WESTERN AUSTRALIA

Parliamentary Debates
(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE ASSEMBLY

Tuesday, 29 June 1999

Legislative Assembly

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

LEGISLATIVE ASSEMBLY, CHANGES IN THE DAY'S PROGRAM

THE SPEAKER (Mr Strickland): Before I call for petitions, I confirm that in accordance with the fax sent to members yesterday, question time will be held at 3.00 pm today. Also I have received notice of a matter of public interest and that will be taken immediately after question time, presumably about 3.35 pm.

CARAVAN PARKS AND CAMPING GROUNDS ACT AND REGULATIONS

Petition

Mr Brown presented the following petition bearing the signatures of 213 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned petitioners of Western Australia call on the State Government to exempt traditional camping areas from the Caravan Parks and Camping Grounds Act and Regulations.
>
> We believe there has been a strong tradition of bush camping in Western Australia and that this tradition should not be unnecessarily fettered by the State Government.
>
> We also request the present four hour limitation on roadside stops be repealed in favour of regulation that allows limited roadside camping in safe areas.
>
> Your petitioners humbly pray that you will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

[See petition No 243.]

BARRACK SQUARE PROJECT

Petition

Mrs Roberts presented the following petition bearing the signatures of 44 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned, object to the over use of public funds being used in the Barrack Square Project and ask that instead of the public's money being spent on such a project, it go towards the Public Hospital system, Public Education system, Public Safety, Seniors' Safety and the Police Services. Public funds have already been wasted on the "Public Comment Project" and as shown in the past, will have little or no effect, as the decision has already been made. This money could better serve the citizens of Western Australia by being spent on the above mentioned public services which would provide a true benefit to the whole of the community, not just a select few.
>
> It is still clear that the Government of Western Australia has a lot to learn about public consultation and priorities. If the Government really cared for public input and comment, it would have listened to the past opinions and comments of the majority of Western Australia's citizens and not the wanton needs of prominent business people and bankers.
>
> In closing we acknowledge the need for some projects of this nature. However when the State Public Services for health, education, police and seniors are adequately dealt with, then the public opinion would be positive to spending vast amounts of public money on such aesthetic projects in an already adequately beautiful city which is already recognised world-wide.
>
> Your petitioners therefore humbly ask that you will give this matter earnest consideration and your petitioners as in duty bound, will ever pray.

[See petition No 244.]

EXECUTIVE DIRECTOR OF NURSING AND MIDWIFERY SERVICES, PRINCESS MARGARET HOSPITAL FOR CHILDREN AND KING EDWARD MEMORIAL HOSPITAL FOR WOMEN

Petition

Mr Trenorden presented the following petition bearing the signatures of 57 persons -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned wish to express our opposition to the decision taken by the Metropolitan Health Services Board to abolish the position of Executive Director of Nursing and Midwifery Services at Princess Margaret and

King Edward Memorial Hospitals. The loss of this leadership role at executive level is seen as detrimental to the profession of nursing and midwifery in Western Australia. We ask that this decision be reviewed and that the position is reinstated at Princess Margaret and King Edward Memorial Hospitals forthwith.

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 245.]

SALE OF SUPPLY WEST

Statement by Minister for Services

MR BOARD (Murdoch - Minister for Services) [2.10 pm]: I wish to inform the House of the proposed sale of Supply West. Following a public tender process that commenced earlier this year, the Government has selected a bid from Boise Cascade Office Products for approximately $5.8m. Negotiations on the sale are currently being finalised. This bid represents an excellent result for both the Government and the community. Supply West is being sold as a going concern, and strategies are in place to ensure that there will be minimal disruption to both clients and suppliers. Supply West is not part of the core business of government. It competes directly with private sector suppliers, and government policy is clear on the fact that wherever possible, government should not compete with an efficient private sector. Boise Cascade's purchase of Supply West will underpin its interests in Western Australia. The firm already distributes stationery and office products throughout Australia, with outlets in Perth and Kalgoorlie. It has an extensive customer base and employs more than 250 people, of whom 63 are based in Western Australia.

The main clients of Supply West are the education sector, the Government Employees Housing Authority and, to a lesser extent, the Health Department of Western Australia. The education sector actually represents approximately 70 per cent of Supply West's client base. This sector includes both government and private schools, TAFEs and various other training institutions. These clients will be under no obligation to purchase from the new owners. Boise Cascade will continue to compete for their business as Supply West was doing before. It is expected that the proposed sale will provide substantial benefits to the customer base. Boise Cascade offers increased access to a wider range of products. The firm currently carries some 11 000 items, which is nearly double the number of lines carried by Supply West - 6 000. Boise Cascade has also indicated a desire to inject further capital into an upgrade of the facilities at Supply West to improve productivity.

In the past three years, there has been much uncertainty about the future of Supply West. During this time, more competitors have entered the market and others have been eager to expand into Western Australia. This has resulted in a reduction of the market share held by Supply West and has affected staff morale. This sale will make the future clearer and will eliminate the Government from the risks involved with running such a business. The sale strategy has been well accepted by the three remaining public sector staff at Supply West. These staff will all have the opportunity to stay in the public sector. I believe this course of action is in the best interests of the stakeholders of Supply West and the Government. The Government will no longer be obligated to run an entity which competes directly with the private sector. In addition, the clients of Supply West will experience a seamless transition resulting in enhanced service delivery with minimum disruptions.

PRISONS AMENDMENT BILL

Committee

Resumed from 22 June. The Chairman of Committees (Mr Bloffwitch) in the Chair; Mrs van de Klashorst (Parliamentary Secretary) in charge of the Bill.

Clause 7 - Part IIIA inserted -

Progress was reported after the clause had been partly considered.

Mr RIEBELING: I refer to section 15P(2) of clause 7 which states -

> To determine the suitability of a contract worker to do high-level security work the chief executive officer may -
>
> (a) have regard to information referred to in the previous section 15Q(1) and (3) about the contact worker;
>
> (b) make appropriate enquiries about the contract worker; and
>
> (c) enquire into the honesty and integrity of the contract worker's known associates.

I refer to the word "may" at the start of section 15P before (a). That leads me to believe that it will not necessarily happen. Why should we not put in the word "shall" so that the chief executive officer is forced to consider what is listed in (a), (b) and (c)?

I next refer to paragraph (b). I am interested to determine what the minister considers to be inappropriate. I presume it refers to criminal records, but I do not know. Can the Parliamentary Secretary make that clear?

Paragraph (c) is not about the contract worker, but the contractor's associates. What powers will the officers have to inquire into people who are not party to the application? How will the officers access criminal records of people who are not part of an application for employment? I can understand how to get information on the actual worker with the worker's consent. I want to know how information will be obtained on that worker's associates. Presumably, the worker will not give

permission for that to occur. Will there be some overriding powers? If the known associates are not mentioned in an application, how will the contractor know who they are without a covert operation being conducted into each of the applicants for the positions under this proposed section?

Mrs van de KLASHORST: The words "may" and "shall" relate to giving the CEO a discretion which is the reason for the word "may".

Mr Riebeling: Why does the CEO have the discretion?

Mrs van de KLASHORST: So that he has a wide discretion.

Mr Riebeling: Is it because he will have to determine the situation with some, not all, people?

Mrs van de KLASHORST: Yes, he has to; however, it is to give him a much wider discretion. If it says "shall", he will not have that discretion.

Mr Riebeling: That is right; that is why I said it should be. I want to know why he should not have to.

Mrs van de KLASHORST: Changing the word from "may" to "shall" removes the discretion and therefore makes it mandatory.

Mr Riebeling: That is right. That is what I am saying. Why is he being given a discretion when the clause says that it is required?

Mrs van de KLASHORST: He is required to conduct appropriate checks. However, there may be an occasion on which there is no necessity to conduct a series of checks or it may be necessary to conduct only part of the check. If we say "shall", we will have to set out a range of checks that may not be necessary. In answer to the second question, the CEO should have any relevant material available at his discretion; therefore, he should be allowed to have that discretion. He is looking for people and will have to consider the circumstances of each individual. We may set out too many protocols and checks that may not be necessary in many cases. The discretion will extend his powers to conduct further than the normal checks for other people when the case arises. In answer to the third question about contract workers' known associates, the member may remember that these people will be working in prisons and the CEO needs to know whether they have any criminal connections. There will be no limit to his power to be able to check that out. What we are trying to do is get a handle on the whole person who will work in the prison system. The discretion will allow him to thoroughly check that particular person as far as he wishes on any matter on which he believes he should so that he gets an idea of the person applying for the position. The CEO may have information on hand about that person who may have been a previous serving prison officer or perhaps a member of the Police Force, and by saying "shall" there is therefore no need to check further.

Mr RIEBELING: I thank the Parliamentary Secretary for that; I disagree with the advice she has been given. The word "shall" forces the CEO to conduct what the legislation says is required to be done to enable the public to have confidence that only people who have been checked out are employed at high-level security work. That is what the legislation is designed to do.

Mrs van de Klashorst: The obligation is on the CEO to be satisfied.

Mr RIEBELING: That is one obligation, and this is another that should be included. The Parliamentary Secretary's explanation as to why a CEO might not have that obligation is that the applicant might have previously worked as a police officer.

Mrs van de Klashorst: Or it could be a serving prison officer.

Mr RIEBELING: That would make it much easier to comply with this requirement, not harder. I am sure that if the CEO had those staff files he would use them. This legislation establishes an unequal footing for certain people. If the CEO knew an applicant, he might say that that person would not be subjected to the same checks as would a stranger. If it were mandatory to do the checks, he may discover something adverse about that acquaintance. This clause was designed to give confidence to the community that every check would be undertaken. What does the Parliamentary Secretary consider to be an "appropriate" inquiry? She did not explain what the legislation envisages. The CEO might have something against a section of the community. He might believe it is appropriate to inquire into the aboriginality of an applicant, but the Parliamentary Secretary might not. As the ministerial representative in this place, what is the Parliamentary Secretary's interpretation of "appropriate"?

I refer the Parliamentary Secretary to an applicant who has associates with criminal records. What resources will be allocated to comply with the requirements of paragraph (c)? I understand there would be a desire not to appoint people whose brothers, sisters and so on are in the prison system, and that would not be difficult to achieve. However, if I were to apply and a friend whom I see once every six months is an inmate, how will this paragraph provide the resources to determine that other than my filling in a form declaring that to be the case? If I declare that I do not know anyone in the system, how is that checked?

Mrs van de KLASHORST: The CEO would have in his mind what information he needed to determine whether someone could work in the prison as a contract officer or a contractor. Therefore, the CEO would do everything necessary to ensure that the applicant was a person of integrity and was not involved in drugs or criminal activities. The appropriateness would be considered in each case. Proposed section 15S provides certain grounds on which an application for a permit can be refused. It refers to not complying with various requirements, not completing training and so on. As with the process in any similar scenario, myriad issues would be considered by the CEO. The employer would have a series of requirements.

Mr Riebeling: Most employers do not have these powers.

Mrs van de KLASHORST: But they are not dealing with the prison system and criminals.

Mr Riebeling: What do you consider to be appropriate?

Mrs van de KLASHORST: It would depend on the individual circumstances. If the applicant were running with known drug addicts, that could not be determined before getting to this stage.

Mr RIEBELING: How will the person who makes the decision determine that the contract worker is running around with drug addicts?

Mrs van de KLASHORST: He will go through the normal channels. For example, the Ministry of Justice checks the background of people who apply to become justices of the peace. They ministry contacts people associated with that person. The same will happen with this, but the checks will be broader.

Mr RIEBELING: It is not as simple as applying to be a justice of the peace. Any check into an application to become a justice of the peace starts with the principal - the person who has applied. Proposed section 15P(c) refers to associates of the principal. Let us say that Joe Bloggs is associated with myriad people, under paragraph (c), inquiries will be made about people with whom he is associated. How does the chief executive officer determine that person's known associates, or must that person provide a list of his associates? We do not know what is envisaged by this paragraph other than a check will be made on the honesty and integrity of a worker's known associates.

Mrs van de Klashorst: That is right.

Mr RIEBELING: How does the CEO determine who those associates are?

Mrs van de Klashorst: He can utilise the police.

Mr RIEBELING: If I were the applicant, how would the police find out who are my associates?

Mrs van de Klashorst: The Police Service would be able to check into your background, or might know something about you. The bureau of criminal intelligence or any of those organisations that do those checks now would check into your background.

Mr RIEBELING: This proposed new section provides for a CEO to check into the honesty and integrity of a third party.

Mrs van de Klashorst: The CEO will have the ability to check into the honesty and integrity of the contract worker's known associates. If a person mixes with criminals on a daily basis, naturally he would not be employed. The CEO must ascertain that person is not mixing with known criminals every single day.

Mr RIEBELING: That is not the case, because the Bill provides that the CEO "may" do that.

Mrs van de Klashorst: The member wanted to use the word "shall" and now he says he does not want them to do it.

Mr RIEBELING: These are the Government's rules. I want to know how the CEO will comply. The Bill states that in certain circumstances, it is imperative that the CEO must consider three points, but in other circumstances that is not necessary. The chief executive officer can choose a number of the applicants and check on their known associates to see whether there are any criminals among them. He can telephone the police and ask about Joe Bloggs, Jimmy Smith and Joe Patterson. What will occur if the police do not know anything about those people, but Joe Bloggs' name has come up in dealings with Harry Smith who is a criminal? If the police say there is a tenuous link between one of the applicants and a known criminal, or that person is related to a criminal, would that prohibit the applicant from undertaking high-level security work or does it relate to the frequency of contact such as daily or weekly contact with a criminal element? For instance, would I be prohibited from undertaking such work if I were the contract worker and my brother had been convicted of armed robbery three years ago?

Mrs van de Klashorst: Inquiries would be at the discretion of the CEO. If the applicant was a prison worker who had been employed in the prison service for a number of years - a policeman or someone of that ilk - the CEO has the discretion to make inquiries if he wishes; he does not have to make wider inquiries if he is satisfied.

Mr RIEBELING: What happens if it is determined that Fred Riebeling needs to be looked at as a result of my connection with a sister or brother who was a bank robber three years ago?

Mrs van de Klashorst: A discretion would apply.

Mr RIEBELING: Would it preclude me from being a prison officer who can carry out high-security work if the honesty and integrity of one of my associates were in question?

Mrs van de Klashorst: I could not possibly answer that question. One must consider all the facts concerning the person making the application. The CEO would use his discretion to decide, for instance, that it is not relevant that a person had known a criminal 20 years ago. On the other hand, he may think it is very relevant depending on the person involved.

Mr Riebeling: Some degree of certainty should be put in place.

Mrs van de KLASHORST: It is certain. The Government is trying to get the best people to work in the prison system, and does not want unsuitable persons. The provisions before the Committee allow the chief executive officer to consider the suitability of the person with regard to a person's background. Proposed section 15S outlines that the CEO can refuse an application when -

(e) the contract worker has failed to satisfy the chief executive officer that the contract worker is a fit and proper person to do high-level security work;

One must find fit and proper people.

Mr Riebeling: How does a person's knowledge of a criminal make him ineligible?

Mrs van de KLASHORST: It may not make that person ineligible. It is at the discretion of the CEO, who may look at the background of the person and his acquaintances, friends and relatives, depending on who they are. The CEO would make certain inquiries and a discretionary decision would be made. The CEO would not take the prospective contract worker's application on face value as that person wishes to work in the criminal justice system; therefore, the CEO has the ability to make limited inquiries. The CEO may make extensive inquiries for somebody who has worked for 15 years in the prison system. He may have a Police Service check carried out if necessary. The purpose is for the CEO to approve the application or, if necessary, to refuse it. It will be at the discretion of the CEO depending on each case.

Mr RIEBELING: I thank the Parliamentary Secretary for the explanation. In relation to fairness and the process being advanced -

Mrs van de Klashorst: Fairness should apply to the people with whom the contract worker will work. It is fair to get the best possible people to work in the prison system so that prisoners are treated as fairly as possible.

Mr RIEBELING: Does the Parliamentary Secretary agree with the rules of natural justice?

Mrs van de Klashorst: I certainly do.

Mr RIEBELING: That is my point. If a person applies for position, he or she should be dealt with in exactly the same manner as, say, the 10 other people making application. Are we looking at a different system?

Mrs van de Klashorst: Commonsense dictates that if 10 people apply, 10 different backgrounds and circumstances will be involved. Different jobs within the prison will be involved for contract workers. It would not be natural justice if people were considered cart blanche and not on an individual basis. Each application should be considered under natural justice on its own merits, not considering what has happened to everyone else.

Mr RIEBELING: It should be considered on the same rules which apply to all others.

Mrs van de Klashorst: You would be treating everybody as one, and not providing the opportunity for individuality. Somebody might have been involved with a criminal many years before the application was made, and the CEO under the discretion would have the opportunity to consider that aspect. Another person would be considered in a different set of circumstances. The moment that everyone is treated in a blanket fashion, half of the potential applicants will be precluded from applying for the job.

Mr RIEBELING: That is a silly thing to say.

Mrs van de Klashorst: That is what I believe in.

Mr RIEBELING: The Parliamentary Secretary may believe in it. If she wishes to preclude applicants, she will give the chief executive officer a discretion to deal differently with them. An Aboriginal applicant may be dealt with differently from a white applicant.

Mrs van de Klashorst: Why would that be so?

Mr RIEBELING: It would be because the CEO has been allowed discretion in how he inquires into an applicant's suitability to do the job. If four people apply for a job, he may decide to look at only one and knock the others off because the clause contains the word "may" instead of "shall". If the Parliamentary Secretary put "shall" into the clause, all of those people would have to go through the same process for establishing their suitability to do high-level security work.

Mrs van de Klashorst: If the word "shall" were in the clause and each applicant went through the same test, it may not mean the same result for everybody.

Mr RIEBELING: Exactly. I am not saying that the test will come up with the same result. Clearly the process is designed to weed out inappropriate applicants. If everybody does not pass through the process, how can we be sure that is the case?

Mrs van de Klashorst: The level of inquiry is discretionary.

Mr RIEBELING: No it is not; it is the inquiry. Under proposed subsection (2), the CEO has discretion to inquire or not. Once the CEO decides to inquire, he then complies with proposed paragraphs (a), (b) and (c). As soon as the word "may" is put in the clause, the CEO has an absolute discretion. He may never do it; he may do it to everyone. He may be even-handed in his determination. The Parliamentary Secretary is bringing legislation before us saying that these are the rules the community should feel safe with and that they will ensure that we are putting into high-level security work people who have been checked out. The Parliamentary Secretary then puts in a word which basically says that the CEO does not have to do it. If "may" is removed and replaced by"shall", everybody would be dealt with evenly. The words that follow are fine.

Mrs van de KLASHORST: We are arguing in circles. An applicant for one of these positions must fulfil certain criteria. Therefore each case would be handled differently. The CEO may decide to check further and make appropriate inquiries about a contract worker. In some cases, those inquiries would be wide and in others narrow. The CEO may inquire about the honesty and integrity of the contract worker's associates. It may not be necessary with an ex-policeman or ex-serviceman

who had clearance. The moment "shall" is put into the Bill, everybody must be checked up right through the same process. That may not be necessary, which is why the word "may" is in the clause. What is important is that the private contractor will not determine who gets the permit but the CEO.

Mr Riebeling: Therefore we should all rest easily.

Mrs van de KLASHORST: It would be in the interests and the ability of the employing CEO to find suitable people. If the CEO thinks there is any possible chance of something being wrong with the applicant -

Mr Riebeling: I am not worried about what the CEO thinks; I am worried about what you are saying about the legislation and about getting competent people.

Mrs van de KLASHORST: The legislation states that in these circumstances they may do that. It is not necessary if it is left to the discretion of the CEO.

Mr RIEBELING: I will not take that any further because it is not sinking in. The last words of proposed section 15P (3) are "as the chief executive officer thinks fit". What alterations to the permit other than, "Yes, you can do high-level security work" are envisaged in relation to "as the chief executive officer thinks fit"?

Mrs van de KLASHORST: There will be different levels of permits within the prison system. One contractor may drive vehicles and another may be in charge of running programs for prisoners and may be up front with the prisoners. Different levels of permits are available within the prison system.

Mr Riebeling: No, we are talking about high-level security work.

Mrs van de KLASHORST: It is all high-level security if a person is working within the contract for the prison. There would be different levels of jobs. Proposed section 15Q states that the contract worker is required to do high-level security work. All contractors within the prison system must have a permit. No-one can work in the prison without the permit.

Mr Riebeling: Is the high-level permit the highest permit?

Mrs van de KLASHORST: The permit is called a high-level security permit.

Mr Riebeling: Is it the highest one?

Mrs van de KLASHORST: There is only one permit and it is called a high-level security permit.

Mr Riebeling: How many categories does that permit contain?

Mrs van de KLASHORST: The categories have not been determined yet.

Mr RIEBELING: At some stage in the next year or so, will the CEO determine whether there are 10 categories; for example, one category for driving a truck, one for pushing a wheelbarrow, one for opening cells, one for cooking, one for cleaning, etc? Will we have myriad categories within the high-level security work?

Mrs van de Klashorst: Yes. The contractor will make applications to the CEO in accordance with the operational procedures of the prison.

Mr RIEBELING: I am convinced that advisers in earlier debates advised that this prison would be more flexible, the ability to shift workers would be far greater and everyone would be trained to a certain level.

Mrs van de Klashorst: That is right.

Mr RIEBELING: If that is the case, and that is what I distinctly remember being told time and again, why would there be numerous types of permits?

Mrs van de Klashorst: In the general system, people with high-level security permits might be psychologists, people who work with the prisoners, people who transport the prisoners or other people entering the system to work in different areas such as education. They must have a permit to work in the system. Some have direct contact with the prisoners, some have limited contact and some have no contact.

Mr RIEBELING: Why would a person have a high-level security permit if he had no contact with prisoners?

Mrs van de Klashorst: It might be a person who is working in an office and who does not have contact with prisoners.

Mr RIEBELING: Does a person need a high-level security permit to do work that requires no contact with prisoners?

Mrs van de Klashorst: Yes, because they would have access to prison information, and naturally they need a permit to work in the system.

Mr RIEBELING: Dealing with proposed section 15P(4), I understand why a permit is not transferable, because it is a personal matter. However, I do not know why that provision has been included.

Mrs van de Klashorst: Let us face it: One cannot transfer something like a drivers licence, so a person would certainly not be able to transfer a permit.

Mr RIEBELING: That is right. Therefore, why has it been included?

Mrs van de Klashorst: It is to cover the situation in which somebody tried to transfer a permit. It is not likely, but it is there to cover that situation.

Mr RIEBELING: It is a nonsensical thing to include in the Bill if it is a personal test. Proposed section 15Q once again includes reference to the discretionary word "may". The discretionary word "may" appears throughout this legislation. I know that gives the Government great confidence, but it gives me great concern for the fairness of the process and the ability to have an even outcome in respect of people obtaining permits. If a person's application is knocked back, there is absolutely no way under this legislation that that person could challenge the finding because of all the tests and loops that this Bill allows to be implemented or not implemented. Under most fair systems in which natural justice reigns, there is an element of certainty of the process, but there is not in this legislation.

Proposed section 15Q(1) states -

> The chief executive officer may, in writing, require a contract worker who applies for a permit or the relevant contractor to provide -
>
> (a) information about any offence for which the contract worker is convicted;

Presumably, that will be in the original employment application. I presume when people apply for a job they will be given a list of things they have to do, one of which will be to fill in a form asking them to state whether they have convictions.

Mrs van de Klashorst: I presume that would be the case, yes.

Mr RIEBELING: Therefore, everyone would do that.

Mrs van de Klashorst: Yes, because if people have to fill in an application form, and that question is on the application form, everybody has to provide that information.

Mr RIEBELING: Why give people the option not to provide that information? Why is the word "may" included in respect of convictions? The same applies to proposed section 15Q(1)(b), which states -

> information about any disciplinary proceedings conducted against the contract worker in the course of his or her employment;

Mrs van de KLASHORST: Proposed section 15Q(1) states that the chief executive officer may require a contract worker to provide certain information set out in paragraphs (a), (b) and (c). Then the rest of the proposed section follows. That is the lead sentence in the proposed section, but it covers the full proposed section.

Mr RIEBELING: It covers the whole proposed section, and it covers proposed subsection (1)(a). Therefore, the proposed section is saying that the chief executive officer may, in writing, require the contract worker who applies for a permit to provide information about any offences. The CEO does not have to, but he may.

Mrs van de Klashorst: Yes.

Mr RIEBELING: The proposed section goes on to refer to information about any disciplinary proceedings or any other matter that is relevant to the suitability of the contract worker to do high-level security work. Therefore, the CEO may or may not require information about that. Proposed subsection (1)(d) then deals with a photograph of the contract worker. This proposed section 15Q looks to me like it is an application form for a job. Basically, there will be an application form for employment, and for some inexplicable reason the chief executive officer will be given the ability not to require certain information when determining whether a person should get a job. Perhaps there is a very good reason under proposed section 15Q for the chief executive officer not finding out about convictions, not wanting a photograph of the contract worker and not finding out whether there have been any disciplinary proceedings. However, I do not think there is a good reason, and the word "may" leaves it open to suggest that people will be dealt with differently in their applications for employment. If this proposed section is not an application for a position, to what does it refer?

Mrs van de Klashorst: This proposed section refers to disciplinary proceedings. A person may have been working at the prison for a while and reapplying for a permit. His records will exist.

Mr RIEBELING: The proposed section seeks to cover situations in which applicants seek permits.

Mrs van de KLASHORST: A serving prison officer might want to work as a contract worker; therefore, all his background will be on file. If the word is "shall", the chief executive officer would have to collect all the information when it may be already on record. This section will enable him to do that at his discretion.

Mr RIEBELING: The Parliamentary Secretary keeps saying it is discretionary. I know that. I am saying that this clause appears to determine what will be in an application. The chief executive officer may require the information about a person's convictions. Even if an applicant were a prison officer, why would the chief executive officer not require the background to be given upon the officer making a new application?

Mrs van de KLASHORST: This refers to information that the chief executive officer may require. He may not require that information if that person is already a serving prison officer.

Mr Riebeling: Why?

Mrs van de KLASHORST: The information will be already available to him.

Mr Riebeling: He may get it from someone else.

Mrs van de KLASHORST: It may be on record. The word "shall" means that the chief executive officer would have to seek again something that already existed.

Mr RIEBELING: In that circumstance, a new permit would be sought by Joe Bloggs. I do not know how many applications will be made from within the prison system for contract positions. However, everyone applying for positions should be dealt with equally. Presumably the permit will contain a photograph of the worker. In that case, why would a person not be required to produce a photograph of himself in order to obtain a permit under proposed subsection (1)(d)? How will the photograph be provided if he does not have one? The discretionary word "may" creates an opportunity for uneven handling of applications. I cannot work out why a chief executive officer should have discretion in asking about a criminal record, disciplinary procedures, photographs or "information about any other matter". I do not know to what "other matter" refers. Apparently the chief executive officer is allowed to ask questions if he feels like it about the suitability of applicants to undertake high-level security work. That is about the only section with which I can agree; that is, he should know about that person's ability. In making that determination he should at least ask for the person's history. The Parliamentary Secretary is not trying to tell me that the chief executive officer knows the personal details of every prison officer in the prison system. I am sure that is not the case, and if he is making a determination, he should ask for the person's file to see what work he has done and whether he is a suitable person to be given a permit of that nature.

Progress reported and leave granted to sit again.

[Continued on page 9684.]

[Questions without notice taken.]

BILLS - ASSENT

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

1. Energy Coordination Amendment Bill.
2. Commonwealth Places (Mirror Taxes Administration) Bill.
3. Treasurer's Advance Authorization Bill 1999.

REGIONAL FOREST AGREEMENT, HANDLING BY MINISTER FOR THE ENVIRONMENT

Matter of Public Interest

THE SPEAKER (Mr Strickland): Today I received a letter from the Leader of the Opposition seeking to debate as a matter of public interest the following motion -

> Noting the comments of the Deputy Premier, the Leader of the House and the Minister for Primary Industry, this House has no confidence in the Minister for the Environment's handling of the Regional Forest Agreement.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis, with half an hour allocated to members on my left, half an hour to members on my right, and five minutes to the Independent members, should they seek the call.

DR GALLOP (Victoria Park - Leader of the Opposition) [3.43 pm]: I move the motion.

