of this season. He has done a wonderful job. I can understand his interest in the matter.

Several members interjected.

Mr MARSHALL: The member for Cockburn knows about snakes and ladders. The Minister for Sport and Recreation has provided the following response -

(1) The Peel football injury project was undertaken by the Peel Health Services, and was jointly funded through Healthway and the southern public health unit over a two-year period. The direct cost for that review was $40 000.

(2) The project examined injury statistics relating to the Peel Football League and the Westar Rules club Peel Thunder. The project has been successful, and the football authorities are now more aware of the need for injury prevention measures.

(3) It is too early to tell whether there has been a reduction in the number of football injuries as a result of a program.

(4) A regional officer from the WA Football Development Trust has approached Peel Health Services with a view to continuing aspects of the program in the future.

EDUCATION DEPARTMENT RECORDS MANAGEMENT SERVICE BRANCH, PRIVATISATION

755. Mr RIPPER to the Minister for Education:

I refer to the proposal to privatise the records management service branch of the Education Department.

(1) Do the records held by this branch contain confidential material relating to employees of the Education Department?

(2) Do the records held by this branch contain material relating to allegations of abuse of children made against teachers?

(3) Do the records held by this branch contain any confidential material relating to students in government schools?

(4) If yes to (1)-(3), what safeguards will be put in place to ensure that this confidential material remains confidential if the branch is privatised?

Mr BARNETT replied:

(1)-(4) I thank the member for some notice of this question. No matter what is done with records management, retrieval and access within the Education Department, the confidentiality of information relating to employees and, in particular, relating to accusations of paedophilia within schools will be guaranteed and protected under strict criteria; these have been agreed to nationally at a meeting of federal and state ministers.

Mr Ripper: Will that function be contracted out?

Mr BARNETT: I do not know the answer to that question. If the Deputy Leader of the Opposition had given me some notice of the question, I would have looked at the matter in more detail. Whatever happens within the department relating to the way the service is managed, I assure the member that the strict confidentiality of employee and student information, and certainly any accusations of wrongdoing, will always be strictly protected, as has always been the case.