We need to ask a very important question about politics in Western Australia today; that is, who will take responsibility for the fiasco that has become the Regional Forest Agreement. What started out as the Regional Forest Agreement has quickly descended into the regional forest disagreement. Community expectation about the level of reservation that should occur has not been met. We see continuing dispute within the Government about what the level of reserve should be and which forest blocks should go into the reserve system. What should have provided a framework for certainty and stability for all of the stakeholders in our timber industry and native forests has dissolved into disputation and disagreement. We need to ask the question: Who will carry the responsibility for this fiasco?

It is very important in debating this subject that we go to the highest levels of government in Western Australia to see what is being said about the RFA. Often in these types of debates we come into the Parliament with the attitudes and values of the community and criticise the Government. Members of the Opposition come into this Parliament from time to time with their own attitudes and values and criticise the Government. What is interesting in this case is that comments have been made by members of the Government on how they see the RFA. The starting point for any debate on this matter must be those comments.

Let us start with the comments of the Deputy Premier, the second most important position holder in the Government. The Deputy Premier and leader of the National Party in Western Australia indicated in a press comment on this matter that he was not given sufficient detail in Cabinet to make a decision on it. He is quoted in *The West Australian* of 25 June as saying -

> "We asked for a clear indication of which areas would be reserved under the proposal and the answer was that we must get an agreement for 60 per cent . . .
>
> "Then the proposals were published and we discovered that the 60 per cent that is reserved does not include the icons."

> "Now we have been given the information and the detail, we are seeking some review of the system.
>
> "If we can come up with something better we should not be denied producing that better result on the basis that we have signed off on it."

The Deputy Premier said that when this matter was considered in Cabinet, Cabinet did not have enough detail on the forest blocks that were going into the reservation to make a proper decision on the matter. That very serious claim undermines the credibility of the minister who took the proposal to Cabinet.

I turn now to the comments of the Deputy Leader of the National Party and Minister for Primary Industry. He is reported in *The West Australian* of Friday, 18 June, as saying -

> . . . areas of high value forest, including the Walpole wilderness area, should never be logged.

Of course he prefaced that comment by noting that those areas of high value forest had not been reserved under the RFA. I am referring here to the Minister for Primary Industry, not the Leader of the Opposition or members of the community, but a member of Cabinet, who pointed out that these important old-growth forests had not been reserved under the RFA.

If that were not enough, the Deputy Leader of the Liberal Party and Minister for Resources Development made extremely clear and unequivocal comments on ABC television last night. My notes state that he said -

> Unfortunately, the way the issue has gone, particularly over the last few days, the public of Western Australia has lost confidence in the process.

The Minister for Resources Development has told us that the public has lost confidence in the process; the Minister for Primary Industry has told us that important old-growth forest has not been reserved under the RFA; and the Deputy Premier has told us that not all the important facts were taken to Cabinet when this issue was debated. Someone must take responsibility for this fiasco. The public discontent over the RFA and the division this is causing in the Government of Western Australia must be rammed home to the Government.

The minister responsible for the RFA is the Minister for the Environment. When the document was made public, she said that it was the result of careful and considered analysis of the options based on the best available information. She said when the RFA was published that it brought together all the important information, was a considered conclusion on the matter and it settled disputes in the community about the reserve system in Western Australia. She was wrong about that. The fact that she was wrong about that is confirmed by what her ministerial colleagues, the Deputy Premier, the Minister for Resources Development and the Minister for Primary Industry are saying.

Our lack of confidence in the minister's handling of this issue rests upon a series of points. However, the bottom-line issue is that the RFA has not produced the reserve system which meets the expectations of the people of Western Australia. I will note a number of features of this agreement which are the cause of the continuing disquiet in our community. More than 100 000 hectares of the remaining 347 000 hectares of old-growth forest are still available for logging. Dozens of forest blocks which contain high conservation value old growth, according to assessments by the Australian Heritage Commission, are either unreserved or only partly reserved under the RFA. There are now 400 hectares less of old-growth karri forest protected in formal and informal reserves under the RFA than were protected under the forest management plan. Eighty per cent of the 4 700 hectares of the old-growth Unicup ecosystem near Lake Muir north of Walpole was reserved prior to the signing of the RFA. However, the Government has taken some 900 hectares of that reserve system and pared back the reservation of this old-growth forest to the minimum of 60 per cent, protecting just 2 900 hectares.

Only 14 218 hectares of old-growth yellow tingle is left in Western Australia. The RFA has reserved only 60 per cent of this, or 8 585 hectares. The remaining 5 700 hectares are still available for logging, woodchipping, and in some cases will be burned. This yellow tingle is a species that was classified as rare in 1988 by J. D. Briggs and J. H. Leigh in their *Rare or threatened Australian plants* publication, and is a huge tourist attraction for visitors to the treetop walk at Walpole. Some 50 000 hectares of forest which were protected under the forest management plan have been taken out of reserves under the RFA, including the Talling, Charley and George blocks, which all contain old-growth forest. Finally, of the 205 000 hectares of new reserves under the RFA, only 27 per cent is old growth, 47 per cent is regrowth, and a staggering 30 per cent is non-forest.

That is the first reason that this minister has failed in her duty to this Parliament and the public on this issue. The RFA is deficient. It has not reserved enough of our old-growth forest and, indeed, the public's point of view on this matter has been ignored. When confronted with this massive opposition, the minister has tried to dazzle us with long monologues about the scientific nature of the agreement, of the community consultation and public participation that she claims has occurred, and of the balance and security it will provide. She is spending $310 000 of taxpayers' money on radio and press advertisements to try to prove to the people that they are wrong in their assessment of her decision making. That is the first reason that she has failed: The agreement is deficient in terms of the reserve system.

The second reason she has failed in this process is because of the secrecy of the whole arrangement. We called for the release of the draft version of the RFA before it was signed, but both the Minister for the Environment and the Deputy Premier refused to support that motion for its release. It is the secrecy surrounding this document that has caused the problems, because if a draft document had been put out for full public consultation, all of these issues could have been on the table for proper public debate before the agreement was signed.

Now the secrecy within the Government on this matter continues. The Premier tried to cover up his own comments to the federal Minister for Forestry and Conservation earlier today. However, we all know that he has told him there will be no

more reservation. On the other hand, the Deputy Premier tells us that there needs to be more reservation. The reason for this disunity within the Government is that the agreement that this Minister for the Environment was primarily responsible for creating is deficient.

I will now look at how she has handled the issue since the RFA was signed. When the RFA began to unravel before her eyes, the minister took a new tack. With the assistance of her federal colleague, Wilson Tuckey, she has misled the public and the House about the legal implications of the RFA. When I asked her in this Parliament whether any additions to the reserve system would require the Commonwealth Government's approval, she replied yes. The Premier said that the agreement could be changed only if the Commonwealth agreed.

We have now seen published legal advice from the Environmental Defender's Office in Western Australia which states clearly and crisply that there are no legal restrictions on Western Australia creating additional reserves. There is no legal requirement that reservation of extra forest areas be given commonwealth approval. I am sure the minister has seen this particular legal analysis which has been prepared for the conservation movement in Western Australia by the Environmental Defender's Office. Even the federal minister, Mr Tuckey, said yesterday that the advice was correct and the agreement did not override Western Australia's statutory and constitutional powers to add to the forest reserve. Therefore, there is no legal impediment to the creation of new reserves, only political impediments. The fact of the matter is that this minister misled the Parliament about this important matter, thus adding to the confusion and disunity that exists.

Then we have the important question of setting up the process that will deal with industry restructuring. This minister's bungling of this issue is there for all to see. Of the eight people she has appointed to her interim forest industry advisory committee, three have a potential conflict of interest. What sort of minister would set up a committee that will distribute public moneys for industry restructuring and put on it three people who have potential conflicts of interest? The Opposition has referred that matter to the Auditor General. Even the minister herself has admitted this potential conflict of interest, but has meekly added that company representatives would exempt themselves from the committee when financial issues arose. If this were the case, the committee would be left in the ludicrous position of having up to half of its members exempting themselves from most of the discussions. What is more disturbing is that no worker representatives are on that committee. The Opposition will continue to press the Government on this matter of worker assistance.

This demonstrates the Government's commitments on this issue. It does not even know what it will take to deal with the issue of worker assistance and retraining under this package. The Government has been caught short in dealing with this fundamental matter when it comes to real people who live in those communities in the south west whose interests must be taken into account when we deal with the restructuring of the industry.

We see the minister's failings on the RFA. She has presided over a substandard agreement which has failed to meet the aspirations of the community in Western Australia on the reservation of our remaining old-growth forest. She withheld information from both the community and her cabinet colleagues about the RFA's reserve design. Rather than putting the matter out for public comment, she kept it all within the processes of government and did not allow for full public consultation before the agreement was signed. Now we know not only that, but also that she did not inform her own cabinet colleagues of what the full implications of that reserve system would be for the forest blocks that would be put into the reserve system. She then tried to smother public discontent with $310 000-worth of advertisements and public relations, and when that failed she perpetuated the myth that the agreement could not be changed without commonwealth approval. Then she set up the interim forest industry advisory committee, which will decide on how to dish out $38.5m of restructuring money, and she has admitted that at least three of the eight members have a conflict of interest.

Of course, in relation to all those issues I have raised, the Deputy Premier, the Leader of the House and the Minister for Primary Industry have serious concerns about the way they have been handled. If, as the Deputy Leader of the Liberal Party and Leader of the House says, the public of Western Australia has lost confidence in the RFA process, somebody within government must take responsibility for that. The bottom line is that this minister took the Regional Forest Agreement to the Government; managed the process within government; did not allow the public to have full say on the document before it was signed; thought the reserve system created would meet community expectations with respect to conservation; informed everyone and anyone that commonwealth approval was required if there was to be an extension of the reserve system; and set up the industry restructuring committee with three members who have potential conflicts of interest.

People can reach only one conclusion from those facts; that is, the minister's handling of this issue is deficient. I go back to my initial question: Who will take responsibility for the fiasco that is the Regional Forest Agreement? Only one person in the Government can take responsibility for this fiasco; that is, the Minister for the Environment. The facts are there for everyone to see. The comments of her ministerial colleagues are there for everyone to read. Only one conclusion can be reached. Her handling of this issue has been abysmal and it is incumbent on this Parliament to send a clear message to the Government that it has no confidence in the way the Minister for the Environment has handled this issue.

DR EDWARDS (Maylands) [4.02 pm]: I formally second the motion. This whole matter is a sorry tale of mismanagement of the Regional Forest Agreement process. Unfortunately, all the indications are at the moment that this tale does not have a happy ending. Some miracle is needed to lift it from where it is and to find a solution with which the community can be truly happy. We see symptoms of disquiet from ministers and backbenchers opposite, and they are a reflection of what is going on in the community. It is a very grave issue and, as the member for Cottesloe has said, it is the issue facing Western Australians at the moment - the issue of the 1990s.

I will give a few examples this afternoon of where the process has been flawed. I go back to the beginning of the story in July 1996 when the scoping agreement for the Regional Forest Agreement was signed. The Deputy Premier said earlier this afternoon that when the Premier and the Prime Minister put their signatures to a document, the community generally believes

the provisions in the document will be adhered to. On 11 July 1996 the Premier and Prime Minister signed the scoping agreement, which provides that the draft RFA will be assessed by the Environmental Protection Authority. The document sets out an agreement for cooperative environmental impact assessment of the draft Regional Forest Agreement and talks about the processes within the different jurisdictions. The community believed quite genuinely at that stage that the draft RFA would be released for public comment to allow them to provide input and feedback to the Government. It is generally hoped in such a process that the Government will listen to that feedback.

The RFA process started, and in October 1997 I asked the Minister for the Environment, in writing, whether the draft RFA would be released for assessment by the Environmental Protection Authority. The answer I received came directly from the scoping agreement and I assumed from the answer that it would be released for assessment by the EPA. It spoke about the need for environmental impact assessments and the agreement between the State and Commonwealth for that. In response to the direct question of whether a draft RFA would be released for public comment, the answer was three simple letters - yes. What happened? I do not know what happened but, at some stage following October 1997 and during 1998 the Minister for the Environment changed her mind. The answers to my questions changed, the course was shifted and I was told that a draft RFA would not be released publicly but that the forest management plan would be assessed by the EPA and people could comment at that stage. I bet the Government now wishes that it had released the draft RFA for public comment, because if it had done that, it would not now be picking up all this flak. The community could have participated and there would have been some measure of accountability, which is not the case when people are presented with a document signed by the Premier and Prime Minister after the event.

The situation now is even worse, and this became clear in the budget estimates committee. Members of the public will not be allowed to comment on the new forest management plan until after the next election, bearing in mind the timing of certain matters. At the time of the budget estimates committee the minister had not appointed the new task force, which will take 12 months to finalise its work. When that is completed, it will feed into the forest management plan. The Government is trying to be smart again and to get this issue out of the public arena. It is deferring yet another hard decision. That has gone on throughout the whole RFA process, and the Government has not been accountable.

I now skip to December 1998. In mid-December the EPA finally released its interim report on compliance by the Department of Conservation and Land Management with the current forest management plan. The EPA had been working on it for some time, and it is still working on its final report. The interim report raised grave concerns about the level of the jarrah cut, and some of CALM's practices and its management. Perhaps most shocking of all, it spelt out in some detail that CALM is not complying with 25 of the 37 environmental conditions attached to the forest management plan. It was clearly set out in black and white, in a brave bulletin released by the EPA indicating major problems with CALM and the forest industry and hard questions to be asked about the sustainability of the forest industry.

What did the minister do when faced, on one hand, with these problems with CALM and, on the other hand, with the EPA? She called in a fixer, Mr Codd, a former senor public servant, at the end of last year. We do not know what his task was because we have not seen his terms of reference, but we know that after three weeks' work and a fee of $30 000, he released a report. The media was generous at the time and described it as a 10-page report. It was not. In fact, it was a two-page media release, and a one and a half page letter to the minister saying that discussions had taken place and that representatives from CALM and the EPA had sat down together. It advised the minister that she did not need to do anything more because the RFA would solve the problem. The report also contained four pages of discussions between CALM and the EPA about the environmental conditions. It is a good deal if people can get that kind of work for $30 000. At the end of the report were two stiff letters, one from Bernard Bowen, Chairman of the EPA, and the other from Syd Shea, Executive Director of CALM, saying that they had held discussions. The Government paid Mr Codd $30 000, these nice discussions took place, and we were reassured publicly that everything was fine.

I am extremely grateful that this document was made public. When the minister first initiated Mr Codd's appointment, we were told that the report would not be made public and on that occasion, as has happened now, the then acting Premier said that it would be a cabinet decision. Subsequently the report was released. Thank God for the then acting Premier, because if it had not been for him we would never have seen the report. What happened with the Codd report was again a matter of the minister deferring the hard decision. She appointed an expert task force to look at the sustainability of the industry before the release of the RFA and, afterwards, announced that an expert panel would be appointed. The EPA raised serious concerns, and CALM and the EPA have been involved in a bunfight. The minister appointed a one-man committee, followed by a three-man committee, and another one will be appointed when she gets around to it. She cannot keep deferring the hard decisions. At some stage she must bite the bullet and make a decision. She must go back to the RFA and revise it.

There is no doubt that the RFA was released a bit on the run and timed to come out a few days before the Labor Party state policy conference. I want to raise one aspect of this agreement. The RFA was released with a lot of fanfare, as everyone would be aware. We were told by the minister, and it was given some publicity, that as part of the RFA, the Department of Conservation and Land Management would be restructured, and any problems with conflicts of interest would be resolved. That is very interesting, because that certainly does not accord with what the Deputy Leader of the National Party, the Minister for Primary Industry, said in this House during the debate on the High Conservation Value Forest Protection Bill, when he said he did not think anyone would disagree that the Government's proposal to divide the Department of Conservation and Land Management into two separate entities is a step forward. We would all agree if that were indeed the case, but on the day the RFA was released, the Executive Director of the Department of Conservation and Land Management, Dr Syd Shea, sent out news fax No 174, which reassured staff that the new administrative arrangements really were not as bad as everyone said. He said -

> With respect to CALM, the Department will retain its role as an integrated manager of land and waters.

He went into some detail about the new Forest Production Commission and the new State Conservation Authority, and ended with this statement -

> The important feature of these new arrangements is that CALM's role as an integrated agency is maintained.

It is no wonder the National Party is confused. It is being told one set of facts and figures and it is then being presented by the Government with something that is totally different. The whole RFA process has been a very sorry saga. We were told that 500 scientists were involved. Recently we were told it was over 500 scientists. However, despite numerous questions, the minister has never told us who they are. Who are they? Who knows? This is a very serious issue, given that we were told the RFA is based on science. About one year ago, 20 000 people rallied against the RFA. Nothing has changed. People can take no comfort from what is taking place. I commend this motion to the House.

MR COURT (Nedlands - Premier) [4.12 pm]: I am waiting for the occasion when the Leader of the Opposition will tell this Parliament a bit about the Labor Party's forestry policy, because we have a situation -

Dr Gallop: Whenever you speak in here, you try to speak on everything but the subject that is before the Parliament.

Mr COURT: No. This debate has been going on for some time, and the Leader of the Opposition keeps coming into the Parliament and talking about the Regional Forest Agreement. That is fine, because it gives us an opportunity to explain what is involved in the Regional Forest Agreement. However, at the same time, the Leader of the Opposition has a responsibility to tell this Parliament and the people of this State just what his policy involves. He cannot say in this Parliament that we are not interested in the real people who are working in the timber industry. We just have to laugh about it, because if the Leader of the Opposition is interested in the real people, why is he not telling those people what their future will be under what he is proposing? The Leader of the Opposition can keep sitting there and signing documents, but the time will come when he will have to stand up and tell the people in this industry, and the people of Western Australia, just as we have had to be open and tell them, "This is the reserve design; this is the sustainable yield; this is the number of people who will lose their jobs; and this is what it will cost."

Dr Constable interjected.

Mr COURT: We have come out publicly and spelt out all this detail, as we should, but the time will come when, if the Labor Party wants to be judged on this issue, it will also have to do the same thing. The motion states the House has no confidence in the Minister for the Environment's handling of the Regional Forest Agreement. I want to make it clear that the Minister for the Environment in just over two years has achieved more positive steps forward with regard to conservation issues in this forestry debate than the Labor Party did in 10 years in government. The Labor Party cannot have it both ways. It cannot come into this Parliament and say this minister has not performed in two and a half years, when the Leader of the Opposition knows we have more runs on the board than the Labor Party achieved in 10 years in government.

Dr Gallop: You opposed the Shannon River park! You come in here and use words like that! What a ridiculous statement!

Mr COURT: I have been around this place long enough to remember -

Dr Gallop: Do you remember the fifth column comments?

Mr COURT: I remember exactly what the Labor Party came out with. The Opposition spokesperson indicated today that the EPA said there were grave concerns about the jarrah cut. However, the Labor Government did not think anything of saying that a jarrah cut at 520 000 cubic metres will be sustainable.

Dr Gallop: That has been answered.

Mr COURT: That has not been answered. I want to explain that the Minister for the Environment has overseen the Regional Forest Agreement process, which when completed will be a plan that will ensure, for the first time in this State's history, that when a Government says it has a sustainable yield, it has that properly assessed by independent people. The Labor Party has never disputed the fact that it must be assessed by independent people. We are saying that the time will come when the Leader of the Opposition will need to do the same with his policies and he will need to explain to people who work within that industry just what effect that will have. We have been able to achieve an outcome where the industry has accepted a voluntary cut through to 2003. We have been able to achieve logging yields which are significantly lower than what the Leader of the Opposition was prepared to tell us would be sustainable for ever. The Leader of the Opposition had his opportunity, and he obviously did not take it seriously enough to do something about it. We are doing something about it. The Opposition keeps telling us what it thinks we are doing wrong, but it is not prepared to spell out its own situation. If we want to talk about having confidence in how this matter is being handled, the Opposition can come in here and have a go at us - that is what the Parliament allows it to do - but I want to read out some of the comments that have been made by people who are on the Opposition's side of politics and are not seen as supporters of this side of politics. One Labor member, the member for Eyre, said -

> I am extremely concerned at the potential job losses involved in the complete cessation of logging in old growth forests as advocated by the Australian Labor Party Environment Committee.

He said also -

> I don't believe that we should go down the path of displacing so many people from work . . .

The Labor Party, as a party that has traditionally been regarded as supporting workers, came up with this policy, and that is fine, but it owes it to those people to also do what we have had to do; that is, come out with the details about how it will be done.

Peter Walsh, a former Labor minister, said -

> Gallop - a weak leader in a Caucus dominated by opportunists who care not a fig for decent public policy . . .

The Leader of the Opposition can laugh -

Dr Gallop: I am laughing. This is ridiculous!

Mr COURT: Tim Daly, the head of the Australian Workers Union, said -

> The Labor Party, as I understood, was always the party which was, you know, to represent working people.

The ACTING SPEAKER (Ms McHale): Order, members! Would members cease having a conversation across the Chamber.

Dr Gallop: Are you going to get on with the motion, Premier?

Mr COURT: He said also -

> That is certainly the position that the unions have always adopted, that, you know, we're there to protect people's jobs and to fight for their jobs, and to have a party which is proposing to dispense with 3,000 people's jobs, with such a cavalier fashion, I find offensive.

I am just quoting some of the comments. The National Assistant Secretary of the Forestry Division of the Construction Forestry Mining and Energy Workers Union of Australia (WA Branch), Mr Michael O'Connor, said that -

Dr Gallop: Are you going to quote the -

Mr COURT: No. I am just quoting -

Dr Gallop: Are you going to quote the member for Collie who is in this Parliament and in this coalition now?

Mr COURT: I am only quoting Labor Party people.

Dr Gallop: I thought we were the tools of the unions. Haven't you got your argument wrong today? I thought it was the other way around.

Mr COURT: The National Assistant Secretary of the Construction Forestry Mining and Energy Union's forestry division, Mr Michael O'Connor, said -

> Gallop's leadership was the worst of any Labor leader over the past thirty years.

I can go on with these quotes.

Dr Gallop: What about getting back to the motion about the way your Government has handled the RFA.

Mr COURT: The point I want to make is that the Leader of the Opposition can come into this Parliament every day that this Parliament is sitting but there will come a time when he will have to spell out the detail of the Australian Labor Party's forestry management proposals because it is a complex issue. There is no quick fix and the Leader of the Opposition knows that. He has come up with what he thinks is a populist position and one which will enable him -

Mr Pendal: This is what your father promised to do in 1978. Your father set it in motion and your Government brought it to its knees. That is the truth.

Mr COURT: My father can speak for himself.

Mr Pendal: I will tell you what the record shows what you have done -

The ACTING SPEAKER (Ms McHale): Order!

Mr COURT: This State had 10 years of a Labor Government and we can judge its performance. The point I want to make is that the minister with responsibility for the Regional Forest Agreement to which we are referring is a minister who is conditioned to the cut and thrust of politics. She has achieved many gains in a relatively short space of time in this area, gains that the Opposition can only dream of when in its 10 years in government. I will leave it to her to spell out what has been achieved with this Regional Forest Agreement. However, looking across a broad spectrum of environmental issues, there were so many that the Labor Party walked away from when in government - contaminated sites, for example. The then Labor Government walked away from those types of issues and was never prepared to put the money aside to address them.

We are in the middle of an important debate on an important issue and this Government will be judged on how well it manages this issue. However, at least we are prepared to be out there playing the game, not sniping away on the sidelines. If the Opposition wants to come into the game, it will have to tell the people working in that industry and the people in those communities what will happen when, or if, it has the opportunity to carry out what it says is its policy, because it knows only too well that it will destroy whole towns and whole communities with its proposals. This issue can be managed properly without going down the path outlined by the Opposition; that is, trying to grab a short-term, populist vote on this matter.

I have full confidence in the way in which this matter is being addressed by the minister. She has probably one of the more difficult jobs in this Government currently in working through this issue. However, with the support of all members of this Government, I am sure we will demonstrate once again that when it comes to important matters of public policy we can work

with all the parties concerned to get the balance required by the community. That is our goal and we will be judged accordingly. Similarly, the Opposition will be judged on how well it outlines the effect its proposals will have on the timber industry. We are waiting for that and I have a feeling that the tactic will be to fudge it past the next election.

MR COWAN (Merredin - Deputy Premier) [4.26 pm]: Just to ensure there is no doubt about this, I and my National Party colleagues have absolutely no intention of supporting this motion and intend to support the Minister for the Environment.

Always, in politics, the Opposition will seek to gain some mileage from the odd differences of opinion that occur between ministers; that has been forever the case. However, in this case it is even more interesting when one looks at the history of the Opposition's management of the forest when it was in government. I do not think anybody in this place will forget the announcement by a former Labor Premier about how the original plan, put forward by Western Australia under her premiership, would revolutionise the forest and timber industries and how this State would lead the way in Australia in developing a program that would provide for well-managed areas of reserve forest and a well-managed productive forest. It was heralded as the next phase in the forestry industry. However, when the former Premier left the Western Australian Parliament and entered the Federal Parliament she did an about turn. She decided that the proposed regional forestry management plan suggested by the then Labor Government could no longer be supported. Therefore, the question of whether the Labor Party would stand by the Greens (WA) or by the timber workers on this issue has been a vexing one for a long time. However, the Labor Party has now made its decision. Its policy is no more logging in old-growth forests. I assume that it has defined old-growth forest in the normal way: An area that has no visible evidence of disturbance by logging or by other aspects of exploitation by the timber industry. If that is the case, everybody who works in the timber industry knows the ALP's decision means that we will not have a timber industry. That industry will not be managed; it will just disappear.

Nobody on this side of the House can support that position. We have a Regional Forest Agreement and, as I have said, that agreement has been signed by the Premier and the Prime Minister. The reservation in that agreement of at least 130 000 hectares of additional forest is not disputed. If the National Party has any regret at all it is that it did not produce an overlay of those blocks that the member for Maylands refers to as the icon blocks - as does just about everybody else - to identify which of those so-called icon blocks were not included in the reserve area, because it knew that the moment they were not included there would be a hue and cry by the general public. The objective of this Government has been to ensure that the 70 per cent of the public who support greater preservation of the forest are satisfied and separated from the purists who are preservationists rather than conservationists. It would have been better had we done that, and I regret that we did not do so. However, that is the fault of the National Party, not this minister.

We now have a Regional Forest Agreement which makes significant advances: It uses a scientific basis to determine sustainable yields. The jarrah cut has been reduced from about 530 000 cubic metres to around 286 000 cubic metres, which in itself is probably one of the most important issues to arise from the RFA. First, we have the areas of forest to be reserved and, secondly, the implementation of a sustainable yield process, which is scientifically based and will reduce dramatically the cut in the productive forest. They are considerable advances. Why revisit the RFA having made those advances? It is better to build, which we can and will do through the management process.

Undoubtedly, a capacity exists for the Department of Conservation and Land Management and the timber industry to manage the logging program in Western Australia to demonstrate that many areas about which the public expresses concern will not be placed under logging pressure in the near future. That is very important. That is required of Government, the Department of Conservation and Land Management and the timber industry. We must not forget the timber industry and cast it to one side, as the Labor Party has done. That is undesirable. I am sure members opposite had a few debates on that matter in Caucus with the member for Eyre.

Dr Edwards: Tell us about regrowth forests. You're ignoring them.

Mr COWAN: I respond to the interjection by referring to an article by a former forester which appeared in *The West Australian* a month or two ago.

Dr Edwards: Was it Spriggins?

Mr COWAN: I do not think so. I will find it and provide a copy to the member. He made the point that the management of the productive forest is of such a high quality that the regenerated forest will become more valuable to the State than the reserved areas, such as the Shannon River basin. At some time in the future - the member and I will be long dead, unfortunately, because of the slow growth rate of timber - all people who classify themselves as greenies or conservationists will say, "The old-growth forests we asked be preserved in the 1970s, 1980s and 1990s are so decayed as a result of their maturity that they are no longer something we can visit. What attracts the eye are the regeneration forests aged about 120 years with karri, and about 200 years with jarrah. We would prefer to visit those areas. Can you set those productive forests aside, and log and manage the areas reserved for the last hundred years as they are decaying and need to be repaired?" That will happen. Unfortunately, I will not be here to see it - nor will the member for Maylands.

Dr Edwards: I might!

Mr COWAN: Good luck to the member if she is. That is the situation. The forest is a living thing, which we must manage properly. It is one thing to say that we should preserve this area because it contains certain attractions; however, in another 100 years, it is likely that those areas will have begun the process of decay. Properly managed areas of regeneration will be the attractions. We will see a turnaround. Mark my words. I do not think anyone will read *Hansard* to prove me right, but that is the case.

The Regional Forest Agreement has made significant advances, for which I congratulate the Minister for the Environment. We all must manage the forests; namely, the Government, the Department of Conservation and Land Management and the industry. We must take part in the process and ensure that we can develop a management plan which satisfies the demands of the majority of the public who are concerned about forestry management, the logging of productive forest and how much forest is set aside. It can be managed. The Government does not shy away from that matter. However, it has no support for a motion of this nature, which is purely political expediency.

MRS EDWARDES (Kingsley - Minister for the Environment) [4.36 pm]: The Environment portfolio is one of the most important in government. It is the most intellectually challenging of all the portfolios with which I have had the pleasure to deal. It allows one to make long-term rather than short-term decisions. It also allows one to deal with not only the RFA and the reservation of old-growth forests and conservation and management of the timber industry, but also other important areas which affect our lives and livelihoods. I refer to land, sea, water, air, flora and fauna. It allows us to take all of those aspects and to place them into perspective, and not to deal in a micro sense with the respective environmental issues; the Minister for the Environment can deal with these aspects very much in the macro sense.

The Labor Party has no credibility whatsoever on environmental issues. We know the financial legacy of the Labor Party which this Government had to clean up. The environmental legacy was no better - it was disgraceful. Look at the number of contaminated sites around Western Australia which the Labor Government did not propose to clean up. This Government has done so, and has started by directing huge amounts of dollars into clean-ups. The Government has committed $6.9m to the Omex clean-up. That is proceeding extremely well, as is the Stephenson and Ward incinerator site clean-up. I can announce to interested members opposite that the Government is proceeding to clean up Vela-Luka Park in Spearwood. Many of the residents of Spearwood want that site cleaned up. We must finalise the tender process according to the environmental processes, which will be done as quickly as possible during winter. This will ensure that kids have a park to which they can return and play. A large number of rundown national parks were inherited by this Government.

I can refer to two award winning proposals implemented by this Government with the Walpole Treetop Walk and the Bibbulmun Track. Huge sums of money have been directed to make our National Parks places people want to visit and engage in recreation. The Western Shield program is under way. Nowhere else in the world is a program operated which enables animals to come off endangered species lists. For instance, the woylie is off not only the state list of endangered species, but also the national and international lists. That is significant. The quenda and the tamar wallaby have also been removed from those lists.

Western Australia has 70 per cent of Australia's salinity problems, and faces a huge task. Not only have we undertaken the salinity action plan, but also we have backed it up with the allocation of millions of dollars. We have involved the Federal Government in the process through the National Heritage Trust. Again, this is a significant development in the Environment portfolio. The Government can be very proud of its record.

Let us consider the Labor Party's record, and its actions with forests. What did it do on 24 December 1992? It released what were to be the Labor Government's logging levels weeks before an election. It tried to put the matter under the carpet, as it did with its financial issues. That was its style in government. That was how it worked it through.

The member for Maylands raised the issue of scientific panels. Again, that was important. If we talk about independent scientific assessment, for the confidence of the community as well as that of the Government, it was extremely important that those assessments were carried out, and similarly the next one because of the commitment of the ecologically sustainable forest management that we will put in place for our management practices. That is another significant point that has come out of the Regional Forest Agreement. The breadth of the Government's commitments - members should look at attachment 5 - make sure that our forest management is carried out according to ecologically sustainable forest management principles and is very significant. In terms of the levels of reservation, no other State in Australia, other than Western Australia, will meet or exceed the criteria that was laid down nationally. That is another significant achievement that has come out of the Regional Forest Agreement. Members should also look at some of the new larger reserves that will be created out of the Regional Forest Agreement; for instance, Mt Frankland, Mt Roe and Mt Lindesay are in excess of 115 000 hectares. That is extremely significant from a conservation point of view. The Melyeannup, Blackwood and Wandoo national parks are significant world-class reserves that have been achieved from the Regional Forest Agreement. That ensures that we have captured the highest of the conservation values according to the nationally-agreed criteria.

The Opposition's style is to take positions based on opportunism, not principle. It is not true policy. We have a difficult issue, but it is a great opportunity for the State. We are proud of what we have done in the environment and what we have planned for our forests. We have the commitment, the integrity and the stamina to work through all of those issues to ensure that we achieve an outcome of which all Western Australians can be proud.

MR BARNETT (Cottesloe - Leader of the House) [4.42 pm]: In the few seconds available to me, I will make a brief comment. In the history of the forest, there is no doubt that the Regional Forest Agreement will be seen as a most significant milestone. The RFA, during its process of development, probably received and gained a stature in the community that it perhaps did not deserve or warrant. In a sense it has become somewhat exaggerated. It raised expectations unrealistically. Some people saw it as vast additional areas being preserved; some saw it as the forever plan for the timber industry; and others saw it as a scientific breakthrough. Members of the community are highly intelligent and are informed on this issue. They recognise the RFA is an achievement. The expectations of some people were not realised. If more areas are reserved, that should be tackled cooly and objectively.

Dr Gallop: Yesterday you said that there is no public confidence in the process.

Mr BARNETT: Once that is settled, my concern is that we must have a proper long-term approach to the industry.

Dr Gallop: That is what we were supposed to have before.

Mr BARNETT: The Opposition is not doing it.

MR BROWN (Bassendean) [4.43 pm]: The Government said that it supports the Regional Forest Agreement because it wants to look after workers. This is the same Government that sacked 10 000 workers. This is the same Government that has bus drivers languishing without a job. This is the same Government that cut workers compensation and superannuation. This is the same Government that introduced workplace agreements under which, based on the latest information from the Commissioner of Workplace Agreements, 25 per cent of workers are worse off. However, in this instance, the Government says, "Support the RFA because it supports the workers." If that were true, this would be the first time in six and a half years that the Government has supported the workers. It has turned its back on them and has stuck the knife into them at every opportunity. It has taken great delight in reducing wages, working conditions and security of employment. On this occasion the minister opposite says, "Support the RFA because it supports the workers." The crowning jewel in all of that is when we say, "How does it support the workers? Where is the workers' assistance package?" It is in the same place as all the other worker assistance packages with this Government - not there!

Question put and a division taken with the following result -

Ayes (21)

Ms Anwyl	Mr Graham	Mr McGinty	Mr Ripper
Mr Brown	Mr Grill	Mr McGowan	Mrs Roberts
Mr Carpenter	Mr Kobelke	Ms McHale	Mr Thomas
Dr Constable	Ms MacTiernan	Mr Pendal	Ms Warnock
Dr Edwards	Mr Marlborough	Mr Riebeling	Mr Cunningham *(Teller)*
Dr Gallop			

Noes (29)

Mr Ainsworth	Mr Cowan	Mr MacLean	Mr Prince
Mr Baker	Mrs Edwardes	Mr Marshall	Mr Shave
Mr Barnett	Dr Hames	Mr Masters	Mr Trenorden
Mr Barron-Sullivan	Mrs Hodson-Thomas	Mr McNee	Dr Turnbull
Mr Bloffwitch	Mrs Holmes	Mr Minson	Mrs van de Klashorst
Mr Board	Mr Johnson	Mr Nicholls	Mr Wiese
Mr Bradshaw	Mr Kierath	Mrs Parker	Mr Osborne *(Teller)*
Mr Court			

Question thus negatived.

RAIL FREIGHT SYSTEM BILL 1999

Committee

Resumed from 24 June. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Cowan (Deputy Premier) in charge of the Bill.

Progress was reported after clause 42 had been agreed to.

Clause 43 put and passed.

Clause 44: Commission and other State agencies to give effect to disposal under this Part -

Ms MacTIERNAN: This is an interesting clause; it basically requires staff employed by Westrail and who are holding any assets that have been disposed of by the minister to hand them over. It is a strange clause to include in this agreement. It almost smacks of a fear the Government might have that Westrail staff might not hand over the property of which the minister has disposed; that the Westrail staff might be more concerned about the disposal of the assets than is the minister.

The task force has been in operation for almost a year. No doubt it has a fair amount of detail on how precisely it intends to value the assets to be disposed of. This has been an area of major concern in privatisation. In three areas of privatisation - Westrail track maintenance, MetroBus and Main Roads - an enormous amount of assets have been disposed of in a fire sale. The Opposition prepared a document that showed that the money obtained for the items was far less than the written-down value. Obviously we should benchmark the prices. Is there a reserve price on the disposal? How has the valuation been undertaken? Is it proposed that this will be an all-in-one lump-sum disposition of assets or will parts of the assets be sold separately? These are important questions. Under this Bill we are being asked to hand over to the Government the power to dispose of these assets. Before we agree to do that we must have some idea of how the Government proposes to go about it, particularly in the light of its appalling track record for the disposition of plant.

I hear the Deputy Premier groaning. I am happy to hand over the files I have, particularly the documentation on the sale of MetroBus which shows how the plant and equipment that belonged to the State was sold for a fraction of their written-down value, even something like perhaps one hundredth of their replacement value.

Mr COWAN: The advice to me is that the valuation of the assets of Westrail has been assessed by KPMG. In addition I am sure the Valuer General will have a capacity, should he be asked, to provide a valuation. The member for Armadale was

interested in whether the Government had set a reserve price. I can assure her that the Government will certainly be doing that. She is quite right; the Government will set that, although we will take advice from consultants or people who are able to estimate the value of Westrail. However, it will be the Government that sets any reserve price.

She raised another issue on which I do not want to have a long-winded debate; nonetheless, I need to put my view and that of the Government. The Government acknowledges there is a clear distinction between the replacement value of an asset, its written-down value and its real value. Unfortunately, the real value of something can be assessed only by a willing buyer. In that sense, the Government will do nothing other than acknowledge that the replacement value and real value will not necessarily coincide. I am sure the member for Eyre will agree with that. The book value and the written-down value are separate figures and have no bearing on what we might realise from an asset when we put it on the market because demand will determine the real value.

Ms MacTIERNAN: This is one of the follies of privatisation. The Government is selling to a monopoly. If equipment specific to the maintenance of rail track were to be sold, only one group would have a demand for it within the southern half of the State.

Mr Cowan: No; most of the rail track maintenance, if not all of it, is already done by contract.

Ms MacTIERNAN: A certain amount of maintenance is done by Westrail.

Mr Cowan: I am not in a position to answer that. I imagine that the amount would be relatively small.

Ms MacTIERNAN: Perhaps that is not a good example. Rail signalling equipment is an example of equipment for which only a rail operator will have use. There will be only one bidder for equipment of that type. If we are relying on some notion of what the market will bear, it will not be accurate because it will be an uncompetitive market with only one company that can use the equipment.

I seek the Deputy Premier's comment on that. I presume we will be looking for an all-in price on this. Are we structuring this deal as an all-in price?

Mr Cowan: Yes.

Ms MacTIERNAN: Presumably our reserve has been struck on some sort of rational basis which will include a valuation of the assets. Can the Deputy Premier tell the House what mechanism the Government is using to value these assets? Is it using a replacement value, a written down value or some other sort of value? For the reasons the Opposition has set out, it makes no sense to talk about a real or market value because only one person will be using the assets. How is the Government setting the reserve? What valuation mechanism underlies the assessment of the reserve?

Mr COWAN: The member answered her own question about the sale of assets when, halfway through her comments, she recognised that we are selling the freight business and giving the purchaser of that freight business an opportunity to be the operator of the track.

Ms MacTiernan: It is a requirement.

Mr COWAN: We are giving it the opportunity; if one wants to call that a requirement, it is a requirement. The member used the MetroBus sale as an example. However, in that instance the contract to maintain the buses was also transferred to the operator. The operator felt that it did not need the depots and some of the maintenance equipment included in the sale. In this case we are selling the entire freight business and it will be a little different.

Ms MacTiernan: Will they be required to take the whole lot?

Mr COWAN: Of course, and a valuation will be placed on the freight business in its entirety. The purchaser can quit what it considers to be surplus to its needs as long as it can deliver the services according to the requirements of the agreement for sale. The member's other question concerned where that price will be struck. I am sure the advice given to the minister will be the value of that business as a going entity, as a freight business. It will include a range of things -

The DEPUTY CHAIRMAN (Mrs Holmes): The Deputy Premier's time has expired.

Mr COWAN: Have I spoken for five minutes?

Ms MacTIERNAN: I think a problem occurred with the time keeping there. I would like to know what valuation principles KPMG is using to reach its valuation.

Mr Cowan: I cannot answer that but I can arrange for that information to be given to you. I do not have that advice.

Ms MacTIERNAN: Do the sale task force personnel have it?

Mr Cowan: No.

Ms MacTIERNAN: I would be grateful if the Deputy Premier could provide that information. He was in the middle of making some comments.

Mr COWAN: All I was going to say was what I said by interjection. The value of the rail freight business will be fully assessed and KPMG will make a recommendation to the Government. That assessment can be backed up by the Valuer General but the worth of the business will not be assessed on the replacement value of the assets contained in the business. It is a business in itself. How does one measure some of the issues such as the freight task? One looks at the contracts, their

profitability and takes that into account. It is not a question of whether one has assets such as fixed plant or rolling stock. Most of the rolling stock is leased or owned by the companies with which Westrail has significant contracts. Alcoa is one example. I am not sure if the Australian Wheat Board has rolling stock of its own but I know Alcoa has and that some of the other major companies would have contributed significantly to the rolling stock. The member for Eyre would appreciate that because he was involved in some of the deals. In the contracts to put product onto rail, companies were required to provide rolling stock.

Mr GRILL: I wish to ask a fundamental question about this clause. Why is a clause of this nature necessary? It obliges the commissioner, or I presume any other third party, to dispose of or hand over any items, chattels, land or anything else the Rail Corridor Minister has conveyed. The member for Armadale said it was a strange clause and I must agree with her. Why is this clause necessary given the intent of the Bill is to dispose of assets? I would have thought a direction of this nature was unnecessary in the legislation.

My second point is this clause gives legislative force to any disposal. It also gives legislative force to acquiring assets from third parties. Why is it necessary to have this sort of legislative force to acquire assets from third parties especially when the asset itself might only be an interest in an asset, as contemplated by the clause? If the Rail Corridor Minister makes a mistake and sells something which he should not have an interest in, this clause would give legislative force to that mistake and there may not be any redress because it is set out in the legislation.

Mr COWAN: I am not sure I can respond to the last question but I can answer the first. Under the Western Australian Government Railways Act there are two bodies corporate; the minister and the commission. This clause is designed to ensure that it is clearly enunciated whether the items which need to be purchased by the buyer will come from the minister or the commission because ownership is already lodged in different areas. This clause ensures clear enunciation of those parts of the freight business which will need to be transferred across to the operator from the different bodies. That is my understanding of the clause.

With respect to this providing an escape hatch for any mistakes, I do not share the member's pessimism about the Government making any mistakes. I do not think that is the intent of the clause.

Clause put and passed.

Clause 45 put and passed.

Clause 46: Corridor land not subject to certain rates or taxes -

Ms MacTIERNAN: The Opposition has some concern about this clause. The clause exempts corridor land from a range of taxes and charges, particularly rates under the Local Government Act.

We understand that the land which is used for rail purposes per se should be exempt from local government rates in the same way that roads are. Our concern is that, if one reads this Bill holistically, an operator is not confined to using rail corridor land for rail purposes; a rail operator may build other structures and have other operations on that land; for example, it might build shops or gain control of a railway station and build a cafe and restaurant around it. I would like clarification on why those sorts of activities should be exempt from any local rating under the provisions of this Bill. It seems to me that exempting any corridor land is far too wide a provision. The provision should be limited and apply only to those bits of corridor land which are being used to conduct rail or services directly related to the provision of a rail service, not, for example, the development of canteens and cafes in a railway station. I would be interested to hear the minister's comments.

Mr COWAN: It will be a matter covered by the lease. I doubt that those commercial entities would be operated because the rail freight business is being sold, not a suburban traffic system which would have the passengers to support a cafeteria. The customers of the freight business are not likely to want a cafeteria every 200 kilometres so that they can stop for a coffee break. However, if a private decision were made that that land, which was within the rail corridor, should be put to another purpose, this legislation contains other provisions that permit that land to be used for that purpose. We have had a debate on that previously.

Ms MacTiernan: Where is that?

Mr COWAN: The member can go back to the clauses herself; I cannot keep telling her precisely which clause it was. If it was thought that land within the rail corridor should remain part of the rail corridor, but that it could have some alternative use in the way the member mentioned, the lease agreement would either preclude that, or if it permitted it, it would include a provision to require the operator to apply the normal rate structure to whomever subleased that entity, otherwise all of the provisions we have dealt with previously would be in some instances abused, and that is not what we want to do.

Ms MacTIERNAN: With respect, I am not suggesting it is what the Deputy Premier wants to do. I suggest these are shortcomings in the drafting of the legislation. It is not acceptable to say, "Trust us, we will put something in the lease that will cover this shortfall in the drafting of the legislation."

Mr Cowan: It is not a shortfall.

Ms MacTIERNAN: It is a shortfall. I am not suggesting that the Deputy Premier is attempting some scam, but the consequence for local governments might be significant. What will happen with the Kalgoorlie railway station; it services the passenger and the freight operations? Who will have control of that railway station?

Mr COWAN: I am sure that the operator will have control of that as part of the rail corridor. I am also sure that the operator will do precisely what Westrail does now; that is, offer a contract to provide a service, if there is a service, at that railway

station for any of those allied matters that the member talked about. The member mentioned the word "cafeteria". I am sure the member will find that it will be the responsibility of the operator to determine that practical application of whatever was provided in the way of services. I move -

Page 24, lines 2 and 3 - To delete "is exempt land for the purposes of the *Land Tax Assessment Act 1976* and".

Ms MacTIERNAN: Firstly, why is this amendment being made? Secondly, I want to move for the insertion of some words. The amendment that I am proposing to move can stand independently of the minister's deletions. However, will the minister explain the change of plan in the exemption of state taxes and charges?

The DEPUTY CHAIRMAN: The member for Armadale can move to insert words when the blank is created after we have dealt with the deletion.

Mr COWAN: The proposed changes to clause 46, and the new section 99 that will be inserted later, will ensure that all land tax exemptions are dealt with under a single piece of state legislation rather than scattered over several Acts. The change also ensures that the exemption applies to the rail permanent way and not to other parties using part of corridor land for non-railway purposes.

Ms MacTIERNAN: I find that very entertaining because the Government is conceding the concerns that I raised and is quite happy to move to protect its coffers, but it is not making a similar move to protect the interests of local government. I do not think it is fanciful to imagine railway stations such as Kalgoorlie under the directorship of the private operator. A substantial development of that land could occur for non-railway purposes. This is not hypothetical. If the Deputy Premier had taken any notice of the experience in the United Kingdom, he would acknowledge that the rail track manager spent far more time developing real estate than it did maintaining and operating the rail system. In fact, it became a land development operator and not a rail track manager. I am not suggesting that the same will happen here, because the differentials in the value of our real estate are different. However, I can see key areas - for example Kalgoorlie and Northam - which have trains travelling to tourist destinations with the freight operator being given control of those stations. That was conceded by the Deputy Premier. That would be a real problem. We are not talking about millions of dollars, but we know that local authorities are very angry about the way in which state agreement Acts have so quickly cut them out of the picture and that so little of the returns from mining and other regional activities are being poured back into local areas. This is another example of that.

The State Government has been prepared to move to protect its interests, but it is refusing to acknowledge that the same prospects would see local government improperly denied rates from businesses that it should be able to rate. After the Deputy Premier has moved his amendment, I will move another amendment so that we afford to local government the same protection that the State Government is seeking to provide for itself.

Mr GRILL: The member for Armadale has made a very good point. The original explanation of the purpose of this clause was that it created cost neutrality between roads and railways. No-one wants to disturb that because cost neutrality is important in that situation. However, when one considers some of the ancillary facilities, the question arises as to whether carrying on commercial activity on railway corridors should be exempt from a range of taxes and charges, especially local government charges. When that question was put to the Deputy Premier, he said that that would depend on the terms of the lease and that under those terms the Government has the ability to make some areas exempt and others not. That is not correct. This clause provides that corridor land is exempt land for the purposes of the Land Tax Assessment Act.

Mr Cowan: I will try to explain it again.

Mr GRILL: It also states that it is exempt from any other rate under the Local Government Act and so on. Once we make the land exempt, it is exempt and the Deputy Premier cannot remove that exemption in a lease document. He might be able to extract some charges pursuant to a lease document and then pay them to the relevant taxation authorities. However, no matter how well the lease is drafted, he cannot remove the exemption applying to a piece of land that he has already made exempt under another piece of legislation. If we are talking about cost neutrality between rail and road, perhaps we should be talking about it between commercial operations on corridor land and commercial operations on normal land. That is the point the member for Armadale is making.

Mr COWAN: I refer the member to clause 37, which we debated previously. That is the basis for dealing with the conduct of a business that is not associated with the operations of the rail. One would use that clause to ensure that the business remained subject to the normal commercial operations that every other business is subjected to by local government.

This clause is specific. It is designed to identify clearly the corridor land that is to be exempted. I did not explain that very well in my first attempt. The purpose of the clause is to ensure we have a good definition of what is corridor land and that that land is exempt. However, we would use other provisions in the legislation, such as clause 37, to ensure that we can determine whether a parcel of land should be removed from the corridor. Once that has happened, it does not come under this provision of exemption.

Mr GRILL: That explanation would be good - it is far better than the first attempt - if the Deputy Premier intended to designate some areas of land as no longer being required as corridor land, and then to allow rates and taxes to be applied. However, it might well be - this is what the member for Armadale was referring to - that one simply wants to lease land for commercial purposes for a period but to keep it within the corridor. Clause 37 does not provide that option.

Ms MacTiernan: Imagine the situation if Kalgoorlie railway station were required for freight purposes and you built a cafe. This clause will not allow that.

Mr GRILL: Perhaps the drafts people have not thought this through as well as they might have. Clause 37 constrains the Government. We need more flexibility. We should have a clause that does what the Deputy Premier says clause 37 does. I am not convinced that this clause achieves that.

Ms MacTIERNAN: I agree entirely that clause 37 will not do that in the circumstances we are contemplating. If we had a surfeit of land, using clause 37 we could excise some of it from the rail corridor and allow it to be dealt with separately. We are talking about a situation in which it is not possible to make such an excision. The classic case would be the Northam or Kalgoorlie railway station. In the United Kingdom they built over the railway lines and the stations. We are talking about those situations in which we cannot remove the land because it is being used contemporaneously for legitimate rail purposes.

Mr Cowan: That is what the lease would cover.

Ms MacTIERNAN: That is what the Deputy Premier says. We are being asked to approve legislation on some vague promise that this will be dealt with in the lease. That lease has not been drawn up, let alone agreed to. That is unacceptable, particularly when it is a problem that can be resolved here and now. The Opposition is happy to support what the Government is doing to protect its interests. However, the argument that it uses to justify that amendment should also be used to justify the amendment I propose to move.

Amendment put and passed.

Ms MacTIERNAN: I move -

Page 24, after line 6 - To insert the following -

to the extent that such corridor land is being used for purposes directly related to operating a rail freight system.

The exemption given for land tax was removed by the last amendment. My amendment will be inserted after subclause 1(b) and will qualify (a) and (b) by saying the exemption applies to the extent that the land was being used for rail freight purposes. I gave the Kalgoorlie Railway Station as an example. Its corridor land would be exempt, but a local authority would calculate the square measure of the restaurant operating at the station and impose a local government rate, because that restaurant is not directly related to the operation of a rail freight system. On the other hand, the considerable area of the Kalgoorlie Railway Station that is given over to freight service offices would continue to be exempt. This amendment would ensure that we are not put in a situation in which we must rely on the vague promises that there will be a lease and the lease will cover this issue. We know that the lease has not been written, let alone agreed to. This would seem to be the decent way to protect local authorities and the State Government in relation to other taxes and charges that might apply to such a facility. It is wrong for us to allow a private rail operator to gain a commercial benefit from operating any other business. As the member for Eyre and I have said, it is not feasible to rely on clause 37 when we consider the sorts of businesses that will be integrated in a land sense with the genuine bone fide rail services. I ask that members seriously consider this amendment, because it will put into effect what the Government claims are its intentions.

Mr COWAN: I am disappointed that the member for Armadale is so suspicious of the Government's intent. This amendment is totally unnecessary. The intention of the Government is to clearly identify the rail corridor for the purposes of rail freight transport. It is not the intention of the Government to offer protection to people who might have a capacity to expand the rail corridor beyond that, so that they could maintain or establish an operation or a business that is not associated with the transport of rail freight and through that allow them to be exempt from local government rates, taxes or charges. That is not the intention of the Government and we will see that does not occur. I encourage members of the Chamber to the oppose the amendment.

Mr THOMAS: The Deputy Premier is attributing some poor motives to my colleague, the member for Armadale, who is simply trying to make provision for what would otherwise appear to be an oversight in the drafting of the Bill. It is conceivable that the rail corridor will be an extensive area of land, and who knows what uses might be found for that over the years. It may be that other businesses could operate on that land and improvements made on that land. The land abuts roads, and all sorts of businesses could be established on that land. Those businesses should be subject to the taxes they would expect if they were located on any other sort of land. For example, a service station could be built there at some stage in the future. The amendment which my colleague has moved will apply that exemption from certain rates and charges to uses of that land for railway purposes. If at some time in the future another use is found for that land and the lessee of the corridor makes improvements on the corridor, it would need permission from the Government. Assuming it was considered to be a worthy project and the lessee obtained permission from the Government, it should still be subject to the normal taxes and charges that any other business, such as a service station on the other side of the road on freehold land, would be required to pay in taxes and charges. I do not think my colleague is attributing poor motives to the Government in moving the amendment. She is seeking to overcome what seems to be an omission in the drafting of the Bill.

Ms MacTIERNAN: The member for Cockburn is exactly right. The comment of the Deputy Premier is one that we tend to expect from some less capable ministers. I did not think he was so paranoid as to take our commentary on the Bill as some sort of personal criticism or attribute it to some sort of suspicion we have about what the Government intends to do. I made it clear on several occasions that we are not suggesting this is what the Government intends, but we point out it is possible. We have provided practical examples of where this could happen, which could not be addressed by the use of clause 37. We have referred to incidents in the United Kingdom where this was a live issue, and rail track managers have exploited every square inch of that land and constructed new structures over the top of railway lines and railway stations that would provide a commercial return. In some of those areas they would not even need to put up new structures. In various railway stations they could set up a whole range of businesses. In areas like Kalgoorlie where real estate is very expensive that might be a major benefit to a private operator and not one that it should have.

Mr Cowan: Before you go too far, look at the next clause.

Ms MacTIERNAN: If the Deputy Premier was listening to what I was saying he would know that it was expressly the contemplation of clause 47 on which I was making those comments. I was saying that it might not be necessary even to build a new structure. For example -

Mr Cowan: Kalgoorlie again?

Ms MacTIERNAN: This could apply to Kalgoorlie, Northam or Bunbury. A new structure would require approval. Clause 47 is no answer because, as the member for Cockburn has pointed out, some commercial activities would not require it. More realistically, existing structures could be used for office space, restaurants or a whole plethora of activities. We have no difficulty with premises being used for such purposes and we are not saying that they should not be used for them. However, if those are the purposes for which premises are to be used, proper accounting must occur. As I have said, Kalgoorlie springs to mind because it is a regional centre with high land prices and there might be a very real commercial incentive for a rail operator to exploit its premises in that way. This issue is similar to the argument which has arisen with the privatisation of airports around Australia as to whether it is fair to give some operators advantages over others.

Amendment put and negatived.

Clause, as amended, put and passed.

Clause 47 put and passed.

Clause 48: Other restrictions on corridor land -

Mr THOMAS: As I read the clause, it limits the use to which the land can be put and states that, unless the Rail Corridor Minister gives approval, the land may not be used in a way which is inconsistent with its use for railway purposes.

Mr Bloffwitch: It is the normal sort of clause for the lease of a property.

Mr THOMAS: I agree with the member for Geraldton; it is a prudent consideration to include in the Bill and I have no problem with it. However, let us say that somewhere along the railway line between Perth and Kalgoorlie, which is the main east-west line, someone proposes to the lessee that it would be a good place to build a roadhouse, a service station or a business of that nature. The land abuts a road some distance between towns and another service station or roadhouse is needed. Under clause 47, an application must be made to the Rail Corridor Minister who might think such a facility is a good idea. Where is the authority for the lessor, the Rail Corridor Minister, to impose charges? Perhaps they could be equivalent to the tax regime from which we exempted the lessee a moment ago under clause 46. I do not see any authority for the minister to impose additional charges. I will suggest the answer to the minister. Unless that situation is provided for in the lease between the Rail Corridor Minister and the operator, the lessee, it would seem to be prudent and appropriate in this clause to authorise the Rail Corridor Minister, where additional uses are found for the land over and above those envisaged when the lease was first entered into, to impose additional charges.

I hope the lessee finds additional uses for the land. A rail corridor may be a long strip of land but in total it could cover many thousands of hectares. It would be good if better uses could be found for what is merely wasteland rail reserves. One would hope the lessee would attempt to find better and more productive uses for the land, which for the most part is covered in wild oats. It is also appropriate that if better uses are found for the land, the lease that was entered into in contemplation of that land being used purely as a railway reserve should provide for a better return to the owners of the land who are the people of Western Australia whom we represent here. I wonder whether under this Bill authority exists for the lease to contain provisions to impose conditions on the lessee which enable the lessor to vary the charges and impose additional charges if a more productive use is found for the land.

Mr COWAN: There is nothing to prevent that occurring. This clause does not preclude that. In fact, one would assume if under clause 48(2)(b) the minister were to give approval, he would set conditions. Those conditions would apply to some of those matters to which the member for Cockburn is referring.

Clause put and passed.

Clause 49: Delegation by Rail Corridor Minister -

Ms MacTIERNAN: I thought the debate on clause 48 was quite interesting. It is made even more interesting by clause 49, which is a real ripper. In clause 48, all these restrictions on the land are set out, and it says that the Rail Corridor Minister has these powers to ensure that the rail corridor land is not used in a way that is inconsistent with the operation of a freight business. However, guess what happens in clause 49? It is extraordinary. Under clause 49, the powers of the Rail Corridor Minister can be delegated to the purchaser of the freight business. This renders much of clause 48 redundant as the purchaser of the freight business can be delegated to do what it wishes. Therefore, we have a circumstance in clause 49 that is absolutely amazing. It would permit a minister to delegate the powers of limitation to the very person whom he has been given powers to control and to limit. Therefore, we would be handing over to our friends, the American railway companies, the power to assess whethery they should have restrictions placed upon them in what they do with this land. I find it incomprehensible that we are even contemplating a provision as broad as this, which would allow the minister's powers to be delegated and, what is more, delegated to the very person who is supposed to be the object of those powers of regulation. It defies belief. I will wait to hear the Deputy Premier explain this extraordinary provision before we carry on with the critique, because there may well be something here that we are missing. However, certainly on the face of it, it is a travesty and a complete abrogation of the minister's responsibilities.

Mr COWAN: I do not agree with the member's interpretation of this clause. There would be at some time or another a natural process of delegation of powers. If a freight business was sold and by virtue of that an operator was going about its lawful business, and if someone, for example, by something he may have done, attempted to impede that lawful operation, the last thing one would want is for the operator to be immediately going to the corridor minister saying that it wanted him to do something about it. It would be appropriate for the minister to say to the operator that it is his business and he should do something about it. That is in the general day-to-day operation. I cannot give a particular indication, unless, for example, someone decided to park a vehicle over a rail crossing. This is a case of going from the sublime to the ridiculous. However, one would not want to go to the Rail Corridor Minister and ask him to remove that vehicle because it was blocking the progress of the trains up the track. One would set about the task of ensuring it was removed by going to the appropriate authorities.

Ms MacTiernan: You have the power to do that anyway.

Mr COWAN: One would hope so. As I said, that is not a good example. However, there would be occasions when it would make good sense for that power to be delegated. Members should bear in mind that it is restricted to clause 48(2)(b). In the case of paragraph (b), there is a limitation in this clause, and that must be borne in mind.

Ms MacTIERNAN: Clauses 48(2)(b) and (c) refer to restrictions that are placed in regulations. Therefore, one might have the government framing a whole set of regulations supposedly restricting the conduct of the operator, and then giving to the operator, without any parliamentary approval, the powers to actually administer those regulations. That is what it is doing. The private operator is being put in the position of the Rail Corridor Minister. It just undermines the whole schema with which we have been presented that is supposed to afford various protections. We have been told here that -

Mr Cowan: There is the word "may" in there.

Ms MacTIERNAN: Yes, "may". It might not always be a highly ethical Government like the Deputy Premier's. At some future date another Government might be elected, or there might be some other ministers. It might be a Liberal Government, for example, not in coalition with the National Party, and therefore its standards of probity might suffer. The Deputy Premier must understand that we are dealing with legislation that will -

Mr Cowan: I understand you very well.

Ms MacTIERNAN: Do you? Could the Deputy Premier explain what that comment is supposed to mean?

Mr Cowan: Get on with the clause.

Mr Thomas: Perhaps you could brief some of her colleagues some time.

Ms MacTIERNAN: The member for Cockburn has made a very disloyal remark, one that he will no doubt regret when I get my revenge.

The schema with which we have been presented here is that there is this Rail Corridor Minister. The whole purpose of clause 48 is to make sure that this land cannot be dealt with in an improper way or a way that is inconsistent with the operation of a rail freight business. Then we are empowering a minister to hand over that power in its entirety to the freight operator. It simply makes a mockery of the whole schema of the legislation. Indeed, there would be some potential for a private operator to use these provisions to scuttle its opposition. There are ways, for example, that an operator, operating under that delegation, could do things, such as restricting entry and access to terminals, etc, which would make it difficult for other above-line operators to compete fairly.

I am absolutely surprised that the Government is even contemplating this, and I urge members to think carefully about it. This is giving the minister power to hand over his powers in this regard entirely to the private operator, and it is also giving the private operator power to operate regulations. Parliament allows regulations that have the force of law, but we are giving a private operator the power to administer those regulations in the place of the minister.

I find it an extraordinary proposition, which is clearly a view the Government does not share. These are the sorts of provisions, if ever this legislation becomes law, that will in the long term be very problematic for those seeking to bring accountability to the private operator.

Clause put and passed.

Progress reported and leave granted to sit again.

Sitting suspended from 6.01 to 7.00 pm

AUSTRALIA ACTS (REQUEST) BILL 1999

Second Reading

Resumed from 16 June.

MR KOBELKE (Nollamara) [7.01 pm]: I support the Bill. I am not the lead speaker, but the Leader of the Opposition, who is the lead speaker, has been held up. I hope he will have an opportunity at a later stage to contribute to this debate.

This Bill arises from the passage of legislation through the Commonwealth Parliament in the near future to establish a referendum on whether an Australian should be head of state in Australia. That clearly has implications for this State and its system of government. As we all know, the Parliament is made up of the Legislative Assembly, Legislative Council and

the Queen, represented by the Governor. Therefore, we need to make a decision on whether to stick to the same model or rearrange it to meet the needs of Western Australia. The State is caught up, as part of the Commonwealth, in whether Australia itself becomes a republic and in the detail of what room constitutionally it has to move to establish a head of state in Western Australia; that is, to leave the situation as it currently stands or to make new arrangements in light of the potential passage of the referendum. I will first comment specifically on the federal referendum and my support for the establishment of a republic in Australia, and then address some specific issues relating to this Bill.

Members on this side have great affection for their traditional roots in Great Britain, for the Queen as head of state and for the many benefits this State has derived from the British system of Parliament and government. Establishing our independence as a republic is in no way a slur on that. In recognising the strength of our system, we must be thankful for the traditions from which we have derived our Westminster-style Parliament, our democracy and our system of government. However, the time comes when this country can no longer be seen internationally as subservient to a nation on the other side of the world. It is ridiculous for Australians, when representing Australia and Western Australia in different parts of South East Asia, to try to explain that the Queen in England is the head of state in Australia. It is a nonsense, and people cannot understand why an independent sovereign country such as Australia, with its own State Governments, must defer to a head of state who is not an Australian. In making our way in the world and taking our place on the edge of Asia, we must be clearly seen as an independent sovereign nation, and for that purpose we need a head of state who is an Australian and can be clearly identified as such.

There are many possible ways of changing the commonwealth Constitution, and I will not mount the arguments about a minimalist change or major and radical change in establishing a republic. I firmly believe that, given the history of constitutional change in Australia and the lack of success of referendums, we need a minimalist change. The proposal by the Federal Government, which is supported by the Labor Party around Australia, is to make the head of state an Australian who would be appointed by the two Houses of the Commonwealth Parliament. That ensures the constitutional system will continue as it is today. I could spend time going into the pros and cons of that, but at this stage I wish to move to other matters and the content of the Bill.

Next year during the Olympic Games in Sydney, the world will focus on Australia. It would be appropriate to have an Australian as head of state by that time. That opens political issues because Prime Minister Howard has already decreed that he will open the Olympic Games, even though it is not normal for an elected head of government to officiate rather than the head of state. The Olympics will provide but one more example of a deficiency in the Australian system if the head of state is not an Australian.

The High Court decision on 23 June with regard to the election of Heather Hill as senator for Queensland is another example of the problems under the current constitutional arrangements. One of the underlying decisions with respect to the court decision on the election of Heather Hill as senator was that because she held dual citizenship of Australia and Britain at the time of the election, she was a citizen of a foreign power. I have not read the court's decision, but I understand from press reports that a 4:7 decision found that Britain is a foreign power according to the Constitution. That being the case, we are now in the situation, according to that ruling, where the head of state in Australia is judged to be the head of state of a foreign power. That is one more reason to successfully move through the referendum in November this year to establish that the head of state in Australia will be an Australian. The monarchists who wish to oppose the referendum, in the hope that it will not succeed, have made statements to the effect that the High Court decision somehow confirmed that a change is not needed. It is a twisted form of logic. If the High Court has determined that England is a foreign country, clearly Australia has its own identity. It further confirms that our monarch is also the monarch of a foreign nation, and clearly we do not wish to continue with that. It is ridiculous at this stage of our development that we cannot continue to have great affection for England and the Queen, and respect for the strength of the traditions they have passed to us, and yet be ready and willing to stand independent as a nation with an Australian as head of state. The move currently before us is being sponsored by the Howard Government, but it is a strange arrangement for a Prime Minister who does not believe Australia should be a republic to be at the head of a Government putting a referendum to the people to give them that choice. It reflects a total lack of leadership at the national level.

Mr Johnson: It could be said that it is a good democratic move.

Mr KOBELKE: I accept the interjection from the member but I do not think what he is saying makes much sense. That we are a democracy is not in question. To change our Constitution, questions must be put to the people in a referendum and there are clear criteria for the vote to pass. Normally a Prime Minister whose Government is moving a motion will espouse the action of his Government. Our Prime Minister has backed away from supporting the referendum his Government is putting forward. To me, that is weak, ineffectual leadership. Australia will not become a republic and install an Australian as the head of state if people do not believe it is for the good of the country. The Prime Minister's view of what is good for the country is opposite to that which, according to the opinion polls, the clear majority of Australians believe. We will see when the referendum is conducted whether that is the declared view of the majority of Australians. A Prime Minister so lacking in leadership that he cannot get out there and help drive the debate is an indictment on the current Federal Government. Unfortunately, things are not much better when we turn to the State level. Our Premier is also caught in a situation of not wishing to see Australia become a republic. He has been extremely ambivalent about what is in the best interests of Australia and Western Australia. At the State level, our Premier, as leader, does not want to provide leadership and direction but is being caught up and dragged along behind the popular view of most Western Australians. Most Western Australians see that the time has come to establish Australia as a republic with an Australian as our head of state. That leaves us in a catch-up situation of what will we do at the state level if and when the referendum succeeds and Australia, as a nation, becomes a republic with an Australian head of state? What will we do in Western Australia? The Court Government has established a committee to look into these matters but that has only been a device to put the issue at arm's length and not

make a decision. The Premier and it seems many of his ministers are cowered by the possibility that we could move forward and use this as an opportunity to improve the system of government in Western Australia in keeping with the change that looks like taking place at the national level through the establishment of a republic.

I am a traditionalist in this area; I believe that our system of government is working reasonably well and should be reformed gradually. I am not one for advocating radical and major changes to our state Constitution and the way the Parliament and Government work in Western Australia. There is a need for improvement, but my preferred approach is one of gradual change. Gradual change and improvement would fit in well with the changes likely to occur at the national level with the establishment of Australia as a republic. It is obvious that some members of the Government see the importance of this issue. The member for Cottesloe as deputy leader of the Liberal Party probably does not want people on this side congratulating him at present because in a number of ways he has tried to be progressive and out of step with others in leadership positions in the current Government. However, on this issue he is totally right. The member for Cottesloe, the deputy leader of the Liberal Party, is aware of the benefits of the establishment of a republic for Australia and Western Australia. He has stood and stated that publicly. I commend him and other members of the Liberal Party who have adopted a similar stance and are working towards establishing an Australian republic which will lead to Western Australia having to consider how it will change its system of government if Australia were no longer a constitutional monarchy.

I will now discuss some of the specific details of the Bill before the House tonight. The power to change our Constitution is laid out in the Constitution Act. A state referendum is needed to change the position of Governor and a number of other principle matters relating to our system of government and the establishment of our Parliament. This Bill does not change that in any way. If we were to decide to replace the Governor in Western Australia with a head of state of a different form, I understand that matter would still require the approval of both Houses of Parliament and the consent of the people of Western Australia at a referendum. That will not be changed by this Bill. The second reading speech indicated that the change necessary, assuming the successful passage of the commonwealth referendum and the establishment of a republic, can be achieved by more than one means but there is some legal uncertainty about the change being incorporated into the commonwealth question in the referendum. The Government proposes - and I accept - that this Bill which makes a change through the Australia Act provides the greatest certainty for any change in Western Australia. It is also a way of guaranteeing that Western Australia maintains control of its Constitution and we can determine what form of change, if any, we wish to make. On that basis the Opposition supports this Bill. The Australia Act 1986 was put in place by the Commonwealth Parliament and with passage through the Parliament of the United Kingdom and received the concurrence of the Australian State Governments. Its purpose was to sever the potential for laws of the United Kingdom to have application in Australia and the Australian States. It also removed rights for appeal to the Privy Council as the highest court of appeal in the Australian judicial system. That was done in 1986 to separate Australia from the United Kingdom. A section of the Australia Act relates to States and state Governors. I will read section 7 into the record. It states -

(1) Her Majesty's representative in each State shall be the Governor.

(2) Subject to subsections (3) and (4) below, all powers and functions of Her Majesty in respect of a State are exercisable only by the Governor of the State.

(3) Subsection (2) above does not apply in relation to the power to appoint, and the power to terminate the appointment of, the Governor of a State.

(4) While Her Majesty is personally present in a State, Her Majesty is not precluded from exercising any of Her powers and functions in respect of the State that are the subject of subsection (2) above.

(5) The advice to Her Majesty in relation to the exercise of the powers and functions of Her Majesty in respect of a State shall be tendered by the Premier of the State.

That clearly says that the Governor is the representative of Her Majesty, that Her Majesty is to take the advice of the Premier and that Her Majesty when personally present in the State is able to exercise the full powers granted her under our Constitution. That being the case, we have clear evidence that Her Majesty herself plays a role in the Constitution and the governance of Western Australia. It is time for us to establish a republic and allow Australians to exercise the role of head of state at both the national and state levels.

Section (7) of the Constitution Act indicates clearly that a Governor is part of the system of government of the States. Therefore, if we put into the Australia Act the ability to change that situation, we would remove a legal obstacle to the State being able to make that change should it decide to do so following the change to the federal Constitution.

The main part of this Bill is contained in clause 1 of schedule 1, which proposes to add two subclauses - subclauses (6) and (7) - to section 7 of the Australia Act. Subclause (6) states -

> The Parliament of a State may make a law providing that the preceding sub-sections do not apply to the State.

Subclause (7) states -

> Upon the coming into effect in a State of a law referred to in sub-section (6), this section ceases to apply to the State as provided by that law.

That is saying that the current five sections in the Australia Act can simply be put aside by the application of this Bill, and that the section that requires a Governor to be a part of the Constitution of the State will no longer have effect. Therefore, it simply gives the State the option of making that change at a future date, and that will become part of the Australia Act and remove the obstacle that exists currently. The reason this is important is that in order to change the Australia Act, we need to comply with the provisions of clause 15(1) of the Australia Act, which states -

> This Act or the Statute of Westminster 1931, as amended and in force from time to time, in so far as it is a part of the law of the Commonwealth, of a State or of a Territory, may be repealed or amended by an Act of the Parliament of the Commonwealth passed at the request or with the concurrence of the Parliaments of all the States and, subject to subsection (3) below, only in that manner.

Clause 15 provides that the State must consent to the Commonwealth's amending the Australia Act to put in place new subsections (6) and (7), which will allow the State to remove its Governor should it wish to do so. That provides the head of power. What we are doing with this Bill is giving our consent, along with the other States, to the Commonwealth so that upon the passage of the required Act through the Commonwealth Parliament, and upon the passage of the referendum of the people of Australia, the State can use these provisions to change its Governor should it wish to do so.

The minister's second reading speech states that -

> This State request Bill will not come into force unless the Commonwealth's referendum Bill, the Constitution Alteration (Establishment of Republic) Bill, is passed by the referendum and receives a royal assent. Accordingly, this state request Bill will have no effect if the commonwealth referendum on the republic fails.

I will make a preliminary comment before I continue my argument about the effect of this Bill. We again see a Premier who cannot provide leadership. The Premier is saying that we should simply sit on the fence, and that what we are doing with this Bill is simply safeguarding the interests of the State, which of itself is right, proper and good. However, there is no leadership from the Government to say that we are putting this Bill in place to protect the State's interests, and that the State's interests lie in having Australia become a republic. This Government is not willing to show leadership on this important issue that is currently before the Australian people. The Government is simply saying, "This will not have any effect if the referendum does not get up." My colleagues and I hope the referendum will get up. We will be working to ensure that the referendum does succeed and that Australia becomes a republic. This House and this Parliament will then be in a position to revisit the matters that are contained within this Bill and to see how the Western Australian state Constitution should be varied so that we can follow the Commonwealth in establishing a system of government in this State which fits in with the concept of having Australia become a republic.

The other technical aspect on which I will comment is the commencement clause of the Bill, which states -

> This Act comes into operation on the day after the day on which the *Constitution Alteration (Establishment of Republic) 1999* of the Commonwealth receives the Royal Assent.

It seems to be saying - and there is another commencement section in the schedule, which has a similar effect - that if this Bill passes through both Houses of this Parliament as a clear indication to the Commonwealth of our support for such an alteration of the Australia Act, it will have no effect if the referendum does not get up. It is my understanding - I stand to be corrected - that the royal assent which is required will be granted to the commonwealth Act only if it has been approved by the people at a referendum, and that it is only when the Governor General in Canberra has assented to the commonwealth Act that this Bill can be proclaimed; and if that does not take place, this Bill will simply languish on the shelf with a lot of other dusty papers.

We support this Bill, not only because it preserves the rights and privileges of this State's Parliament and its Constitution, but also because it is a mechanism by which we can make the significant changes that will need to be made nationally. Those changes, which include changing the title of the head of state, and stating that the head of state must be Australian, are an important step forward for the future of Australia. Australia has over the past 10 to 15 years established itself as a medium-size world power. Australia is respected in many parts of world where we have sought to have influence and to work with people. The Labor Government through the 1980s, on Cambodia and other hot spots around the world, and on issues of free trade, gave a clear lead that established the credentials of Australia and meant that Australia is held in high esteem in many parts of the world. However, all that which is important for our national standing, and for improving our international trade, with the benefits that brings to Australia, can be undermined by not having a clear figurehead who is an Australian. It is difficult for us to build a strong relationship with many other countries when the Governor or the Governor General represents us internationally and we sing *God Save the Queen*. Many other countries cannot understand how an independent nation can have as the head of state a person who is a foreigner and lives in another part of the world, regardless of the merits of the present incumbent of that position and the tradition that we cherish and upon which our system of government has been built. We are in no way looking down on our heritage and on the important contribution it has made to the development of our system of government, but we have now reached the stage from which we need to move on and establish Australia as a totally independent nation. We cannot do that if we do not have an Australian head of state. It is regrettable that at both the federal and state level, our political leadership is not willing to grasp the importance of that issue. It is vacillating and stepping back, and is not willing to give the lead that would result in this referendum being carried by an overwhelming majority of Australians, who believe that we should go forward to establish Australia internationally as an independent sovereign country, and we can do that only by having an Australian head of state. This Bill will follow through on the state level, and I hope it will not be long before we come back to this place to debate the changes that we need to make to our state Constitution after the successful passage of the referendum to establish Australia as a republic.

MS WARNOCK (Perth) [7.30 pm]: I support the Bill as I support the concept of Australia becoming a republic at some time in the near future. This is an issue that is very close to my heart, as some members in this place will know. It is not because I am of Irish decent, although I am, and it is not because I am a Labor Party member of Parliament, although I am, that I am attached to this issue.

When I was about 20 years of age I discovered that I believed that we should become independent of Britain. I will not go

into the details of why that was, but it was a simple matter of not realising that a royal visit was on - I thought it was a traffic jam - and realising that something was irrelevant about that issue in my life. I spent some time talking about this issue to my friends and realised that I had independently come to the view that it was time for Australia to be entirely independent.

I find it hard to imagine how fellow Australians could seek to continue with a system which has our country headed by someone who lives in another country. That is the issue for me. It is not that I dislike the British. I am partly descended from the British and I love the English language; I am an English language graduate. However, I believe it is time for us to shed our connections to that other country from which most of us are still descended. I say with no disrespect intended that I find it shockingly inappropriate that, at the end of a century and a millennium, Australians would seek to continue with a system which implies that we are not strong enough, not independent enough, or not good enough to have one of our own as our head of state. That is the issue for me and I deeply regret that that is not the question that will be asked in the referendum at the end of the year. I emphasise that I am a minimalist; I do not seek radical change. I do not seek a huge change in our system of government. As I have said, I am attached to the English language and I am also attached to many of the customs of our excellent parliamentary democracy. As several republicans such as I indicated in a television debate a couple of weeks ago, it is that powerful symbolic change that we seek: To have an Australian as head of state and not to be ruled by a foreign monarch, however distinguished, who lives in another country.

If we had any concern or question about whether Britain was to be regarded as a foreign power, I believe that was cleared up just last week when the High Court ruled on the matter of Heather Hill in One Nation's case. She had dual Australian-British citizenship when she was elected to the Federal Parliament and therefore was ineligible to sit in the Federal Parliament. Mercifully, that is now the highest court in the land; we no longer appeal to the Privy Council. The highest court in this land ruled that Britain was a foreign power. Like many people who travel to Britain regularly, I have no doubt that it is a foreign power because, these days, one enters Britain not as a person from a country which is part of the British Commonwealth, but as an alien from a country outside the European Community. Britain made arrangements several years ago to be part of the European Community, and bully for Britain; that was a very sensible trade decision for a power which is part of the European Community. However, that decision clearly put Australia outside of the European Community, although we are of European descent, and that sums up our situation completely. Britain is now a foreign power and we should shed our political connection with that foreign power. It is time to change, and more than time to strike out on our own and leave the past behind. I believe that our democratic parliamentary system is the best in the world. It has for me a single flaw; that is, that we are still attached by an umbilical cord to our colonial beginnings. We have already parted company with much of the colonial system which was established when white settlement began in this country. The last remaining vestige is our connection to the British monarchy. I am not a supporter of a monarchical system although I note in passing that the modern monarchies in Spain, Holland and Sweden have been successful in contemporary times. Therefore, despite my political objection to a monarchical system, I have no objection to another country, for example Britain, keeping its monarchy; that is perfectly appropriate. However, that system is totally unsuitable for a modern, independent parliamentary democracy such as Australia. We are now independent, we can make our own way, and there is no reason whatsoever for our continuing with this historical connection. It will not damage our system at all to make a minimalist change; that is, replacing the Queen and her vice regal representative with an Australian representing no-one but the Australian people and their aspirations. That is the sort of change that I and people who share my views seek. I am mystified about why monarchists and the no-voting republicans are so afraid of a simple minimalist change. I am aware that it is complex legally to change a constitution. However, this country has a plentiful supply of clever lawyers and it is not beyond our intellectual resources as a community to make this complex change. There is no question that the people of Australia want this. It should no longer be regarded as a Labor Party issue. Many well-known conservative political figures have now joined the pro-republican push and overwhelmingly young people want an Australian head of state. I am surprised that some people still find this surprising. Why should any country not want one of its own to be a head of state? That for me is the issue. The change will be very dramatic symbolically, but as proposed, it is not particularly radical.

There are those who want radical change - goodness knows there are plenty of those - and among other things, they want a directly elected head of state, which would make the president a political figure. That change may come about in the long term or it may not. However, I will be voting yes in the referendum at the end of this year because I want a resident for president - an Australian as our head of state. I believe that, as a republican, I must vote yes because we must seize the day. We may not get such a chance again for a long time, and it would be sad and shaming to me for Australians to reject the idea of having one of our own in the highest symbolic office in the land. I am at a loss to understand why people do not want an Australian as our symbolic and ceremonial head of state. I have never supported an American or French style presidency. I believe that our own head of state should have a responsible but largely ceremonial role to play, with him or her having the same powers as the present Governor General. The important point for me and republicans who share my view is that we should cut all ties with the British monarchy and stand on our own two feet. As a result of the High Court decision last week, it is obvious that Britain is a foreign power. I am at a loss to understand why anyone would want someone who is a representative of a foreign power as their head of state.

The symbolism of this change is very important. It would give our wonderful country a huge surge of energy for the new century and the new millennium. This is the appropriate moment to seek this change, and I will be urging my fellow Australians to support a yes vote at the end of the year and I will campaign vigorously to that end. Although I would have preferred a simpler question - one asking whether I want an Australian as head of state - I will nonetheless support the yes vote because now is the time for us to stand alone and to say that we are Australians, we are an independent country and we have our own head of state. I support the Bill and I support a future Australian republic. With no disrespect, I long for the day when we toast Australia rather than the Queen.

Debate adjourned, on motion by Mr Ripper.

PRISONS AMENDMENT BILL

Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Mr Bloffwitch) in the Chair; Mrs van de Klashorst (Parliamentary Secretary) in charge of the Bill.

Clause 7: Part IIIA inserted -

Progress was reported after the clause had been partly considered.

Mr RIEBELING: When this debate was previously adjourned we were endeavouring to establish why proposed section 15Q also contains the word "may" when it should be "shall". I was endeavouring to establish in what circumstances it would be inappropriate to check the convictions of contract workers. Even when there is a change in the structure of the private contracts, the CEO would probably ask for the information to be reaffirmed. Does proposed section 15Q set up the process whereby an application form is designed? These requests no doubt would be in a standard form, presumably given to a prospective employee applying for a permit to do high-level security work. No doubt a current photo and information on any specific matter that the CEO wanted to test would be required. If it were a driver, the CEO would want to know whether the prospective employee had a truck driver's licence and if it were doctor the CEO would want to know that that person was suitably qualified. Paragraph (c) is self-explanatory. The reason for not requiring the information referred to in paragraph (a) is beyond me. Similarly, paragraphs (b) and (d) appear to refer to a standard requirement for all applicants rather than just a few. Perhaps the Parliamentary Secretary can explain why the CEO has the ability not to ask for that information.

Mrs van de KLASHORST: We went through this extensively earlier today, and the responses I gave at that time also apply to this issue. It is at the discretion of the chief executive officer.

I move -

> Page 8, line 6 - To insert after "contract", the words "or any part of such a prison".
>
> Page 8, line 8 - To delete "who works in" and insert "whose work is concerned with".
>
> Page 10, after line 10 - To insert the following subclauses -
>
> (4) The Minister is to ensure that a contract, as amended from time to time, is laid before each House of Parliament within 30 days of such House next following the execution of the contract or the amendment.
>
> (5) If neither House of Parliament is sitting on the day when the 30 day period referred to in subsection (4) expires, the Speaker of the Legislative Assembly and the President of the Legislative Council are to ensure that the contract or the contract as amended is published as soon being as practicable.
>
> Page 11, after line 4 - To insert the following subclause -
>
> (3) A contract worker is not to decide whether a prisoner may be detained in custody under section 32(1)(a).

Mr RIEBELING: Why is it necessary for the amendment to proposed section 15I, headed "contract workers' functions", to state -

Mrs van de Klashorst: This indicates that the contract worker is not to decide certain matters. It was asked for by the member for Bassendean during debate last week. The amendment is a response.

Mr RIEBELING: In a clause setting out functions, why insert a function a contract worker is not to perform? Does that relate to interpreting a warrant?

Mrs van de KLASHORST: No. This relates to a prisoner being charged with a prison offence and being held in custody for 24 hours. We discussed it at length last week. It removes the discretion of a contract worker when handling other prisoners.

Mr BROWN: The amendment to page 11, after line 4, provides that a contract worker is not to decide whether a prisoner may be detained in custody under section 32(1)(a) of the Prisons Act. I raised a provision, which I thought was in this Bill as well as in the parent Act, but I may stand corrected. Am I mistaken? Does any provision in the Bill enable a contract worker or superintendent to exercise a discretion to hold a prisoner, or is that power found solely within the principal Act?

Mrs van de KLASHORST: Following advice from parliamentary counsel, the amendment refers to the table in proposed section 15J(2).

Mr BROWN: As I understand it, the amendment is to include a proposed subsection (3) to proposed section 15I. It will state that a contract worker is not to decide whether a prisoner may be detained in custody under section 32(1)(a). I cannot see how that amendment picks up the concern I raised. Proposed section 15J(2) states -

> A contract worker cannot be authorized to perform a superintendent's function of the kind referred to . . . in this Act that is set out in the Table in this subsection.

It then refers to section 32(1)(b) of the schedule, not section 32(1)(a).

Mrs van de Klashorst: This amendment brings section 32(1)(a) into being and puts it into the table.

Mr BROWN: That is my query. The amendment, as I read it, seeks to include a new provision in proposed section 15I, rather than include a new provision in proposed section 15J by simply adding -

Mrs van de Klashorst: Advice given by parliamentary counsel was to do it that way. It has the same effect.

Mr BROWN: I understand what the Parliamentary Secretary is saying; namely, that this amendment is designed to have the same effect as though the amendment were made to proposed section 15J(2) by adding section 32(1)(a) to the table. The intent is the same. I am not in a position to quarrel with parliamentary counsel, but can the Parliamentary Secretary advise why it is not in separate clauses?

Mrs van de KLASHORST: It was done that way so it would be obvious that it was the amendment and would not be lost in the table.

Mr BROWN: The other amendments are to proposed section 15E, headed "Minister, chief executive officer etc. may have access to certain prisons, persons, vehicles and documents". Line 6 in proposed subsection (2) states that "a person referred to in subsection (1) may have access to". The proposal is to include after "contract", "any part of such prison"; therefore, it would relate to access to any part of such prison at which services are provided under a contract. I understand the reason for the amendment. Obviously, someone has picked up a deficiency in the current wording; that is, an argument might arise that when a contract for service applies to only part of a prison, this provision, without amendment, may not provide a head of power to gain access.

Mrs van de Klashorst: That is right.

Mr BROWN: The Parliamentary Secretary will appreciate that there is some sensitivity among prison officers and prison staff employed by the Government that this can now be interpreted to mean that services in government-run prisons, as opposed to private prisons, will now be subjected to a series of contracting-out arrangements should this Bill go through. That has always been a concern and, by virtue of these additional words, one could read into it a desire to contract out bits and pieces of work currently conducted in state-run prisons. These words suggest that the Government is moving in that direction. Can the Parliamentary Secretary clarify the Government's intent in relation to these words and whether it is intended to contract out bits and pieces of work in a state-administered prison?

Mrs van de KLASHORST: The heading for proposed section 15E states "Minister, chief executive officer etc. may have access to certain prisons, persons, vehicles and documents". The minister and chief executive officer should also have access to any part of a government-run prison as well as a private prison. That covers that point.

Mr BROWN: Proposed section 15E appears in division 2 under the heading "Matters relating to contracts generally". This provision relates to contracts and contract workers and not generally to state prisons.

Mrs van de Klashorst: Yes, that is right.

Mr BROWN: That being the case, the concern of prison officers and prison staff is that if this Bill were to go through the Parliament, the Government would, over time, if not turn existing state prisons into private prisons, gradually contract out more functions. It seems that, by virtue of including these words in the clause which will give access to those parts of prisons which have contracts, the Government's intention is to contract out more work which is currently performed by government prison officers or prison staff.

Mrs van de Klashorst: That is a prison at which services are provided under a contract. Therefore, it does not -

Mr BROWN: The Parliamentary Secretary's amendment states-

Mrs van de KLASHORST: It would read -

> a prison at which prison services are provided under a contract or any part of such a prison;

Mr BROWN: I will start again. The Parliament Secretary's interpretation of the amendment is to allow the minister and the chief executive officer to have access to any part of a prison that is under contract. However, we are talking about a whole prison that is under contract. Is that right?

Mrs van de Klashorst: That is the way I understand it.

Mr BROWN: We are talking not about a government-run prison, but about where there are contracts for services with private companies in that government-run prison.

Mrs van de Klashorst: That is my understanding, but I will check on that. That is not the intent. The clause states -

> a prison at which prison services are provided under a contract or any part of such a prison;

The clause says what it means to say.

Mr BROWN: Those words suggest to me that we are talking about not only private prisons - private in the sense of being a prison that is operated in totality by a private company with a contract with the Government - but also prisons at which some services are provided by a contractor. The words proposed in the amendment leave that question open and could be constructed to mean that that interpretation can be applied.

Mr RIEBELING: My concern relates to the same proposed section, and the Parliamentary Secretary may be able to explain

it to me. If it refers to the privatised prison as a single entity, and if the first part of paragraph (a) allows various people access to a prison for which the services are provided under a contract, why would we then need to say "or any part of such a prison"? If we are talking about an entity which is a contracted prison, there is no reason to subdefine smaller parts of it. The prison officers, the member for Bassendean and I are concerned that this is code for other sections of a prison that are currently under government control.

Mrs van de Klashorst: It says "such a prison" not a prison.

Mr RIEBELING: Proposed subsection 2 (a) indicates a prison which is under contract; that is, the whole of the prison to which they are allowed access. It then states "or any part of such a prison". If the Parliamentary Secretary is saying that it is in reference to only a privatised prison, and the whole of the entity, that is as far as I will take it.

Mrs van de KLASHORST: It is exactly as it reads -

> A person referred to . . . may have access to -
>
> (a) a prison at which prison services are provided under a contract or any part of such a prison;

My adviser has said that sometimes a person might be admitted at the front gate but not admitted into the prison. That covers that clause.

Mr BROWN: I still have difficulties with the words. If, as the Parliamentary Secretary indicated, we are referring to some parts that are not in the prison, the amendment will not overcome the problem because the amendment says "or any part of such prison". They must still be in the prison to be part of the prison. As my colleague, the member for Burrup, said, we are talking about the whole of a prison in which such services are provided. In that regard whenever we refer to the whole we do not need to say where a head of power is created. In creating a power to inspect the whole, the power is automatically given to inspect the part. One follows the other. It is a little like having a power of inspection to inspect the Parliament; we do not need another power of inspection to inspect part of the Parliament.

If that interpretation is correct, why are the additional words necessary? The only reason I can think of is to enable the private sector to do some work under contract in state-run prisons, in which case the minister or the chief executive officer would need to make it very clear that they have access to those parts of the state-run prison that are operated by a private contractor. If a private contractor operates the whole of the prison, it seems that the power already exists. Now that the Parliamentary Secretary has had some time to talk to her adviser on that matter, can we get some clarity on it? It is not a moot point; it is a significant point for the people who are engaged in the prison service.

Mrs van de KLASHORST: This subsection is to clarify that the people referred to can have access to every part of the contract prison.

Mr RIEBELING: I presume that parliamentary counsel has told the Parliamentary Secretary that there is some confusion in that proposed paragraph (a) does not allow access. Quite often we are criticised for bringing in legislation that is difficult to read. Supposedly paragraph (a) is difficult to read without the amendment - it says "a prison at which prison services are provided under a contract". The Parliamentary Secretary has moved to include the words "or any part of such a prison". I cannot see any rational reason for including the words. They do not take it any further. If, as the Parliamentary Secretary is saying, there is no intention to expand contracts to government prisons, that is on the record and that is what I wanted to hear her say. However, clause 7 is lengthy and contains some language that is difficult for the layman to understand. Similarly other clauses are superfluous and should not be included. It is doublespeak to say that someone can go into the whole of the prison and they can also go to all parts of the prison. The unamended wording says it without ambiguity.

Amendments put and passed.

Mr RIEBELING: The Parliamentary Secretary said that the answers she gave on proposed section 15P are similar to answers she is giving on proposed section 15Q, so we need not pursue that any more. I disagree that they are the same; nonetheless, clearly the Parliamentary Secretary is happy that a discretion can be used that will allow for applicants for high-level security work to be treated differently because of the discretionary powers of the chief executive officer. However, proposed subsection (2) deals with providing information or a photograph which is false or misleading, the penalty for which is three years' imprisonment. Presumably, it is considered that some people may be able to doctor a photograph to conceal the true identity of a person and therefore invoke the penalty of three years' imprisonment for that material particular. Presumably the material particular would be an outright fabrication. It appears that this section does not provide the discretion that is given under subsection (1) and that everyone who applies must provide a photograph, although subsection (1), which requires the photograph to be presented, is a discretionary power. The photograph must be a true indication of the person applying. Is this subsection brought about because people gave false identities in prisons in other jurisdictions?

Mrs van de Klashorst: It is to stop anyone from getting into the prison by deception and jeopardising the security of the prison.

Mr RIEBELING: My question was: Has it occurred in other areas in a way that justifies a three-year imprisonment?

Mrs van de Klashorst: The provision is there to ensure it does not occur. People try to get into prisons to help prisoners escape.

Mr RIEBELING: Is there a similar provision under the Prisons Act?

Mrs van de Klashorst: No.

Mr RIEBELING: Has it occurred in the past 100 years in Western Australia?

Mrs van de Klashorst: I do not know and my adviser does not have that research.

Mr RIEBELING: Proposed subsection (3)(a) requires an applicant for a permit to give authorisation for the Commissioner of Police to provide information about offences. I presume the chief executive officer would have access to that information anyway given the information he may look at under earlier subsections. Is it the Parliamentary Secretary's understanding that the chief executive officer cannot look at criminal records without this authorisation when considering applicants for high-level security work? Proposed subsection (3)(b) allows for the providing of "such other information as is required by the chief executive officer to determine the suitability of the contract worker to do high-level security work." Presumably that information comes from the Commissioner of Police. Could the Parliamentary Secretary expand on what is meant by paragraph (b)?

Mrs van de KLASHORST: Remembering our discussion prior to dinner, this authorises the chief executive officer to contact the Commissioner of Police to obtain background information about the proposed contract worker.

Mr Riebeling: What about paragraph (b)?

Mrs van de KLASHORST: That is the same. The chief executive officer is allowed to ask the Commissioner of Police to obtain that information.

Mr RIEBELING: I am asking what information paragraph (b) refers to. Paragraph (a) appears to relate to criminal records.

Mrs van de Klashorst: I think we talked about discretionary powers. It is what the chief executive officer wishes to know in each case. We could not give an example of a specific case unless we had one before us. Paragraph (a) refers to offences and paragraph (b) refers to information.

Mr RIEBELING: It reads, "such other information as is required by the chief executive officer". Does an applicant need to give that permission before the chief executive officer can access the information from the Commissioner of Police? Is that right?

Mrs van de Klashorst: Yes.

Mr RIEBELING: Does an earlier provision allow the chief executive officer to access police records under this legislation?

Mrs van de Klashorst: Where does it say that?

Mr RIEBELING: I am asking.

Mrs van de Klashorst: This is the provision to cover that proposed section. We have not mentioned the Commissioner of Police before in the Bill.

Mr RIEBELING: I thought we had; maybe we discussed it generally.

Mrs van de Klashorst: We have discussed it generally, but we have not mentioned it in the Bill.

Mr RIEBELING: I am concerned that information of a general, unspecified nature can be obtained about an applicant for employment and that that information may determine the suitability of that person.

Mrs van de Klashorst: Stringent checking is needed of anyone who will be a contract worker in high-security areas. That checking requirement needs to be imposed before a permit can be issued. This is all part of that.

Mr RIEBELING: What does the Government need to be stringent on? The Parliamentary Secretary clearly knows that stringent checks are needed but for what?

Mrs van de Klashorst: They will be working in the prison; it is to ensure they fit in with the system.

Mr RIEBELING: What is checked?

Mrs van de Klashorst: Whatever the chief executive officer feels needs to be checked. We discussed earlier the possibility of an applicant being involved with criminals. It is to ensure that the person applying for a permit is a fit and proper person to do high-level security work within the prison system.

Mr RIEBELING: Basically the Government is looking for a matter of opinion about information gathered by the Commissioner of Police and given to the chief executive officer. We are not looking for convictions but rumours and other information which may be tied to a person rather than known facts.

Mrs van de KLASHORST: This is a duty. The chief executive officer is given a discretion to ensure that the people working in the prison and awarded these contract permits are fit and proper people to do this high-level security work.

Mr RIEBELING: The point I am trying to clarify is that that information will not necessarily be based on convictions; it will be based on information other than convictions. I am keen for the Parliamentary Secretary to tell the Chamber what level of rumour will be allowed. If a person who applies for a position has made a complaint against police, would a report saying, "We think this person is involved in crime, we have no proof but we think that may be the case" be sufficient for a person to be denied a permit as a contract prison officer?

Mrs van de KLASHORST: Once again, this will be at the discretion of the chief executive officer looking at the whole person.

Mr Riebeling: You are not concerned about that?

Mrs van de KLASHORST: No.

Mr BROWN: On the last occasion we discussed proposed section 15Q, we talked about the intention of subsection (1)(a). There is not much point in pursuing that so I will move on. Proposed section 15Q(1)(b) states -

> The chief executive officer may, in writing, require a contract worker who applies for a permit or the relevant contractor to provide -
>
> (b) information about any disciplinary proceedings conducted against the contract worker in the course of his or her employment;

Do those "disciplinary proceedings" refer to disciplinary proceedings against that contract worker in relation to his or her work as a contract worker under this Bill?

Mrs van de Klashorst: No, it may seem like that. We are talking about applicants for permits.

Mr BROWN: Do these "disciplinary proceedings" relate to any employment the contract worker has been in prior to taking up the job?

Mrs van de Klashorst: Yes, they do.

Mr BROWN: The Prisons Act makes provision for a formal process of disciplinary proceedings; people are charged and there are formal hearings and so on. However, that is not the case in the private sector where most people are employed. There is no formal process in the same legislative manner in the private sector as there is under this Bill or in paramilitary services. Is it the intention of the Bill that these words will apply to a situation where a person employed in the private sector as a shop assistant has been warned by his employer for tardiness or not serving the customers correctly or whatever? Is that interpreted as a disciplinary proceeding which would need to be reported?

Mrs van de KLASHORST: Yes. For example, an employer may take disciplinary action in a civil court against an employee. Therefore, remembering that we are looking at the whole person and that person's suitability to be working in the prison system, these aspects at the discretion of the chief executive officer must be taken into consideration.

Mr RIEBELING: Proposed section 15R is a similar section which relates to the taking of finger and palm prints of an applicant. Once again there is that magical word "may" in relation to the chief executive officer's discretion. The Parliamentary Secretary will say that could relate to currently employed prison officers and the like. However, this proposed section says -

> The chief executive officer may, in writing, require a contract worker who applies for, or holds, a permit to attend at a place . . .

It goes on about fingerprints. It is therefore not only new prison officers but also existing ones to which the proposed section refers. I want to know why we are giving that discretion when, following the logic of the Parliamentary Secretary in the past five or six clauses, we must check out every contract worker to ensure that they are appropriate people and so on. Why are we allowing the chief executive officer to pick and choose the people from whom he requires finger and palm prints? Once again I return to the question of having certainty in a process in which the Parliamentary Secretary is happy to allow flexibility to a point where checks may be made on certain people but not on others; however, when it comes to a personal matter of taking finger and palm prints, once again the Bill says that the chief executive officer has the power to force certain people who apply for a permit, and not to force all of them, to undergo finger and palm prints. Some people may say that the taking of fingerprints, when dealing with a job application, is excessive. However, if one accepts that it is a method which ensures the security of our prison system, it is difficult to understand the logic in taking the next step which gives the chief executive officer the discretion to not ensure that all of those people in that system undergo the same check.

Mrs van de KLASHORST: This also allows the chief executive officer to take finger and palm prints of all the applicants, if he sees it necessary.

Mr Riebeling: Or none.

Mrs van de KLASHORST: Or none, yes, depending once again on the circumstances. Proposed section 15R(2) states that these finger and palm prints can be destroyed afterwards. Once again, the Commissioner of Police comes into it to cause the finger and palm prints to be destroyed if the permit is not granted or when the permit no longer has effect. There is therefore a safeguard there.

Mr RIEBELING: I fail to see any safeguard in the destruction of finger and palm prints if a person is not granted a permit. That would mean that something had been found, the permit had been refused or the person had retired.

Mrs van de Klashorst: The procedure is obviously good if that occurs.

Mr RIEBELING: I do not believe that necessarily follows if this is a system that is fair to all.

Mrs van de Klashorst: That is what we are trying to do.

Mr RIEBELING: How can the Parliamentary Secretary say that when the Bill allows a system that gives a discretion to the CEO to fingerprint some people but not others? If the Parliamentary Secretary can explain to me how that is fair, that will be the end of my question.

Mrs van de KLASHORST: Once again the chief executive officer is looking for the best and most suitable person and imposing stringent checking requirements before a permit is issued. In some cases this may be necessary; therefore, it is in the Bill.

Mr BROWN: I return to the question I posed on proposed section 15Q(1)(b). As I understand what the Parliamentary Secretary said, if the chief executive officer requires it, the contract worker must disclose all matters concerning disciplinary proceedings that have been taken against that contract worker in any employment in which he or she has been engaged prior to applying for the position.

Mrs van de Klashorst: Yes, that is correct.

Mr BROWN: I want to clarify the degree of that requirement because people are sometimes dismissed for failing to disclose facts on their application form.

Mrs van de Klashorst: That is right.

Mr BROWN: However, sometimes those facts are not disclosed because the degree of detail that is required by the employer is not clear on the application form.

Mrs van de Klashorst: However, the proposed section says that the chief executive officer may in writing require this information. It would therefore be clear if he required it.

Mr BROWN: Perhaps it would be clear and perhaps it would not, depending on the form. I want to clarify the power that is given in this clause. Does it mean that a person who is applying for a job as a contract worker is required to disclose any disciplinary proceedings - and I use the words "disciplinary proceedings"? Do those words mean that the worker would be required to disclose whether he or she had been warned at work for doing or not doing certain things where that matter has not resulted in court proceedings?

Mrs van de KLASHORST: There is no requirement that the proceedings be formal proceedings in law, as the member pointed out previously. Any disciplinary proceedings must be declared. As I pointed out before, we are trying to achieve stringent checking requirements so that all these aspects are established before a permit is issued.

Mr BROWN: I am not disputing that we need contract workers of high integrity and so on.

Mrs van de Klashorst: That is right.

Mr BROWN: However, I am trying to clarify a very important point. This Bill will give the chief executive officer the authority to require applicants for positions as contract workers to disclose to the chief executive officer any disciplinary proceedings in which they have been involved. The words "disciplinary proceedings" mean something. I am trying to ascertain what they mean. Do they mean a situation where a person has ended up in court? If that is what they mean, that is easy; one asks the person when he or she applies for the job, "Have you finished up in court with any employer for whom you have worked previously?"

Mrs van de Klashorst: It does not say that.

Mr BROWN: I know it does not say that. Does it mean that they are required to disclose, for example, a verbal warning that they have received from any employer?

Mrs van de Klashorst: If a verbal warning is part of a disciplinary proceeding, the answer is yes.

Mr BROWN: Most people are employed in the private sector, which generally has no regulations for the way in which the employer conducts a disciplinary proceeding. Therefore, the issue of whether it is a disciplinary proceeding is not legislated; it is an interpretation. The Parliamentary Secretary is on dangerous ground if she says this matter will be determined according to interpretation. When people apply for jobs they could be required to disclose all criminal convictions, all traffic convictions, whether they have been dismissed by a previous employer, or whether they have been warned. The clause needs to be specific. If someone asked me whether I had been engaged in a disciplinary proceeding, my answer would be no. If someone asked whether I had been warned at work for failing to do my job, I would say no.

Mrs van de Klashorst: That is not what the clause says. If you had not been involved in a disciplinary proceeding you would say no.

Mr BROWN: What does "disciplinary proceeding" mean? Does it mean a warning or a formal proceeding?

Mrs van de KLASHORST: If someone believes they have been involved in a disciplinary proceeding, they need to provide information. If they do not believe they have been involved in any such proceeding, they need not provide information. The CEO may check, and information may come to the surface.

Mr BROWN: This highlights the problem. Let us take a person who reads those words and honestly believes he has disclosed everything, but three months later the chief executive officer bumps into his former employer, who has a different story. The CEO then accuses the contract worker of answering no on his application form to the question on disciplinary proceedings when in the first month of his probationary period in his fourth-last job he had been warned. The contract worker then says that he did not tell the CEO about that, because in his view it was not a disciplinary proceeding, but the chief executive officer may have an entirely different view.

Mrs van de Klashorst: The CEO has the discretionary power to decide, and each circumstance will be different.

Mr BROWN: He does, but that is not the situation here. We have two separate issues relating to disclosure. The first relates to a contract worker who may disclose that 25 years ago he got a warning at work, and the chief executive officer says he will not take that into account. When a person is honest with a manager about something they may say that it is not a consideration. However, if a person does not tell them, they consider that a much more serious offence. For a person to disclose, they must know what to disclose. It is not an unreasonable proposition. If I apply for a drivers licence, I am required to disclose certain things. It is not unreasonable for someone to tell me what I am required to disclose: Are you over the age of 17 years; can you see more than 100 metres down the road? Having been involved in a number of cases where people have been dismissed six months to three years after starting in a job for allegedly failing to disclose their correct details on an application form, I worry about these words, particularly where they are open to interpretation by an individual.

I do not have a problem about disclosure. I do not object to someone saying that I have an obligation to disclose all my parking fines, whether I have been in breach of a local council bylaw when someone let my dog out, my blood type, hair colour, height, weight, mother's name, grandfather's dog's name - I do not care what it is, we should make the form as long and as complicated as we like, as long as the employee knows. If we use these words, my concern is they will be interpreted differently and the contract worker could find himself, through no fault of his own because of a genuine belief, having a different interpretation to the chief executive officer who maintains there has been a failure to disclose. That is a major failure in high-security work. It must be clear and up-front from day one what it is that people are required to disclose. Once they know that, the onus is on them to disclose it. However, if someone is asked whether they have been involved in disciplinary proceedings, there will be different interpretations of that. I have an interpretation; my colleague the member for Burrup probably has a different interpretation and the Parliamentary Secretary certainly has a different interpretation. People will answer the question honestly, but later it may be perceived by the chief executive officer to be incorrect and, more important, a person will be found to have failed to disclose. What does "disciplinary procedure" mean? If the Parliamentary Secretary tells me it means any warning or anything that has happened in any previous employment with any employer, no matter how many years ago, I will understand that. I might argue about the reasonableness of it, but I understand it. Unless that is clarified, I do not understand what those words mean. If I do not understand, a lot of contract workers will not understand those words.

Mrs van de KLASHORST: If an employee has been in any disciplinary proceedings, he must disclose it.

Mr Brown: What do those words mean?

Mrs van de KLASHORST: Exactly what it says.

Mr BROWN: Let us take a 35-year-old job applicant. When he was a 15 year old he worked at Coles serving ice cream for two hours a week. On his second day he was warned that he was giving away too much ice cream. It was a verbal warning given by his mum, the supervisor. Has he been involved in a disciplinary proceeding that he must disclose?

Mrs van de Klashorst: Yes.

Mr BROWN: We now know that disciplinary proceeding is interpreted to mean any warning that any person has had in their entire employment history.

Mrs van de Klashorst: The emphasis is not on the warning but the outcome of any disciplinary proceedings. If there has been a disciplinary proceeding, he must disclose that. If it was a warning, that is irrelevant.

Mr BROWN: The Parliamentary Secretary's interpretation is that a warning is part of a disciplinary proceeding that he must disclose.

Mrs van de Klashorst: Yes.

Mr BROWN: Where the same contract worker has been employed by a company and dismissed for wrongdoing and the contract worker has decided that the dismissal from his former employment was harsh, unjust and unreasonable and has taken his complaint to the court and the court has agreed and has ordered the former employee to be paid compensation or get his job back, is the contract worker required to disclose that?

Mrs van de Klashorst: The wording reads "any disciplinary proceedings". He would tell them about the outcome. He would say that it happened but that the outcome was such and such and he would tell them what the court found.

Mr BROWN: I have some major reservations with which I will deal in the third reading. This is a good way of ensuring that we get in this job people who are absolutely malleable and have never spoken up for themselves.

Mrs van de Klashorst: Do you realise that there is a remedy for them if they feel that they have been unjustly treated?

Mr BROWN: There is not a chance; there is absolutely no remedy anywhere for anybody unless a person can prove - I do not know how they can prove this - that they have been discriminated against on racial or some such grounds. They will never prove that in these sorts of circumstances. Proposed section 15Q(1) reads -

> The chief executive officer may, in writing, require a contract worker who applies for a permit or the relevant contractor to provide . . .
>
> (c) information about any other matter that is relevant to the suitability of the contract worker to do high-level security work;

I do not know what information is being sought. It would be good for the record to know what is being looked at.

Mrs van de KLASHORST: Anything that is relevant; it is information about any other matter that is relevant to the suitability of the contract worker. Once again, the CEO may ask for it in writing. In some cases it may not be necessary but it may be necessary if he feels he needs more information.

The DEPUTY CHAIRMAN (Mr Sweetman): In giving the call to the member for Burrup, I remind him that he has an amendment on the Notice Paper to page 15, line 8. We are getting a little ahead of it.

Mr RIEBELING: I will come back to that. Earlier I asked the Parliamentary Secretary whether the rules of natural justice applied to the discretion of the CEO to allow a person to look at why a decision was made not to grant a permit. The Parliamentary Secretary said that it applied and it was not a problem. However, section 15S(2) is a little beauty. It is one of the best little sections one could lay one's hands on. It reads -

> The rules known as the rules of natural justice (including any duty of procedural fairness) do not apply to or in relation to the issue of, or refusal to issue, a permit.

I wonder why that is. Does the Parliamentary Secretary reckon it is because the rules of natural justice are enshrined in this legislation, in the way that she has been telling us for the past couple of hours, or does she think that the discretion that she has given to the CEO means that no-one will be able to challenge a decision not to issue a permit? We will never know what people have been saying about an applicant's known associates or what the police may have said about them. There is no access to that. The myriad discretions of the CEO in this proposed section contain so many "mays" that an applicant would not know where he has fallen over. The Parliamentary Secretary kept saying that by giving discretion to the CEO all would be well. She said earlier that she believed that the rules of natural justice would apply when clearly proposed section 15S(2) removes the rules of natural justice. Why is there a necessity to remove the rules of natural justice from a system that the Parliamentary Secretary reckons is so just?

Mrs van de KLASHORST: I repeat, this is to give the widest possible ability to the CEO to do as stringent a check as he can before a permit is issued.

Mr RIEBELING: What if the wrong decision is made? What if Joe Bloggs, who has never done anything wrong, applies for a position for high-level security work and someone in the Police Force mistakenly puts in a report saying that the police think that he knows someone who is really bad and the CEO decides that that information is sufficient to knock him off? How does that person have recourse to clearing his name or having the decision challenged under the system in which the Parliamentary Secretary has so much confidence? The Parliamentary Secretary said a little while ago that decisions could be challenged. I do not think that is the case. I think that she tried to correct that. How can a person challenge a decision not to issue a high-level security permit?

Mrs van de KLASHORST: This Bill provides the CEO with the ability to pick the right person for a high security job. We cannot go by examples without knowing the full facts. Each individual case will be handled by the CEO.

Mr Riebeling: How does a person challenge a decision?

Mrs van de KLASHORST: It would be a matter of the person getting legal advice on that.

Mr RIEBELING: The Parliamentary Secretary has the carriage of the Bill which deals with the employment of people and the refusal to issue a permit. How does a person challenge a decision to refuse a permit? The Parliamentary Secretary need not tell me that the person should see a lawyer. Where in this Bill can a person who is aggrieved by a decision look to work out the process by which he can challenge the decision, especially when the Bill has removed the rules of natural justice and in nearly every clause the CEO has a discretion? How through this legislation does a person establish what he must do to get a permit? Joe Bloggs might accidentally know someone who might be an organised crime boss. He might not know that he is one. He might wish to refute that knowing that that person would have an influence on his ability to do the job. This clause should contain the ability for that person to at least be told why he is being rejected. The Bill contains no provision for someone to be told why he has been unsuccessful. If the Parliamentary Secretary thinks that is fair, she is on another planet.

Mr BROWN: Proposed section 15Q(1)(c) allows the chief CEO to require a contract worker to disclose any other matter that is relevant to the suitability of the contract worker to do high-level security work. I am not sure what facts a person would be required to disclose.

Mrs van de Klashorst: It would depend upon the individual circumstances.

Mr BROWN: Yes, it would. I understand that. However, parliamentary counsel must have had some circumstances in mind when drafting those words.

Mrs van de Klashorst: The widest possible circumstances.

Mr BROWN: I understand that, but what are they?

Mrs van de Klashorst: Anything concerning high-level security work that would enable the chief executive officer to use his discretion about the applicant.

Mr BROWN: The difficulty I have is that here there is an obligation on a contract worker to disclose anything that is relevant to the suitability of that contract worker to do high-level security work. What does that mean? Does that mean that if five generations ago that person's great great grandfather was a convict, there is a criminal history in the family which he should disclose? There might be this gene problem which was referred to by, I think, Mr Justice Kirby recently. Five

generations ago there may have been a gene problem. Is a person required to disclose that? Is someone required to disclose that a person who lives three doors down from his mother's place, who says hello to his mother in the street, was convicted 20 years ago of breaking into someone's house? I do not know what is required here. It is all very well to say that it relates to a person's suitability. Generally the employer decides who is and who is not suitable; it is not left to the employee.

Mrs van de Klashorst: When the prospective employee has given all the facts, yes.

Mr BROWN: No. The employer normally stipulates that it wants a person between 22 and 45 years of age, who is physically fit, with certain capacities; the person must have a clean criminal record, must not have associations with criminals, and may have this or the other. That is what the employer stipulates. Then people pass that test. Alternatively, the employees are required to disclose something of which they can get a grasp, such as whether they have had any criminal offences, whether they have been warned by previous employers, or whether they have walked in the rain with an umbrella. I do not know what it is that people are required to disclose here. The parliamentary secretary cannot give one example of this sort of information. I do not know who has drafted this. For example, if someone had a friend who had served time in prison, would that be a matter that person should disclose? Would that affect that person's suitability?

Mrs van de Klashorst: No-one can answer this because of the fact that each applicant's individual circumstances must be considered. What is most important is that the private prison contractor will not determine who gets a permit. It will be determined by the CEO, and that person must be a fit person to serve in that prison.

Mr Riebeling: It is a matter of opinion.

Mrs van de Klashorst: It is a matter for the discretion of the CEO.

Mr BROWN: The difficulty is that when people are asked to provide this information, they must use their discretion.

Mrs van de Klashorst: Yes.

Mr BROWN: Therefore, they will think about doing a family history check and look around to see if they have ever met anybody in the neighbourhood who has ever served a prison sentence. This is just unbelievably ludicrous. I cannot believe that parliamentary counsel has served up this rubbish. This is an important Bill and we get this sort of garbage. It is unbelievable.

Mr RIEBELING: I will move, although I think we have already debated it -

Mrs van de Klashorst: Yes, we did debate it.

Mr RIEBELING: To get it off the Notice Paper, I move -

Page 15, line 8 - To delete "may" and substitute "shall".

Once again this highlights what the member for Bassendean was trying to emphasise. The use of the word "may" in respect of the chief executive officer's discretion creates anomalies. For example, when he deals with two applicants, he may use his discretion in one instance and not in the other. How can it be just when two sets of rules are being used?

The Parliamentary Secretary said that it was up to the discretion of the chief executive officer to get people who are suitable. It is difficult for a potential employee to know the opinion of the chief executive officer. It is difficult for potential employees to know when discretion has been exercised if they are not told. Prospective employees will not be told because the Government has enacted legislation which removes the rules of natural justice from the process of appointing people. When the basic rules of natural justice are removed in a department which bears the name of the Ministry of Justice - the cornerstone of our society - it is difficult for potential employees to understand that.

On numerous occasions in this debate I have requested that the word be changed from "may" to "shall" so that every potential employee knows what are the rules. Potential employees can look at all this information in the legislation. Some of the information that they can refer to is very suspect, in my view. When people are flicking through this legislation to determine whether they will get a fair go, they will turn to proposed section 15S(2) and see that there are no rules of natural justice in this process. I do not know anyone who would have confidence that his application would be dealt with fairly. The process that the Parliamentary Secretary outlined for notification of any dispute that people may have had with a previous employer is a joke. How can people go back 20 years and say they had a dispute with the boss; therefore, they should include that?

Another thing that concerns all members on this side of the House is that the Parliamentary Secretary followed that up by saying that even if a person is wrongfully dismissed, that must be included. For what possible reason would the chief executive officer need to know that someone had been unlawfully dismissed and appealed successfully? Why would the CEO want to know that, if the reason was to try to weed out people who stand up for their rights? That is the only reason for it. In many respects we are seeing that clause 7 is an attempt by this Government to put in place rules under which fairness does not apply. It wants a compliant work force, and it wants as quickly as possible to get its contract work force to do work that the current government system is doing.

Mrs van de KLASHORST: The prospective contract worker makes an application and the CEO may take the application at face value or he may not. The CEO may make limited inquiries or he may not. He may make extensive inquiries or he may not. The purpose is for the CEO to approve the application or he may refuse to issue a permit. The CEO is responsible for the delivery of prison services in the prisons and, therefore, he is required to ensure that sufficient contract workers are available, and obtain permits for that service. He has this discretion. We have had this debate many times tonight. The Government feels that "may" is sufficient for the purposes of this Bill.

Mr RIEBELING: Perhaps the Parliamentary Secretary will answer my question: Will the CEO tell people what he has done? Will he say that the application has been refused because, for example, the applicant has been associating with John Kizon or Ronald Biggs? Will that happen?

Mrs van de Klashorst: He may tell them or he may not. It is at his discretion.

Mr RIEBELING: He may not. An applicant who has been refused may ask why he has been refused.

Mrs van de Klashorst: It is up to the CEO.

Mr RIEBELING: He does not have to?

Mrs van de Klashorst: No.

Mr RIEBELING: That is it. Is the Parliamentary Secretary happy with that?

Mrs van de Klashorst: He may tell the applicant, or he may not. It happens every day in Western Australia to people who apply for jobs.

Mr RIEBELING: They can appeal that decision, but not under this legislation because they must have grounds for an appeal. This Bill does not enable an applicant to appeal. If the CEO has made a bad decision, he will not tell an applicant.

Mrs van de Klashorst: Proposed new section 15S contains the grounds for refusal to issue a permit.

Mr RIEBELING: Paragraphs (a) to (h) contain reasons but proposed subsection (2) states that the rules of natural justice do not apply.

Mrs van de Klashorst: That is right.

Mr RIEBELING: Does the Parliamentary Secretary say that is protection for the work force? Paragraphs (a) to (h) contain the reasons a permit may not be issued, and they are as vague as to indicate that it may be the opinion of someone that the applicant is unfit and fails to satisfy the CEO, or words to that effect. Many of these reasons are based on the opinion of the CEO or his delegate. Much of the refusal process is based on opinion.

Mrs van de Klashorst: Many can be objectively assessed.

Mr RIEBELING: Absolutely, and I have no problem with those. I am concerned about the sections where the opinion of someone is used to refuse an application.

Mrs van de Klashorst: It is not an opinion; it is discretion based on each individual case.

Mr RIEBELING: No, it is the opinion of someone; for example, paragraph (e) states that the contract worker has failed to satisfy the chief executive officer that the contract worker is a fit and proper person. Is that not an opinion?

Mrs van de Klashorst: No, it is a decision based on the facts given to him or her.

Mr RIEBELING: It is an opinion. It is not based on facts. Paragraph (e) contains the words "failed to satisfy the chief executive officer". That means a person's mind has not been satisfied.

Mrs van de Klashorst: I acknowledge that proposed subsection (1) does say "in the opinion".

Mr RIEBELING: It applies to a number of these conditions. What does paragraph (h) mean?

Mrs van de Klashorst: Exactly what it says.

Mr RIEBELING: Paragraph (h) provides a reason if it is not in the public interest to issue a permit. If that is not a subjective decision, I do not know what is. It does not provide for any adverse comment, other than that it is not in the public interest to do so in the opinion of the CEO.

Mrs van de Klashorst: Yes.

Mr RIEBELING: That is determined by an opinion or state of mind of someone in relation to this process. It is difficult to appeal against when people do not know when discretion has been used in relation to all the various parts of this proposed section. That worries me all the way through and it obviously worried the draftsman, because that is the reason for proposed subsection (2). If the statements by the Parliamentary Secretary in the past three hours were true, there would be no need for proposed subsection (2). Can she provide any reason for it?

Mrs van de KLASHORST: Because the CEO may exercise his discretion.

Mr Riebeling: Why do you need subsection (2)?

Mrs van de KLASHORST: For that reason.

Mr RIEBELING: The Parliamentary Secretary is saying that the use of the discretion is not on a fair basis, and it can be used at any time.

Mrs van de Klashorst: I did not say that.

Mr RIEBELING: The Parliamentary Secretary did not give an answer. I asked why proposed subsection (2) is in the Bill and she said it is because the CEO has a discretion. How does that refer to the rules of natural justice in any way, shape or form?

Mrs van de Klashorst: Proposed subsection (2) is included because it is considered necessary to protect the CEO.

Mr RIEBELING: From unfairly using it?

Mrs van de Klashorst: No, you are saying that.

Mr RIEBELING: What are the words in brackets in the proposed subsection?

Mrs van de Klashorst: Including any duty of procedural fairness.

Mr RIEBELING: That is what I said - unfair.

Mrs van de Klashorst: Procedural fairness does not mean not being fair.

Mr RIEBELING: What does it mean?

Mrs van de Klashorst: It means following procedure.

Mr RIEBELING: The procedure is unfair?

Mrs van de Klashorst: It may not be unfair. The previous paragraphs give reasons for refusal.

Mr RIEBELING: This rule that removes natural justice relates to fairness not being afforded to an applicant.

Mrs van de Klashorst: No, it relates to procedural fairness.

Mr RIEBELING: The whole of clause 7 refers to the procedure. Procedural fairness is the use of the discretion of the CEO because that is the only part not written into it. If an application is refused on the ground that, for instance, the person has a criminal conviction, that is not procedural unfairness because that is specified. The procedural unfairness relates to the parts where the CEO uses his discretion and determines that the person is unfit for some superficial reason other than what may be an association with a criminal. That is the sort of decision making proposed to which subsection (2) relates. That is why it is important to change the terminology used from "may" to "shall", to allow for the removal of that discretion so that people know that every application will be reviewed and decisions will be made on the basis of similar information, rather than a hotchpotch of decision making or discretion that the CEO will possess when this legislation has been passed.

Amendment put and passed.

Mr BROWN: Proposed section 15T at page 18 states in subsection (1)(c) that in determining the suitability of a contract worker to continue to do high-level security work, the chief executive officer may inquire into the honesty and integrity of the contract worker's known associates. What will be the nature of this inquiry? Will this inquiry be conducted under the provisions of this Bill or under section 9 of the Prisons Act? Given that it will be an inquiry into the honesty and integrity of the contract worker's known associates, how will they be known?

Mrs van de KLASHORST: It is a general power of inquiry, not a specific power of inquiry. The chief executive officer may have regard to the information and then make the inquiry. The chief executive officer will use his discretion.

Mr BROWN: I wish to ascertain this matter for very significant reasons. If someone asked a person's next door neighbour, or his friends or relatives, questions about that person, or about that person's friends and the people with whom that person associates, it often creates some questions in their mind about what is happening in relation to that person. This proposed section will give the chief executive officer the power to make these inquiries. Will the CEO employ a private investigator, engage the police, or dispatch a Ministry of Justice employee to make these inquiries? How will it be done?

Mrs van de Klashorst: This proposed section will enable the CEO to make these inquiries. It will be up to the CEO's discretion to decide what to do.

Mr BROWN: I know that. I am going one step past that. The chief executive officer has made the decision that he will inquire. How will the CEO do that?

Mrs van de Klashorst: By whatever means he chooses. It may be a high-level inquiry or a low-level inquiry. It will be up to the chief executive officer to choose how to conduct this inquiry.

Mr BROWN: I am concerned because in the case of Main Roads, super sleuths were employed at a cost of $90 000 - a huge amount of money - to establish whether employees had leaked documents. This is a discretion that will be given to the CEO in these cases.

Mrs van de Klashorst: The implication is that the CEO must at all times act lawfully.

Mr BROWN: We all need to do that. I am not questioning lawfulness, because this is inquiring into honesty and integrity, which is different from lawfulness. People may not be honest and they may not have integrity, but they may be very much law- abiding citizens. This proposed section gives the chief executive officer the power to use any form of inquiry that he wishes - private detectives, private agencies - and at any expense, to inquire into the honesty and integrity of the contract worker's known associates.

Mrs van de Klashorst: At the discretion of the CEO.

Mr BROWN: I understand that it is at his discretion, and that he does not need to do it in every case, but in the cases where he does decide to do it -

Mrs van de Klashorst: He can decide how to do it.

Mr BROWN: That is right, and he can use private investigators, and he can cost the State enormous amounts of money by making these inquiries.

Mrs van de KLASHORST: We expect the CEO to act suitably and responsibly, and if he does not, it will come out in the annual report, in the budget papers, and in any other reports. Therefore, he will make the decision, and he will be accountable for it.

Mr BROWN: I cannot seem to get an answer about the powers that the chief executive officer will use in this way, so I will leave that to one side and not persist with that. I will deal with another question that arises. This proposed section sets up an opportunity for the CEO to inquire into the honesty and integrity of the contract worker's known associates. What the chief executive officer is inquiring into is not the honesty and integrity of the contract worker, but the honesty and integrity of the contract worker's known associates.

Mrs van de Klashorst: Because they may be criminals.

Mr BROWN: I see! This is the McCarthy theory!

Mr Bloffwitch interjected.

Mr BROWN: Unlike the member for Geraldton, who has not read the Bill, this is not talking about the question of criminal conduct.

Mr Bloffwitch: I beg your pardon!

Mr BROWN: That is right. Again, the member for Geraldton has not read the Bill. We are used to his interjections when he has not read the Bill. We are not talking about criminal conduct; we are not talking about people who have charges pending against them; we are not talking about people who are under suspicion. We are talking about people's honesty and integrity. We are not talking about the contract worker. We are talking about associates of the contract worker. If one of the salespeople at the member for Geraldton's company was a person who 10 years ago had not behaved honestly or with integrity -

Mr Bloffwitch: If I wanted to be a prison officer, I would have a problem, wouldn't I?

Mr BROWN: That is because the member for Geraldton knew him.

Mr Bloffwitch interjected.

Mr BROWN: No, because the member knew him; not because his integrity or honesty is under suspicion, but because someone the member knew or associated with was questioned about his honesty and integrity.

Mr Bloffwitch: If I had someone guarding prisoners, I would want to know who they were knocking around with.

Mr BROWN: It does not say that.

Mrs van de KLASHORST: The whole thing is not to judge these people; it is to determine whether the chief executive officer is hiring a fit and proper person to do the work. Therefore, he is looking at the person's background as it might affect his job. He needs to look at his character. This is all part of looking at the background of the person.

Mr BROWN: This does not refer to criminality. It has always been a question of police checks, particularly for the prison service, and if people have known criminal associates involved in that area. There have always been issues related to that and checks have been carried out. This matter deals with a person who is being tested for his honesty and integrity who is a known associate of the contractor. What would that mean for someone who was a member of Parliament? How many of us have known associates? How many of us know people in the local football clubs, in the soccer clubs, and in all of the clubs around the place? Many of us know hundreds of people. The chief executive officer will conduct an inquiry of those hundred people and may find one, three or five people who have not told the truth or may have been perceived to not have told the truth some time in their past. Somehow that reflects on him, and he now cannot get a job as a contract worker. I cannot fathom that. It is unbelievably ludicrous. We will spend taxpayers' money on this; not on inquiring into the honesty and integrity of the contract worker, but on inquiring into the honesty and integrity of the contract worker's known associates. We will establish who are the known associates, inquire into that, and then inquire into their honesty and integrity.

Mr RIEBELING: I will continue the line of discussion that the member for Bassendean started. Criminals go to pubs and have drinks; members might even know a couple of them. How does that in any way interfere with a person's ability to do a job as a prison officer? It may be that -

Mr Bloffwitch: It is not a question of knowing them; it is a question of associating with them.

Mr RIEBELING: The person might be in the same team; that is an association. For instance, many blokes play football in Geraldton who have been convicted of assaults - a couple of famous ones come to mind. Is that an association that would render a person ineligible to be a prison officer because he played football with someone who is a criminal? It is a ridiculous -

Mr Bloffwitch: It is not ridiculous; it is a commonsense approach.

Mr RIEBELING: What is the commonsense? I would hate to use the member's commonsense approach.

Mr Bloffwitch: Are you saying that if all he does is knock around with criminals, you should employ him in a high security jail? I have never heard so much rot in all my life.

Mr RIEBELING: If one of his associates is a criminal, why would that render him incapable of being able to perform? Section 15 sets up the situation that it may not be that association which knocks the person off. He might go through life thinking it was those awful parking tickets that he received that got him in the end. The person may never know the true reason that he was rejected for one of these permits, because in the public interest it may be anything that the chief executive officer determines. To add insult to injury, proposed section 2 is included, which states that it does not matter whether a person has been denied natural justice. The Government can justify this awful clause 7 as much as it wants, but confirmation of what we say is correct is the requirement to remove natural justice in this legislation; this is legislation that the Ministry of Justice is supposed to be enacting yet the Government has removed the rules of natural justice from the operation of employing the staff. That speaks loudly and strongly for the truth behind what the Government is trying to do in this legislation.

Mr BROWN: I will not pursue this point. I do not understand why it is there, and it seems a ludicrous situation to me. If it related to a contract worker's known associates having criminal convictions or involved in criminal conduct, I could understand it, but it does not relate to that. It relates to questions of honesty and integrity. I cannot comprehend how that impacts on a contract worker or proposed contract worker when it does not relate to matters of criminal convictions.

I now turn to page 22, which deals with proposed section 15X. Subsection (2) appearing on page 22 sets out the grounds for terminating or suspending a contract with the contractor. The first ground (a) states that -

> the contractor becomes insolvent within the meaning of the contract;

That is understood. The second ground (b) states -

> the identity of the persons who control, manage or own the contractor or a subcontractor changes during the term of the contract without the consent of the chief executive officer;

It is a requirement that the chief executive officer consent to the identity of the people who control, manage and own the contractor. I ask the following question about the proposed contractor whom we know: Is that contractor a public company listed on the stock exchange?

Mrs van de Klashorst: It is not listed on the stock exchange; it is owned by two separate corporations.

Mr BROWN: Does that mean that if any changes occur to the ownership of those two separate companies on the stock exchange, the chief executive officer must be notified of those changes?

Mrs van de Klashorst: Yes, the chief executive officer must be notified of the changes.

Mr BROWN: All changes of shares in those companies must be notified to the chief executive officer as they trade on the stock exchange.

Mrs van de Klashorst: It is not about shares; it is about the control, management and ownership of the contractor.

Mr BROWN: It is about three things: Control, management and ownership. I want to deal with the ownership issue. The company that has the contract is owned by two companies.

Mrs van de Klashorst: Yes.

Mr BROWN: I do not know what are the holdings, but that does not matter. Company A is taken over by a disreputable firm.

Mrs van de Klashorst: That is why this is in the legislation.

Mr BROWN: In that event -

Mrs van de Klashorst: There are grounds for terminating or suspending the contract.

Mr BROWN: No. In that event, one of the companies that owns the company that has the contract would be required to notify the CEO of the change in ownership.

Mrs van de Klashorst: Yes.

Mr BROWN: The CEO would be required to consent or otherwise to that change.

Mrs van de Klashorst: That is correct; it is a safeguard.

Mr BROWN: Does that mean he must give consent to each change as shares are bought and sold?

Mrs van de Klashorst: It is done as the ownership of the companies changes.

Mr BROWN: All those people with shares in Telstra own it. They buy and sell those shares every day.

Mr Johnson: They do not control it.

Mr BROWN: No, but we are dealing with three separate issues: Ownership, management and control. We are talking about ownership, because the conjunctive "or" is used.

Mrs van de Klashorst: In the case of the preferred contractor, we are dealing with two owners. We are not talking about hundreds of shareholders. Should the identity of the persons who control, own or manage change, the CEO must be advised.

Mr BROWN: I want this clearly on the record. Different company structures can be used. This company is set up with two shareholders, company A and company B. Those two shareholders, depending on the number of shares they hold, will appoint directors and the company will then control the contract.

Mrs van de Klashorst: That is correct.

Mr BROWN: Company A might be taken over by a disreputable operator. The two companies still have the main contract, but the ownership of one of the companies has changed.

Mrs van de Klashorst: Then they must advise.

Mr BROWN: Therefore, if the composition of one of the companies that owns the company with the contract changes, they must advise.

Mrs van de Klashorst: Yes.

Mr BROWN: Taken to its logical conclusion, that means that if shares are traded in one of the companies that owns the contracting company, that change of shareholders must be notified.

Mrs van de Klashorst: The CEO must be advised of the change of ownership, not the change in shareholders or anything else.

Mr BROWN: That is correct; I agree. The CEO must be advised. If there is a change in shareholders, that changes the nature of the company and the CEO must be notified.

Mrs van de Klashorst: The CEO may terminate or suspend the contract if he does not agree with the change of ownership.

Mr BROWN: I understand that.

Mrs van de Klashorst: If he does not agree, he can exercise his discretion and either terminate or suspend.

Mr BROWN: I understand that, and I do not have a problem with it. I am trying to clarify for the record that an obligation to set out the identity of persons who own the contractor or subcontracting company relates to a change in the ownership of the contractor. In this instance, the contractor is owned by two companies.

Mrs van de Klashorst: That is correct.

Mr BROWN: If the composition of one of those companies changes - that is, one of the two companies that owns the contractor - the Parliamentary Secretary has confirmed that that change in the composition of the ownership must be notified to the CEO.

Mrs van de Klashorst: It must have the consent of the CEO, otherwise he can exercise his discretion.

Mr BROWN: I do not want to get to that point yet. If there is a large or small change in the ownership of one of the companies that owns the contractor, that change must be notified to the CEO.

Mrs van de Klashorst: Yes. The CEO must consent to the change of ownership. If he does not, he may terminate or suspend the contract. He is notified and he must consent to the change. It is about consent, not notification.

Mr BROWN: I will put it another way. Two companies own the contractor, and there is a change in the ownership of one of the two companies. Is the CEO then required to consider whether he will consent or otherwise to that change of ownership?

Mrs van de Klashorst: If changes to company A, if companies A and B are involved, affect the ownership of CCA, the CEO must consent to that change. If he does not consent to the changes, he has the right to terminate or suspend the contract.

Mr BROWN: I understand that. I have one last chance to clarify the point. There is one contractor and two parties to the contract; namely, companies A and B. The company structure with A and B does not change. Let us pose an example. Company A is still company A, and company B is still company B. One could argue that if complete changes of ownership occurred with companies A and B, the ownership of the contractor does not change; that is, it is still companies A and B. In fact, the contractor may be controlled differently with changes in contractor A and contractor B. The companies are the same with the same corporate structures, but ownership has changed. Do those circumstances require the chief executive officer to consider, consent or otherwise?

Mrs van de KLASHORST: We are relating this matter to CCA. Three sections are involved. If the control, management or ownership of CCA changes, the chief executive officers must consent to that change.

Mr RIEBELING: I consider another provision, about which no doubt the Parliamentary Secretary will be happy. I refer to proposed section 15U(1), (2) and (3). The previous proposed sections give the chief executive officer huge powers to look at whatever he likes, how he likes. He can consider a variety of information. However, proposed section 15U sets up a process by which if he makes a mistake using all those powers, he can revoke that decision. The Parliamentary Secretary

raised earlier a code of ethics. If it is breached, one can be suspended. A major problem with Hamersley Iron's contract is that it contains a code of conduct which is mentioned in the contract of employment. If it is breached, one gets the bullet. No-one knows what is in that code as it is locked away in a vault somewhere.

The code under this provision has not been drafted yet, but it is referred to in legislation. The Parliamentary Secretary told us it will be drafted and applied. We do not know what it will contain.

Mrs van de Klashorst: It will be in a form approved by the CEO.

Mr RIEBELING: That is fantastic, but it does not mean anything to me. I do not know what the CEO will approve. We are considering this legislation, not the CEO. He may think it is nice. The Parliamentary Secretary is happy that the CEO will be happy with the code of ethics, but that will not take me anywhere in considering this provision. We do not know what the code of ethics will contain. I can be relatively sure that most of the contract workers will not know the guidelines, as most of the codes of ethics are large volumes which set out procedural matters. This provision relates to when a person is suspended or a decision to appoint is revoked. It is a wonderful system! Proposed subsection (3) will remove the rules of natural justice in the procedure. No doubt the Parliamentary Secretary will say that we will have a fair system. If the CEO is happy, everybody will be happy. The rules of natural justice go out the window in this provision. How it is justified is beyond me.

The next provision basically states that when a suspension or removal of a permit occurs, we must advertise it in the gazette within 14 days. It sounds strong. Nevertheless, proposed section 15V(2) states that it is all right if it is not advertised. It is a catch-all provision. Proposed section 15V(1) states that it must be advertised within 14 days, and proposed subsection (2) states that it does not matter if it is not advertised.

I do not know how many protections the CEO requires to exercise his discretion. We have 15 pages of checks that the CEO must undertake to make sure he appoints the right person. Proposed section 15U states that if the wrong person is appointed, that person can be removed. The CEO need not answer to anyone as the rules of natural justice will not apply. He must advertise the fact that he has suspended someone. That must happen within 14 days; if not, it does not matter anyway.

Where is the protection for any worker employed under these contracts? Perhaps, the Parliamentary Secretary could tell me whether any such protection can be found? I can find none. One need not be fair in relation to this legislation.

Mrs van de KLASHORST: It is covered by the fact that the CEO must at all times act lawfully and responsibly, and be accountable for his actions.

Mr Riebeling: No, he is not.

Mrs van de KLASHORST: He has his annual report, the budget committee, and ministerial inquiry. He is accountable in many ways as the CEO of this organisation. It is normal accountability.

Mr RIEBELING: It is not normal to have a procedure outlined, followed by a section which states that the rules of natural justice do not apply. It is completely abnormal. It should never happen. Whoever drafted this Bill knows that it does not provide a fair system. It would not be included in the legislation unless an element of unfairness was involved. Why include a provision removing natural justice, including any duty of procedural fairness?

Mr Bloffwitch: It is the same argument.

Mr RIEBELING: Absolutely. How many times does the Government have to protect the CEO? How bad will this bloke be? Will he trample on people's rights each time he moves? Why do we need that provision relating to the fairness of procedure? The provision in which it is removed determines a rejection. Where is the protection for a worker who applies for an application, and is rejected? Where is the fairness where a permit is issued? A person has been through the hoops, and the CEO may change his mind. No protection is provided. In relation to suspension of a person employed, at least some procedural fairness should apply. Is it too much to ask in a piece of legislation which relates to the Ministry of Justice for there to be procedural fairness when removing a person from a job? That is basically what is happening. It is removing a person from a job because, for some reason, the CEO changes his mind. He advertises it and suspends the person. It is all right if he does not advertise. Surely, a procedure should be in place so a worker can say that he has been badly treated. Can the Parliamentary Secretary tell me where protection is provided for the suspended worker? If so, we can conclude debate on this provision.

Mrs van de KLASHORST: I will go back to what we have been saying: We are looking for a fit and proper person to work in the prison system. In this case, the chief executive officer may find out something about a worker that he did not know and that person may cease to be a fit and proper person to work in the prison system. It is all high-level security work, so the CEO must ensure the right people are working in the system to protect the prisoners. If the people in the system are not fit and proper and able to cope with the work -

Mr Riebeling: The removal of natural justice is to protect the CEO. Do not talk about the prisoner.

Mrs van de KLASHORST: I am talking about the suspension and revocation of permits. If the CEO finds out something about a person that he did not know, and a lot of what we have done beforehand has led to this, he has the right to revoke the permit.

Mr RIEBELING: What would happen if the basis of that information were incorrect in the Parliamentary Secretary's wonderful world? If the information on which the CEO grounded his decision to remove a person from his job -

Mrs van de Klashorst: If that person could prove that the basis was incorrect, I presume that the CEO could reinstate that person.

Mr RIEBELING: Not according to this legislation. The rules of natural justice have been removed; they do not apply. It is the Parliamentary Secretary's legislation and she has taken it away.

Mrs van de Klashorst: The CEO has the discretion to reinstate the permit in individual circumstances.

Mr RIEBELING: I do not know whether the Parliamentary Secretary is refusing to listen. If a person is incorrectly removed from a position, how does a person challenge that under these rules?

Mrs van de Klashorst: He puts his case to the CEO.

Mr RIEBELING: How does he do that under these rules? They do not allow for the information to be given to the worker.

Mrs van de Klashorst: Where does it say that?

Mr RIEBELING: Proposed section 15U(3) states -

> The rules known as the rules of natural justice (including any duty of procedural fairness) do not apply . . .

That is what we are talking about.

Mrs van de Klashorst: It does not say that the worker cannot see the CEO and tell him his case.

Mr RIEBELING: However, the CEO does not have to tell him.

Mrs van de Klashorst: He does not have to tell him.

Mr RIEBELING: That is all right then; he does not have to tell him. That is what I have been saying for the past half an hour.

Mrs van de Klashorst: The worker can go to the CEO and put his case. That is why the word "may" has been included. The CEO has the discretion to listen to him and reinstate the permit.

Mr RIEBELING: He does not even have to listen to him. He goes through the hoops of getting his permit and then the CEO changes his mind and suspends him.

Mrs van de Klashorst: He must have a reason to suspend him.

Mr RIEBELING: Absolutely, but it might not be correct.

Mrs van de Klashorst: It might be correct, too.

Mr RIEBELING: Let us hope it is always correct, but it might not be. That is why there are the rules of natural justice in every procedure. If someone says that Fred Riebeling has done something, and I have not, I should know who said that. That is the rule of natural justice, and I can then challenge it. However, according to this legislation, I cannot do that. In this huge desire to protect a CEO who is making determinations about a person's work life, this legislation states that he does not have to do it. He may do it; he may not. He may rely on good information; he may rely on rubbish. He has been given that power. All through this debate, I have tried to tell the Parliamentary Secretary that the discretions the CEO has been given in a matter give him huge powers to reject and take on board information. It could be fact, it could be rumour. It could relate to associations with people, no matter how tenuous. The Parliamentary Secretary has not listed how tenuous they can be. If any known associate is of dubious character, they can wipe out a person. The procedural fairness, or lack of it, in clause 7 is massive. It will come back and bite this Government, and so it should. However, in the meantime, we will end up with people being treated badly and with no recourse. This awful piece of wording in relation to the rules of natural justice is now creeping into the legislation. Why do we have a court system in the Ministry of Justice when we deny the people who work in that system access to it? It defies logic for the Ministry of Justice to operate and yet the rules of fairness do not apply to the department which is supposed to administer justice in this State. I do not know whether the Parliamentary Secretary can see the irony of that sort of situation in which the rules applying to the work force in the Ministry of Justice are not just, because she has taken them away. It is obvious that we will not get any movement on this, but the Parliamentary Secretary should think about what she is doing to the work force in this legislation. It is unjust and she has determined it is unjust by putting in a section which says that it needs to be just. The legislation should be rejected.

Clause, as amended, put and passed.

Progress reported and leave granted to sit again.

FEDERAL COURTS (STATE JURISDICTION) BILL 1999

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Board (Minister for Works), read a first time.

House adjourned at 10.08 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

FORESTS, SOUTH WEST

2482. Dr EDWARDS to the Minister for the Environment:

For each of -

(a) jarrah;
(b) karri;
(c) wandoo; and
(d) tuart,

in the whole of the South-West, how much is -

(i) in existing and approved formal reserves (national parks, conservation parks, nature reserves);

(ii) in existing and approved informal reserves (buffers along some roads, rivers and streams and the Bibbulmun Track); and

(iii) in State Forest and timber reserves,

on land not managed by the Department of Conservation and Land Management (CALM)?

Mrs EDWARDES replied:

This question refers to land not managed by CALM. All of the reserves listed would be managed by CALM in accordance with the Conservation and Land Management Act.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2546. Mr RIPPER to the Minister representing the Minister for Mines:

(1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?

(2) Were any of the people the subject of such a request actually appointed pursuant to the Act?

(3) If so, for each such appointment, will the Minister specify -

(a) the officer's name;
(b) their classification and position at appointment;
(c) the date their appointment took effect; and
(d) their relevant employing authority?

(4) Were any of these officers subsequently seconded to work in a Ministerial office?

(5) If so, for each secondment, will the Minister specify -

(a) the officer's name;
(b) the classification and position to which the officer was seconded;
(c) the date this secondment was requested;
(d) the date this secondment took effect; and
(e) the Ministerial office to which the officer was seconded to?

Mr BARNETT replied:

(1) Not to the best of my knowledge.

(2)-(5) Not applicable.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2550. Mr RIPPER to the Parliamentary Secretary to the Minister for Tourism:

(1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?

(2) Were any of the people the subject of such a request actually appointed pursuant to the Act?

(3) If so, for each such appointment, will the Minister specify -

(a) the officer's name;
(b) their classification and position at appointment;
(c) the date their appointment took effect; and
(d) their relevant employing authority?

(4) Were any of these officers subsequently seconded to work in a Ministerial office?

(5) If so, for each secondment, will the Minister specify -

(a) the officer's name;
(b) the classification and position to which the officer was seconded;
(c) the date this secondment was requested;
(d) the date this secondment took effect; and
(e) the Ministerial office to which the officer was seconded to?

Mr BRADSHAW replied:

(1)-(5) See answer to question 2546.

PUBLIC SERVICE, APPOINTMENTS PURSUANT TO SECTION 64(1)(a) OF PUBLIC SECTOR MANAGEMENT ACT

2552. Mr RIPPER to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) At any time since 1994, has the Minister, or the Minister's office, requested the appointment of a person to the public service pursuant to section 64(1)(a) of the Public Sector Management Act 1994?

(2) Were any of the people the subject of such a request actually appointed pursuant to the Act?

(3) If so, for each such appointment, will the Minister specify -

(a) the officer's name;
(b) their classification and position at appointment;
(c) the date their appointment took effect; and
(d) their relevant employing authority?

(4) Were any of these officers subsequently seconded to work in a Ministerial office?

(5) If so, for each secondment, will the Minister specify -

(a) the officer's name;
(b) the classification and position to which the officer was seconded;
(c) the date this secondment was requested;
(d) the date this secondment took effect; and
(e) the Ministerial office to which the officer was seconded to?

Mr MARSHALL replied:

(1)-(5) See answer to question 2546.

WESTRAIL, SECURITY ON ARMADALE, JOONDALUP, FREMANTLE AND MIDLAND LINES

2650. Mr RIPPER to the Minister representing the Minister for Transport:

(1) How many complaints of harassment or assaults of passengers on each of the Armadale, Joondalup, Fremantle and Midland lines have been received by Westrail this year?

(2) How many security officers are allocated to patrol each of the Armadale, Joondalup, Fremantle and Midland lines?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(1) For the period 1 January 1999 to 2 May 1999 inclusive, offences of assault were recorded as follows:

Armadale line	30
Midland line	16
Currambine line	23
Fremantle line	12
Perth station	28

For the period 1 January 1999 to 2 May 1999 inclusive, complaints of harassment were recorded as follows:

Armadale line	9
Midland line	4
Currambine line	14
Fremantle line	5
Perth station	15

(2) Westrail's security staff are deployed as follows:

At stations:	
Armadale line	6
Midland line	5
Currambine line	8
Fremantle line	5
Perth station	4

On trains:

Armadale line	6
Midland line	4
Currambine line	6
Fremantle line	4

Mobile patrols (in radio equipped vehicles):

Armadale line	8
Midland, Currambine and Fremantle lines (combined)	12

KING EDWARD MEMORIAL HOSPITAL, VAGINAL AND INCONTINENCE OPERATIONS

2657. Mr McGINTY to the Minister for Health:

For 1998, will the Minister advise -

(a) the number of vaginal operations and the number of incontinence operations performed at King Edward Hospital;

(b) the total number of bed days occupied by the patients;

(c) the total cost to the hospital of these operations; and

(d) the cost of running the Urogynaecology Diagnostic Unit at King Edward Hospital?

Mr DAY replied:

(a) Inclusive of Urology and Gynaecology operations
- Vaginal operations 394
- Incontinence operations 131

(b) Unable to be determined at this time due to variety of coding classifications used for collecting this information from this diverse group of patients.

(c) Unable to be determined at this time as data in this format is difficult to retrieve for this diverse group of patients due to the variety of codes involved in classification of these cases.

(d) Cost of running the Urology Service: $186,316 per annum. This figure is inclusive of both medical and nursing outpatient sessions and medical theatre sessions only.

MINISTERS OF THE CROWN, CREDIT CARD EXPENDITURE BY MINISTERIAL OFFICERS

2662. Mrs HOLMES to the Minister for Resources Development; Energy; Education

(1) Will the Minister advise what the total expenditure on Government credit cards was in the Minister's office for the following financial years -

(a) 1990-1991;
(b) 1991-1992; and
(c) 1992-1993?

(2) For each individual credit cardholder in the Minister's office will the Minister advise -

(a) the name and position of the cardholder;
(b) the credit limit on the card; and
(c) the total expenditure on that card in -

(i) 1990-1991;
(ii) 1991-1992; and
(iii) 1992-1993?

Mr BARNETT replied:

Department of Resources Development

(1) (a)-(b) Records relating to the period 1990-1991 and 1991-1992 are not held by this Ministerial office or our host department, Department of Resources Development.

(c) $169.80

(2) (a) Colin J Barnett - Minister for Resources Development.
(b) $20 000
(c) (i)-(ii) Not applicable.
(iii) $112.80

(a) John C Hammond - Chief of Staff.
(b) $5 000
(c) (i)-(ii) Not applicable.
(iii) $57.00

Education Department of Western Australia

(1)-(2) Records relating to the periods 1990-1993 have been destroyed in accordance with statutory regulations. The Minister and his office staff were attached to the Education Department at that time, but no staff had a Department corporate credit card linked to the Department's Westpac Corporate Credit Card system in the years 1990-1993.

GOVERNMENT DEPARTMENTS AND AGENCIES, IMPACT OF FRINGE BENEFITS TAX IN REMOTE LOCATIONS

2712. Mr RIEBELING to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

What action, if any, has the Deputy Premier taken to ensure that employees who receive an incentive in the form of a fringe benefit to work in the remote areas of the State will retain the full value of the incentive under the Commonwealth's new fringe benefit tax arrangements?

Mr COWAN replied:

The Department of Commerce and Trade and the Pilbara Development Commission participated in submissions to Federal Treasury through the Department of Productivity and Labour Relations. This successfully sought exemptions for remote area employees from group certificate reporting requirements of remote area accommodation and related benefits. As Minister for Regional Development, I will continue to oppose measures which obviously affect the attraction and retention of employees in remote and rural areas.

GOVERNMENT DEPARTMENTS AND AGENCIES, IMPACT OF FRINGE BENEFITS TAX IN REMOTE LOCATIONS

2713. Mr RIEBELING to the Minister representing the Attorney General:

What action, if any, has the Attorney General taken to ensure that employees who receive an incentive in the form of a fringe benefit to work in the remote areas of the State will retain the full value of the incentive under the Commonwealth's new fringe benefit tax arrangements?

Mr PRINCE replied:

The Attorney General has provided the following reply:

As part of its tax reform package released last year, the Commonwealth Government announced a number of reforms to the fringe benefits tax (FBT) system. One of these reforms, which the Western Australian Government strongly supports, is to provide an FBT exemption for remote area housing benefits provided to mining industry employees (from the 2000-01 FBT year). Not only will this measure reduce the tax impost on the mining industry, it will also reduce the incentive for mining companies to use fly-in/fly-out operations, thereby providing a potential boost to regional development.

One of the other FBT reforms announced by the Commonwealth was to include the “grossed-up” taxable value of fringe benefits on employees’ group certificates, where the value of the benefits exceeds $1,000. While the tax liability for such benefits will remain with employers (under the FBT system), they will be included in employees’ income for determining liability for tax surcharges (such as the superannuation contributions surcharge) and entitlement to certain government benefits (such as family allowance).

The legislation to implement this second measure was recently passed, with amendments, by the Commonwealth Parliament. As a result of the amendments to the draft legislation, benefits relating to remote area housing are defined as “excluded benefits”, and do not need to be included on employees’ group certificates, This will largely ameliorate the impact of this measure on employees working in remote areas.

GOVERNMENT DEPARTMENTS AND AGENCIES, IMPACT OF FRINGE BENEFITS TAX IN REMOTE LOCATIONS

2716. Mr RIEBELING to the Minister for the Environment; Labour Relations:

What action, if any, has the Minister taken to ensure that employees who receive an incentive in the form of a fringe benefit to work in the remote areas of the State will retain the full value of the incentive under the Commonwealth's new fringe benefit tax arrangements?

Mrs EDWARDES replied:

As part of its tax reform package released last year, the Commonwealth Government announced a number of reforms to the fringe benefits tax (FBT) system. One of these reforms, which the Western Australian Government strongly supports, is to provide an FBT exemption for remote area housing benefits provided to mining industry employees (from the 2000-01 FBT year). Not only will this measure reduce the tax impost on the mining industry, it will also reduce the incentive for mining companies to use fly-in/fly-out operations, thereby providing a potential boost to regional development.

One of the other FBT reforms announced by the Commonwealth was to include the “grossed-up” taxable value of fringe benefits on employees’ group certificates, where the value of the benefits exceeds $1,000. While the tax liability for such benefits will remain with employers (under the FBT system), they will be included in employees’ income for determining liability for tax surcharges (such as the superannuation contributions surcharge) and entitlement to certain government benefits (such as family allowance).

The legislation to implement this second measure was recently passed, with amendments, by the Commonwealth Parliament. As a result of the amendments to the draft legislation, benefits relating to remote area housing are defined as “excluded benefits”, and do not need to be included on employees’ group certificates. This will largely ameliorate the impact of this measure on employees working in remote areas.

WOMEN'S HEALTH CENTRES, FUNDING

2843. Ms ANWYL to the Minister for Health:

I refer to funding made available to Women's Health Centres in Western Australia and ask -

(a) what amount of funding has been allocated to each centre for the financial years ending 30 June 1993 to 1999;

(b) in each case was such funding recurrent and if so, will the Minister provide detail;

(c) has the Minister received any representations that recurrent funding arrangements should be implemented for Women's Health Centres;

(d) if so, will the Minister provide details;

(e) if not, will the Minister consider this issue; and

(f) will the Minister incorporate a CPI linked increase to such budgets to allow services to provide the outcomes they have contracted to perform?

Mr DAY replied:

(a)

HDWA FUNDS TO WOMEN'S HEALTH CENTRES

Provider Name	92/93	93/94	94/95	95/96	96/97	97/98	98/99
South West Women's Health & Information Centre Inc.				31,500	120,000	120,000	123,000
Perth Women's Health Care Assn Inc			398,100	674,150	368,700	411,600	421,890
Goldfields Women's Health Centre			83,600	99,089	103,500	103,600	160,190
Women's Health Resource Centre Inc.			100,000	106,500	120,000	120,900	123,920
Hedland Well Women's Centre			95,850	107,626	125,700	128,840	128,840
Nintirri Neighbourhood Centre Inc			43,020	48,228	39,276	52,800	52,800
Fremantle Women's Health Centre Inc			217,389	239,500	255,000	257,400	260,910
Gosnells Women's Health Service Inc			131,000	173,006	191,000	191,800	196,650
Rockingham Women's Health & Info Assoc. Inc.			137,829	178,532	161,000	161,000	191,830
ISHAR Multicultural Centre for Women's Health Inc.			138,000	144,250	145,000	145,900	149,550
Women's Healthworks - Health, Education and Resource Centre (formerly "Whitford's Women's Health Centre")			133,470	141,000	146,300	149,960	149,960
Midland Women's Health Care Place Inc			116,000	119,750	131,000	131,700	134,990

Funds from all HDWA purchasers to Women's Health Centres
Figures for 1992/3 and 1993/4 not available on disc.

(b) Each Centre has had Annual Purchasing Agreements with the HDWA.

(c)-(d) Representations have been made for 3 year agreements. The HDWA is investigating the possibility of establishing agreements for more than one year.

(e) Not applicable.

(f) In the 1999/2000 Agreements, an escalation factor will be added to the State component of the funds. The level of Commonwealth funds available for 1999/2000 is yet to be confirmed.

RAILWAYS, PEAK PERIOD SERVICES

2862. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) How many railway carriages operate on each metropolitan rail line during the following weekday peak periods -

(a) 7 am to 8 am;
(b) 8 am to 9 am;
(c) 4 pm to 5 pm; and
(d) 5 pm to 6 pm?

(2) On average, how many commuters use each metropolitan rail line during the following weekday peak periods -

(a) 7 am to 8 am;
(b) 8 am to 9 am;
(c) 4 pm to 5 pm; and
(d) 5 pm to 6 pm?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(1) I presume the member is referring to trains operating to Perth during the morning peak times and from Perth during the afternoon peak times. My answers to parts (a) to (d) of this question are provided on that basis.

	Armadale line	Currambine line	Midland line	Fremantle line
(a)	18	40	14	12
(b)	20	42	14	14
(c)	16	44	12	12
(d)	20	44	14	14

(2) The last passenger count was carried out in May 1998 and my answers to parts (a) to (d) of this question are provided from that information.

	Armadale line	Currambine line	Midland line	Fremantle line
(a)	2 494	4 918	1 806	1 185
(b)	1 568	3 377	1 329	1 185
(c)	1 642	2 993	1 097	1 083
(d)	1 898	3 729	1 391	1 184

MAIN ROADS WA, ACCOUNTING METHODS

2863. Ms MacTIERNAN to the Minister representing the Minister for Transport:

I refer to the recent decision by Main Roads to scrap its accounting practice of including corporate overheads into the costs of its road construction and maintenance contracts, and ask -

(a) will the Minister table the revised Main Roads budget papers for the last two financial years, excluding corporate overheads from the costs of individual road projects?

(b) if not, why not?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(a)-(b) Main Roads Western Australia 1999/00 Capital Works Program has been prepared on the basis of individual road project costs excluding overheads. The Capital Works Program also includes estimated expenditure for 1998/99 and estimated total project cost expenditure on the same basis. For projects that were commenced in 1997/98 and costs included in the Capital Works Program, these costs have already been adjusted to exclude corporate overheads.

RAILWAYS, VICTORIA STREET STATION

2864. Ms MacTIERNAN to the Minister representing the Minister for Transport:

With regards to Victoria Street railway station -

(a) will pedestrian crossing signals be installed at this station;

(b) if yes, when will these signals be installed;

(c) what is the budgeted cost of installing pedestrian signals at Victoria Street station; and

(d) if no to (a), why not?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(a) Yes.

(b) Installation of the signals has been completed and they are now operational.

(c) $46 000.

(d) Not applicable.

CURTIN AVENUE AND PORT BEACH ROAD, WIDENING

2865. Ms MacTIERNAN to the Minister representing the Minister for Transport:

Can the Minister outline what measures will be introduced to ensure the safety of pedestrians and road users as a result of the widening of Curtin Avenue and Port Beach Road, North Fremantle?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

In December 1998, Main Roads released a brochure which contained a concept plan for Curtin Avenue and Port Beach Road between Servetus Street and Wellington Street, located on the western side of the Perth-Fremantle railway reserve. The preliminary concept design indicates the likely form of the road. The design includes a central median and right turn pockets

to enable motorists to turn right in safety. It also includes widened kerbside lanes to improve safety for cyclists using the road. Cyclists would have the option of using the Principal Shared Path, which will run between the road and the railway, catering principally for longer-distance cyclists. It is proposed that there will be crossings of the road for pedestrians and cyclists at approximately 500m intervals. These crossings will take the form of pedestrian/cyclist bridges or underpasses, or use existing roads, with features allowing pedestrians and cyclists to cross in safety.

CYCLEWAY, PERTH-ARMADALE

2870. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) Does Main Roads plan to construct a rail reserve cycleway from Perth to Armadale?

(2) If yes -

(a) when will the construction of this project commence; and
(b) when will it be completed?

(3) If the answer to (1) above is no, why not?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(1) Yes.

(2) (a)-(b) Construction will be undertaken in three stages. Stage 1 comprises the following sections:

Perth Station to Burswood Station (alongside Graham Farmer Freeway).
Kenwick Station to Maddington Station
Gosnells Station to Kelmscott Station.
Albany Highway to Lissiman Street
Armadale Road to Armadale Station.

Stage 1 has commenced and these projects are being constructed over the next three years with Stages 2 and 3 to follow thereafter.

(3) Not applicable.

RAILWAYS, BURSWOOD STATION, PARKING BAYS

2872. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) How many parking bays are available for Westrail commuters who wish to park their car at Burswood station and use the Armadale to Perth rail line?

(2) Will the Minister confirm that the car park at the Hamburger Hill site at this station is on land which is under the jurisdiction of Westrail?

(3) Will the Minister explain why this car park is not able to be utilised by commuters who wish to "park and ride"?

(4) Are there any plans to provide more car parks for rail commuters at Burswood station?

(5) If not, why not?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(1) There are no 'Park n Ride' facilities at the Burswood railway station.

(2) The car park near the Burswood railway station is on Westrail land; however, the land is not under Westrail's control as it is presently leased to the proprietor of the Hamburger Hill fast food outlet.

(3) The car park forms part of the leaseholder's business and is not available to 'Park n Ride' passengers.

(4) No.

(5) Burswood is not a designated 'Park n Ride' railway station.

RAILWAYS, ARMADALE-PERTH

2873. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) Is the Minister aware that trains on the Armadale to Perth line are becoming extremely overcrowded especially in peak hours?

(2) Does Westrail intend to introduce any more carriages onto this line during peak hours?

(3) If yes, when will they be introduced?

(4) If not, why not?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(1) I am aware that trains on the Armadale line are well patronised and acknowledge that during the morning peak travel times, some services are operating to near full capacity and occasionally at full capacity. However, although well patronised, the majority of services, in both the afternoon and morning peak times, have available standing room.

(2)-(4) There are no present plans to purchase new rollingstock. Earlier this year Westrail introduced an additional five two-car trains to meet the higher than expected patronage levels resulting from the popularity of the electric train service. In conjunction with the introduction of the additional trains, timetables were adjusted to meet preferred demand. While the majority of the new trains have been utilised on the heavier patronised Currambine line, an additional two-car train has been provided on the Armadale line during the morning peak period. Also, re-allocation of railcars has resulted in the strengthening of the 7.23 am service from Armadale from a two-car train to a four-car train. Westrail is utilising its total available railcar fleet to operate the morning and afternoon peak services. While there are no further railcars available to operate additional services during peak periods, Westrail is re-examining its mix of two-car and four-car trains in an endeavour to further improve their effective utilisation. Also, Westrail has been trialing a train with longitudinal seating which has proved successful in easing congestion during peak loading times. With the loss of only four seats, the modification has created significantly more standing room by encouraging people to move down the aisle and away from the doorway area. Based on the success of the trial, Westrail intends to modify around sixteen of its two-car trains to longitudinal seating, predominantly for use during peak travel periods.

MAIN ROADS WA, CONTRACT WITH MacMAHON CONTRACTORS (WA) PTY LTD

2876. Ms MacTIERNAN to the Minister representing the Minister for Transport:

With respect to contract 117/95 awarded by Main Roads to MacMahon Contractors (WA) Pty Ltd for term maintenance in the Wheatbelt North, Mid West and Metropolitan regions -

(a) will the Minister confirm that the original contract expired on 29 April 1999;

(b) was there a clause in the original contract for extension of this contract;

(c) if yes, for what period can the contract be extended and will the Minister table that clause;

(d) what is the estimated cost to Main Roads of extending this contract;

(e) when will a ten-year term maintenance contract be awarded to replace this contract;

(f) who will maintain roads in this region until a ten-year contract is awarded;

(g) what was the total final cost of this contract to 29 April 1999;

(h) is CMPS & F Pty Ltd still supervising this contract;

(i) if yes, was there a clause in their original contract for extension of the contract;

(j) if yes, for what period can the contract be extended and will the Minister table that clause;

(k) what is the estimated cost to Main Roads of extending this supervisory contract;

(l) what were the original and actual final costs of this supervisory contract to 29 April 1999; and

(m) if CMPS & F is not supervising contract 117/95, who is?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(a)-(b) Yes.

(c) Variable under Clause 40 of AS2124 - copy of Clause is tabled [See paper No 1076.]

(d) $1.1 million.

(e) August 1999.

(f) MacMahon Contractors (WA) Pty Ltd, under Contract No. 117/95.

(g) $22.9 million.

(h) Yes.

(i) Contract has not expired.

(j)-(k) Not applicable.

(l) Original value $3.39 million, Contract cost to 29 April 1999 is $3.5 million.

(m) Refer to (h).

MAIN ROADS WA, CONTRACT WITH BORAL CONTRACTING PTY LTD

2877. Ms MacTIERNAN to the Minister representing the Minister for Transport:

With respect to contract 118/95 awarded by Main Roads to Boral Contracting Pty Ltd for term maintenance in the Pilbara and Mid West regions -

(a) will the Minister confirm that the original contract expired on 29 April 1999;

(b) was there a clause in the original contract for extension of this contract;

(c) if yes, for what period can the contract be extended and will the Minister table that clause;

(d) what is the estimated cost to Main Roads of extending this contract;

(e) when will a ten-year term maintenance contract be awarded to replace this contract;

(f) who will maintain roads in this region until a ten-year contract is awarded; and

(g) what was the total final cost of this contract to 29 April 1999?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(a)-(b) Yes.

(c) Variable under Clause 40 of AS2124 -copy of Clause is tabled - [See paper No 1076.]

(d) $1.48 million.

(e) December 1999.

(f) Boral Contracting Pty Ltd, under Contract No. 118/95.

(g) $8.65 million.

LORD STREET GRADE SEPARATION PROJECT

2891. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) Will the Minister explain why the Lord Street grade separation project was estimated as costing $6.486 million in the 1998-99 Budget Statements, but a contract was awarded for $12 million for the project?

(2) Does the figure of $6.486 million include corporate overheads, and if yes, how much?

(3) Does the figure of $12 million include corporate overheads, and if yes, how much?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(1)-(3) The project is jointly funded with Transport. In the 1998/99 Budget Statements, Main Roads contribution was estimated to total $6.486 million which included an amount of $0.536 million for overheads.

LOFTUS STREET, WIDENING

2892. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) What was the 1998-99 budget estimate for the Loftus Street widening project?

(2) Did this figure include corporate overheads?

(3) If yes, how much?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(1) $20.883 million.

(2) Yes.

(3) $2.217 million.

PORT GREGORY-KALBARRI ROAD

2893. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) Has a contract been awarded for the remaining 28.5 km for the construction of the Port Gregory to Kalbarri Road to seal stage?

(2) If yes -

(a) on what date was it awarded;
(b) to whom was it awarded;
(c) at what cost; and
(d) when is the expected completion date of this final section?

(3) If the answer to (1) above is no, when will it be awarded?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(1) No.

(2) Not applicable.

(3) It is expected tenders will be called in June 1999 and the contract awarded in September 1999.

PORT GREGORY-KALBARRI ROAD

2894. Ms MacTIERNAN to the Minister representing the Minister for Transport:

(1) Who constructed the second stage (Hutt Lagoon) of the Port Gregory to Kalbarri Road?

(2) On what date was the contract awarded and when was it completed?

(3) What were the original and final costs of the contract?

(4) Who supervised the contract?

(5) What were the original and final costs of the supervisory contract?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(1) Main Roads.

(2) Awarded: 7 October 1997.
Completed: 20 February 1998.

(3) Original cost: $2.35 million.
Final cost: $2.15 million.

(4) Main Roads.

(5) Original cost: $110 000.
Final cost: $117 211.

AUSTRALIAN RESEARCH COUNCIL, FUNDING ALLOCATIONS

2954. Mr BROWN to the Minister for Commerce and Trade:

(1) Is the Minister aware of the funds handed out by the Australian Research Council (ARC) in its last round of funding allocations?

(2) Is it true that the ARC will hand over around $6.3 million in grants to Western Australia under seven categories for research in 1999?

(3) Will the Minister advise how much was provided for research activities in -

(a) New South Wales;
(b) Victoria;
(c) Queensland; and
(d) South Australia?

(4) How much was provided by the ARC to each of those states?

(5) Has the State Government made any representations to the Federal Government on the priority of funds made available to Western Australia?

(6) If so, when?

(7) If not, why not?

Mr COWAN replied:

(1) Yes.

(2) From information available from the Australian Research Council, Western Australia was awarded $19,885,462 of new grants in 1999 under nine categories. Some of these grants extended over several years.

(3)-(4) The Australian Research Council awarded the following amounts in new grants to other States in 1999 -

New Wales:	$94,142,358
Victoria:	$59,322,671
Queensland:	$42,052,184
South Australia:	$21,181,801

(5) No.

(6) Not applicable.

(7) Australian Research Council funding is awarded through two mechanisms:

- application-based schemes, where funding is awarded to researchers or teams of researchers through competitive selection processes involving peer review and based on excellence; and
- formula-driven schemes where block funding is allocated to institutions based on specific formulae.

The State provides $4 million per year under the Centres of Excellence in Industry Focussed Research and Development (COE) Program to support and facilitate existing and proposed science and technology research centres, with a significant base in Western Australia. COE Application Support of up to $10,000 and CEO Strategic Planning Support of up to $20,000 are available to enhance the chances of success of Western Australian based applications to Federal funding programs. Other than the above assistance, interference in the Australian Research Council funding process to attempt to obtain priority funding to Western Australia would be inappropriate.

PRISONS, SEX OFFENDER TREATMENT PROGRAMS

2968. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

(1) Did the Minister receive a letter from the Member for Bassendean dated 16 February 1999 concerning the sex offender treatment program?

(2) Did the letter seek information on the sex offender treatment program for a constituent?

(3) Did the Minister reply to the letter within three months, that is by 16 May 1999?

(4) If not why not?

(5) Does the Minister intend to reply to the letter?

(6) If so when?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1)-(2) Yes.

(3) No.

(4) The reply was delayed because of an administration oversight within the Ministry of Justice.

(5) Yes.

(6) The reply was completed on 2 June 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, RESEARCH PROJECTS

3011. Mr BROWN to the Minister representing the Attorney General:

(1) Are any research projects being undertaken by the departments and agencies under the Attorney General's control?

(2) What is the nature of each research project?

(3) Who is conducting each research project?

(4) What is the anticipated cost of each research project?

(5) What is the anticipated completion date of the research project?

Mr PRINCE replied:

The Attorney General has provided the following reply:

Solicitor General, Legal Aid, Law Reform Commission, Crown Solicitor, Director Public Prosecutions, Office of the Information Commissioner:

(1) No.

(2)-(5) Not applicable.

Equal Opportunity Commission:

(1) Yes.

(2) The Commissioner for Equal Opportunity is ascertaining the views of Aboriginal complaints in relation to the processes of complaint handling to ascertain some of the factors that influenced these complainant's decision to not proceed with their complaint.

(3) The research is managed by the Manager of Policy and Evaluation at the Equal Opportunity Commission, with the assistance of the following consultants, Dr Quentin Beresford of Edith Cowan University; Helen Cattalini Consultancy and Intouch Training and Consultancy Services.

(4) Consultancy fees for the research project are $20,790.

(5) The anticipated completion of the project is July 1999.

Ministry of Justice:

(1) Yes.

(2)-(5) See table.

Nature of Research Project	Research Project Conducted By	Anticipated Cost of Research Project	Anticipated Completion date of Research Project
Study into trends in sentencing and remand	Rangeview Remand Centre	Not applicable - study being conducted in-house	31 July 1999
Longitudinal study of recidivism rates	Juvenile Custodial Services	Not applicable - study being conducted in-house	Ongoing
Study into substance misuse patterns in juvenile offenders	Juvenile Psychological Services	Not applicable - study being conducted in-house	Ongoing
Study of the social, environmental and psychological factors associated with car theft	Juvenile Psychological Services	Not applicable - study being conducted in-house	12 months
Research into patterns of break and enter offences among juveniles	Juvenile Psychological Services	Not applicable - study being conducted in-house	31 December 1999
Sex offender research	Juvenile Psychological Services	Not applicable - study being conducted in-house	Ongoing
Risk assessment research project for adult offenders under community supervision	Crime Research Centre of WA	Approximately $100,000 per annum	November 1999
Crime mapping study	University of Western Australia's Crime Research Centre, funded by the Ministry of Justice	$50,000	Draft report expected by the end of June 1999
Evaluation of action plan to address the cycle of Aboriginal juvenile offending	Being conducted by the partner agencies' internal resources and occasional consultancies	Long term monitoring exercise and cannot be easily costed. The contract with Social Systems and Evaluation cost $25,000	Ongoing exercise with no fixed completion date
Review of Drug Management Strategy	MOJ Review Group	Not applicable. Review conducted in-house.	Completed
Review of Suicide Prevention Strategy	MOJ Review Group	Not applicable. Review conducted in-house.	Completed
Integrated Prison Regime	Prison Services Project Team	In-house	Ongoing 3 - 5 years.

To pilot six adult prison work camps and assess their effectiveness as a transition from prison to work and in reducing recidivism.	Prison services	Not applicable study being conducted in-house	Project ongoing and will be subject to ongoing assessment and evaluation over 3 to 4 year period.
The assessment process at the Canning Vale Assessment Unit will consist of two stages. One being the screening stage and the second being the comprehensive assessment stage. Currently the focus group is researching best practice for a multi disciplinary team and looking at the best tools according to the mandate of the receival centre.	Assessment focus group.	Not applicable study being conducted in-house.	End of August for the tool to be piloted.
Evaluation of the Justice Schools Package	Learning Technology Systems and Educational Consulting Services	$5,000	Expected to report by the end of July 1999

GOVERNMENT DEPARTMENTS AND AGENCIES, RESEARCH PROJECTS

3017. Mr BROWN to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

(1) Are any research projects being undertaken by the departments and agencies under the Minister's control?

(2) What is the nature of each research project?

(3) Who is conducting each research project?

(4) What is the anticipated cost of each research project?

(5) What is the anticipated completion date of the research project?

Mr SHAVE replied:

Department of Land Administration

(1) Yes.

(2)-(5)

	NATURE OF RESEARCH PROJECT	WHO IS CONDUCTING RESEARCH	ANTICIPATED COST	ANTICIPATED COMPLETION DATE
(i)	Detection of bushfires using thermal infrared sensing from the NOAA-AVHRR satellite sensor and estimating the area burnt from the density of fire hot spots measured by the sensor. To assist CALM fire, the research in Western Australia is focused on the application of this technique to the forests in the south west	Dr Richard Smith, Manager, Satellite Remote Sensing Services, DOLA	$100,000 with funds being provided by the Commonwealth Department of the Environment	December 2000
(ii)	Audit of DOLA's Intellectual Property: Scoping Study	Clayton Utz	$15,000	30 June 1999
(iii)	Survey of customer satisfaction with DOLA outcomes, outputs and services	Research Solutions Pty Ltd	$38,000	16 July 1999

Ministry of Fair Trading

(1) Yes - Register of Encumbered Vehicles (REVS) Market Research Project.

(2) Research objectives are to:

- Increase awareness of REVS in the community
- Increase the proportion of free REVS inquiries, in relation to the total estimated number of private sales in WA
- Increase the proportion of certificate sales in relation to the total number of inquiries made by private car buyers
- Specifically target demographics which are under-represented in both REVS checks and certificate sales

(3) Asset Marketing.

(4) $16,700.

(5) Late October, early November 1999.

LandCorp

(1) Yes. LandCorp undertakes a large number of marketing, engineering, environmental, heritage and ethnographic studies required in the normal course of land development.

(2)-(5) The collection of the requested information in respect of those studies would require the allocation of significant resources away from higher priority areas. If the member could be more specific as to his area of main interest, I will arrange for the required information to be compiled.

Western Australian Electoral Commission

(1) No.

(2)-(5) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, RESEARCH PROJECTS

3028. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Are any research projects being undertaken by the departments and agencies under the Minister's control?

(2) What is the nature of each research project?

(3) Who is conducting each research project?

(4) What is the anticipated cost of each research project?

(5) What is the anticipated completion date of the research project?

Mr BRADSHAW replied:

WESTERN AUSTRALIAN TOURISM COMMISSION

(1) Yes.

(2)-(5) Perth Convention and Exhibition Centre Taskforce: Specifically, the objective is to identify whether significant economic advantages are likely to accrue from the selection of a particular site. The Perth Convention and Exhibition Centre Taskforce has engaged MacroPlan Pty Ltd to undertake an economic assessment of the sites for this project at a cost of $15,000 (plus out of pocket expenses). The completion date is 17 June, 1999.

North West Cape: Pre-feasibility investigation and assessment of low key, wilderness lodge style tourism developments on the North West Cape. The WATC has engaged project planners Ray Adams and Associates at a cost of $12,000 for Stage 1 and the completion date is July 1999.

Roy Morgan Holiday Tracking Survey (HTS): HTS is undertaken as a means of tracking Western Australia's advertising awareness, preference as a destination and perceived knowledge in the national market. The WATC subscribes to the Roy Morgan Holiday Tracking Survey which is conducted by Roy Morgan Research. The Annual cost of subscription to the HTS is $44,595 and as this is a tracking study, the nature of the project is ongoing.

Marketing Evaluation Survey: This survey is being undertaken in London and Singapore to determine the effectiveness of the WATC's marketing in those two markets. The surveys are annual and measure the key performance indicators of the extent to which the WATC marketing activities improved the level of consumer awareness of WA as an attractive holiday destination and their propensity to consider travelling to the State. The WATC engages Donovans Research to undertake the marketing evaluation. This is at a cost of $23,750 in Singapore and $39,750 in London. The completion date is July 1999.

WATC Customer Satisfaction and Awareness Surveys: This is to ascertain the extent to which the WATC's direct customers, such as travel agents, are satisfied with the Commission's services to them and to ascertain the extent to which the WATC has increased the industry's level of awareness of WA as a desirable tourism destination. There are 12 surveys implemented. The results are used to report on several of the WATC's performance indicators. The WATC engaged Patterson Market Research at a cost of $29,120 and the completion date is 30 July, 1999.

ROTTNEST ISLAND AUTHORITY

(1) Nil.

(2)-(5) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, RESEARCH PROJECTS

3029. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

(1) Are any research projects being undertaken by the departments and agencies under the Minister's control?

(2) What is the nature of each research project?

(3) Who is conducting each research project?

(4) What is the anticipated cost of each research project?

(5) What is the anticipated completion date of the research project?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1)-(5) I refer the member to my answer to Question On Notice 3011.

COMMITTEES AND BOARDS, FORMER MEMBERS OF PARLIAMENT

3073. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

(1) Since February 1993, what Former Members of Parliament have been -

(a) appointed to a Government Board, Commission, Committee or other body; and/or

(b) appointed by the Government to any Board, Commission, Committee or other body; and/or

(c) employed or appointed within the Government in any capacity, paid or otherwise, under the Minister's control?

(2) In each instance -

(a) what is the -

(i) name of the Former Member; and
(ii) the title of the position,

to which they have been appointed;

(b) which organisation/department is responsible for the position; and

(c) what remuneration is paid for each position?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:

(1)-(2) (a)-(c) See answer to question 3055.

TRANSPERTH TOURIST BROCHURE, DIRECTIONS FOR WHITEMAN PARK

3075. Ms MacTIERNAN to the Minister representing the Minister for Transport:

I refer to page 21 of the *Transperth Tourist Brochure* of February 1999 and ask -

(a) will the Minister explain how it is possible to board the Joondalup train and exit at Morley;

(b) why does the *Transperth Tourist Brochure* direct people to do just that if they wish to find a connecting bus to Whiteman Park?

Mr OMODEI replied:

The Hon Minister for Transport has provided the following response:

(a)-(b) This was an error found in the brochure, and it was corrected in the reprint of the tourist brochure with the effective date of 7 May 1999.

REGIONAL COOPERATIVE RESEARCH FUND

3080. Mr BROWN to the Minister for Commerce and Trade:

(1) How much was allocated to the Regional Co-Operative Research Fund in the 1998-99 financial year?

(2) How have the monies allocated to the Fund been used?

(3) What research has been undertaken by the Fund?

(4) How much will be allocated to the Co-Operative Research Fund in the -

(a) 1999-2000 financial year; and
(b) 2000 - 2001 financial year?

Mr COWAN replied:

(1) The amount of $450,000 was allocated for 1998-99 and 1999-2000.

(2) $90,000 has been used to promote the value of undertaking applied science and technology activities in regional areas and stimulate regional economies through research activity. Activities must also increase collaboration between regional communities, local companies conducting research, State Government agencies and academic institutions.

(3) $40,000 has been provided to the International Centre for Arid Land Science to develop new techniques for sustainable agriculture in arid areas, concentrating on the uses of native species. $50,000 has been provided to Balmon WA for a project to develop a water supply monitoring system via a network link for remote sites.

(4) (a) See 1.
(b) No decision has been made on funding in 2000-2001.

TECHSTART AUSTRALIA, ASSISTANCE TO INVENTORS

3083. Mr BROWN to the Minister for Commerce and Trade:

(1) How many private and public sector inventors have been assisted under the Government's contract with TechStart Australia?

(2) How many inventions/innovations have been patented and/or produced a commercial return?

Mr COWAN replied:

(1) Between 1 July 1998, the date upon which the Government's current agreement with Technology and Innovation Management Pty Ltd (TIM) commenced and 31 May 1999, 203 private sector innovators and 12 public sector innovators have been assisted. TIM subcontracts the provision of such advice to TechStart Australia, a business operated in partnership by TIM and McRae Investments Pty Ltd.

(2) Of the 215 clients to which TechStart has provided assistance since 1 July 1998, 47 clients have filed a Provisional Patent application, 8 have filed an application under the Patent Cooperation Treaty, 8 have moved into the National Phase of the process and 6 have had a patent granted in at least one country. However, it should be noted that TechStart is not a patent attorney firm and does not file patent applications on behalf of its clients. TechStart works closely with patent attorney firms and Intellectual Property lawyers to provide advice to clients on its Intellectual Property protection strategy and many projects already have some form of Intellectual Property protection when they are first introduced to TechStart. In many cases, patent protection may not be available or appropriate and intellectual property associated with projects is protected by maintaining secrecy, by Copyright or by obtaining registration of a design.

The Department of Commerce and Trade is only entitled to obtain information from TIM/TechStart to the extent that the information relates to the funding arrangements that are in place. The assistance provided to clients under those arrangements is generally only advisory in nature and sometimes involves quite detailed material on licence agreements and options for commercialising. Generally, unless TechStart has been appointed as commercialisation agent for the inventor, or has taken a license over the invention, it has no way of knowing whether those individuals have benefited to the extent of making a commercial return. In such situations TechStart is remunerated by receiving a percentage of royalties received from the commercialisation of the innovation and is no longer operating under the funding arrangements in place with the department. As these are commercial arrangements, the Department of Commerce and Trade may not be privy to information relating to the commercialisation.

The State Government's Public Sector Intellectual Property Management Policy encourages public authorities to identify valuable Intellectual Property assets that were developed in the course of their operational activities and to commercialise those assets for the benefit of the State. The Department of Commerce and Trade is aware of such a commercialisation project in which TIM/TechStart became involved after providing initial commercialisation advice, namely the commercialisation of the Revenue Collection Information System for the State Revenue Department. To date licence agreements have been signed with the New South Wales Revenue Department for $1,000,000 and the Victorian State Revenue Office for $800,000. The Department of Commerce and Trade understands that further agreements are under negotiation.

COMMERCE AND TRADE, REGIONAL HEADWORKS DEVELOPMENT SCHEME

3085. Mr BROWN to the Minister for Commerce and Trade:

(1) How many projects were financially assisted by the Government/Department of Commerce and Trade under its Regional Headworks Development Scheme in the 1998-99 financial year?

(2) What is the name of each organisation that received assistance?

(3) How much was received by the organisation?

(4) What was the prime motivating reason for the funding being provided to each organisation?

Mr COWAN replied:

(1) 23 businesses were offered funding under the Scheme.

(2)-(3)

Town of Port Hedland	$10,414
All Quip Engineering	$5,389
Notre Dame Kimberley Centre	$39,119
Benale Pty Ltd	$2,675,787
Indian Ocean Café	$950
I.& T. Peirce, Duranillin	$9,273
North Midlands Contracting Pty Ltd	$3,942
General Engineering and Maintenance Services	$5,888
Tammin Air Conditioning and Refrigeration	$7,071
Camena Management Pty Ltd	$7,818
Beaufort River Meats	$5,698
Yamatji Media Aboriginal Corporation	$7,421
AAA Egg Company Pty Ltd	$41,250
Donnelly Timber Company	$83,375
Porongurup Winery	$145,000
Fairbridge Western Australia Inc	$31,640
HNH Grazing	$8,400
Drummond Cove Holiday Park	$66,687
Modern Holdings Pty Ltd	$18,811
Hyden Business Development Pty Ltd	$26,600
Gascoyne Gold	$41,525
City of Albany	$47,800
Shire of Merredin	$97,379

(4) Funding is provided to alleviate the impediments to regional economic development arising from significant upfront costs of connecting to essential services such as power and water.

COMMERCE AND TRADE, REGIONAL HEADWORKS DEVELOPMENT SCHEME

3086. Mr BROWN to the Minister for Commerce and Trade:

(1) How many projects have been approved for funding under the Regional Headworks Development Scheme but not yet provided with any funding?

(2) What is the name of each organisation/project that has been approved?

(3) What is the amount of funding that has been approved?

(4) What is the prime motivating reason for the approval being given to each project?

(5) What amount has each organisation received under the different categories of the Scheme including -

(a) loans converting to grants to Local Government Authorities;
(b) loans converting to grants to private business;
(c) grants to private business; and
(d) loans to private business?

Mr COWAN replied:

(1) 21.

(2)-(3)

Great Southern Regional Cattle Saleyards	$530,250 interest free loan convertible to grant
Dolphin Lodge	$8,689 interest free loan
EG Green & Sons	$900,000 interest free loan, part convertible to grant
SS & SA Brindal	$11,432 interest free loan, two year no repayment period
Cambinata Yabbies	$29,963 interest free loan convertible to grant
Ningaloo Lodge	$32,837 interest free loan, two year no repayment period
Blackrock Caravan Park	$204,882 interest free loan
Ferngrove Vineyards	$68,089 interest free loan
Bindoon Enterprises Pty Ltd	$662,250 interest free loan, $347,020 convertible to grant
Dazabel Pty Ltd	$18,701 interest free loan
Shire of Goomalling	$92,940 interest free loan convertible to grant
Hyden Tourist Development Company	$27,442 interest free loan, five year no repayment period
APBT Australia Pty Ltd	$1,000,000 interest free loan
Western Resources Recovery	$26,001 interest free loan convertible to grant
Avonmore Holdings	$140,000 interest free loan convertible grant
Shire of Corrigin	$82,940 interest free loan convertible grant
Junction Caravan Park	$26,660 interest bearing loan
Shire of Narembeen	$50,000 interest free loan convertible grant
Town of Narrogin	$254,550 interest free loan convertible to grant
GCM Engineering	$21,788 interest bearing loan over five years
Bayside Abalone	$57,750 interest free loan.

(4) Funding is provided to alleviate the impediments to regional economic development arising from significant upfront costs of connecting to essential services such as power and water.

(5) No organisation listed above has received funding under categories a to d. The approved funding category for each project is identified in the response to questions 2 and 3.

COMMERCE AND TRADE, REGIONAL HEADWORKS DEVELOPMENT SCHEME

3087. Mr BROWN to the Minister for Commerce and Trade:

(1) How many projects does the Department of Commerce and Trade anticipate being able to assist under the Regional Headworks Development Scheme in the 1999-2000 financial year?

(2) Are any of these projects currently under review?

(3) What projects?

(4) Has any amount been allocated or provisionally set aside for each project?

(5) What amount has been allocated or provisionally set aside for each project?

(6) Have any conditional approvals or offers or undertakings or indications been made to the proponents of any projects that funds will or maybe provided under the Regional Headworks Development Scheme in the 1999-2000 financial year?

(7) What projects/proponents fall into this category?

(8) What is the name of each project/proponent?

(9) How much has been allocated or provisionally allocated for each project or proponent?

Mr COWAN replied:

(1) Based on the average amount of funding given in the past, it is anticipated that up to 30 projects will be assisted.

(2) Yes.

(3) Junction Caravan Park and GCM Engineering. These two organisations have yet to confirm that they wish to proceed with the projects.

(4) Yes.

(5)

Great Southern Regional Cattle Saleyards	$530,250
Dolphin Lodge	$8,689
EG Green & Sons	$634,550
Blackrock Caravan Park	$204,882
Ferngrove Vineyards	$68,089
Dazabel Pty Ltd	$18,701
Shire of Goomalling	$92,940
APBT Australia Pty Ltd	$1,000,000
Western Resources Recovery	$26,001
Avonmore Holdings	$140,000
Shire of Corrigin	$82,940
Junction Caravan Park	$26,660
Shire of Narembeen	$50,000
Bayside Abalone	$57,750
GCM Engineering	$21,788

(6) All of the above projects have been approved for funding and proponents have been forwarded an offer for that funding. Funding will be subject to the proponents entering into a formal agreement with the Minister for Commerce and Trade.

(7)-(9) See (5) above.

TOURISM COMMISSION, BRAND WA UNITED KINGDOM CAMPAIGN

3090. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) With respect to the 1999-2000 Budget Statements, Budget Paper 2, Volume 3 at page 1381, third dot point, will the Minister advise -

(a) who are the key tour operators; and
(b) the major airline partner,

that will be participating in the Brand Western Australia United Kingdom campaign?

(2) Will the campaign consist in part of television commercials?

(3) In what months of the year will the television commercials run?

(4) What is the anticipated cost of the television commercials?

(5) In the fourth dot point on page 1381, who are the key wholesalers and retailers?

(6) In the fifth dot point on page 1381, will the Minister advise the budget allocation made to the United Kingdom and German offices for the 1999-2000 financial year?

Mr BRADSHAW replied:

(1) The WATC's partners for the Brand Campaign in the UK have not yet been finalised. Negotiations are still taking place with the airlines. Once the airline partner has been finalised, this will determine which tour operators will be used.

(2) Yes.

(3) It is planned for the television commercials to run in September 1999.

(4) The media schedule has not yet been finalised with the WATC's co-operative partners, however it is projected that the media placement costs for television will be between £420,000 to £470,000. Based on the current exchange rate this equates to $1,025,000 - $1,146,000.

(5) In market, the WATC works with key tour operators, wholesalers and retail travel agents who tend to specialise in the marketing and selling of Australia as a destination. The Australian specialists provide the greatest potential for a return on the WATC and industry's investments. These specialists are:

UK MARKET

Company	Wholesale/Retail
Bridge The World	Retail
Quest Worldwide	Retail
Tailor Made Travel	Retail
Destination Group	Retail
Travelbag	Retail
Visit ANZ	Retail
World Market Travel	Retail
Travel Portfolio	Retail
Travel Bug	Retail
Jetset Europe	Wholesale
Kuoni Travel	Wholesale
Lotus Group	Wholesale
Tradewinds	Wholesale
Thomas Cook Holidays	Wholesale
Jetabout	Wholesale
Travel 2	Wholesale
BA Holidays	Wholesale
Gold Medal Travel	Wholesale/Retail
Port Philip Group	Wholesale/Retail

GERMAN MARKET

Company	Wholesale/Retail
CA Ferntouristik	Wholesale
DER Tour	Wholesale
Meiers	Wholesale
Adventure Tours	Wholesale/Retail
Australian Pacific Travel	Wholesale/Retail
Australia Plus Reisen	Wholesale/Retail
BW-Austral Asian Tour	Wholesale/Retail
Cruising Reise GMBH	Wholesale/Retail
FTS Fly and Travel Service GMBH	Wholesale/Retail
Jetstream Reisen GMBH	Wholesale/Retail
Karawane Reisen	Wholesale/Retail
Tourconsult	Wholesale/Retail
Pacific Travel House	Wholesale/Retail
Explorer Fern Reisen	Wholesale/Retail
Adventure Holidays Lux	Wholesale/Retail
Boomerang Reisen	Wholesale/Retail
Austravel	Wholesale/Retail
Inter-Air Voss	Wholesale/Retail

(6) The budget allocation for the United Kingdom in 1999/2000 inclusive of marketing, salaries and overheads is $1,810,388. Co-operative industry funds are expected to increase this to $2,050,660. The budget allocation for Germany in 1999/2000 inclusive of marketing, salaries and overheads is $376,818. Co-operative industry funds are expected to increase this to $487,643.

TOURISM, AIR TRANSPORT SEATS INTO WA

3095. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) With reference to the 1999-2000 Budget Statements, Volume 3 page 1391, will the Minister explain the figure of 11,000 appearing under the heading of 1999-00 Target and alongside the sentence which reads "number of increase air transport seats into Western Australia targeted"?

(2) Is the target of 11,000 a target set for the year?

(3) How has the target been calculated?

(4) Has there been any increases in air transport seats into Western Australia in the 1998-99 financial year?

(5) Does the target of 11,000 take into account the full year effect of any increases in seats achieved during the 1998-99 financial year?

(6) If so, to what extent is that taken into account in the target of 11,000?

Mr BRADSHAW replied:

(1) The figure relates to the target the WATC has set for an increase in the number of airline seats by international carriers in the 1999/2000 year.

(2) Yes.

(3) It has been based on the equivalent of one additional flight per week of an aircraft of the size of a Boeing 767 which carries approximately 220 seats. It is a target that the WATC will work towards.

(4) Yes. As the 98/99 financial year is not yet complete, it is not possible to give a firm number in the increase in the number of seats. Data supplied by Westralia Airports Corporation however, indicates that the increase in the number of seats would be in the vicinity of 1.057 million to 1.096 million which represents an increase of approximately 3.5% on the previous year.

(5) No.

(6) Not applicable.

TOURISM, MARKET RESEARCH PROGRAMS

3098. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

What was the nature of the market research programs undertaken by the Western Australian Tourism Commission (WATC) and jointly between the WATC and the Bureau of Tourism Research in the 1998-99 financial year?

Mr BRADSHAW replied:

Market Research Programs undertaken by the WATC in the 1998/99 financial year are as follows:

Perth Convention and Exhibition Centre Taskforce: Specifically, the objective is to identify whether significant economic advantages are likely to accrue from the selection of a particular site. This assessment will focus on the economic considerations associated with the three sites in question, namely the Concert Hall site, the South Busport site (Busport), and the Wellington Road site (Wellington).

North West Cape: Pre-feasibility investigation and assessment of low key, wilderness lodge style tourism developments on the North West Cape.

Roy Morgan Holiday Tracking Survey (HTS): HTS is undertaken as a means of tracking Western Australia's advertising awareness, preference as a destination and perceived knowledge in the national market. The WATC subscribes to the Roy Morgan Holiday Tracking Survey which is conducted by Roy Morgan research.

Marketing Evaluation Survey: This survey is being undertaken in London and Singapore to determine the effectiveness of the WATC's marketing in those two markets. The surveys are annual and measure the key performance indicators of the extent to which the WATC marketing activities improved the level of consumer awareness of WA as an attractive holiday destination and their propensity to consider travelling to the State.

WATC Customer Satisfaction and Awareness Surveys: This is to ascertain the extent to which the WATC's direct customers, such as travel agents, are satisfied with the Commission's services to them and to ascertain the extent to which the WATC has increased the industry's level of awareness of WA as a desirable tourism destination. There are 12 surveys implemented. The results are used to report on several of the WATC's performance indicators.

Market Research Program undertaken jointly between WATC and BTR in 1998/99: In accordance with funding commitments by all State and Federal Government Tourism Authorities, the WATC assisted the BTR to conduct the:

International Visitor Survey
National Visitor Survey

Both Surveys are conducted on a calendar year basis and are ongoing.

TELSTRA, KIMBERLEY REGION

3104. Mr BROWN to the Minister for Commerce and Trade:

(1) Is the Minister aware of a radio interview with Ruth Webb-Smith of the Pastoralists and Graziers Association in which reference was made to basic phone services in the Kimberley region being unreliable and unsatisfactory, as well as complaints and faults being lodged with Telstra's Brisbane office as Telstra closed its office in Derby?

(2) Does the Government intend to make any representations to Telstra and/or the Australian Government to improve the system?

(3) What action does the Government intend to take?

Mr COWAN replied:

(1) No.

(2) The Department of Commerce and Trade, when notified of service difficulties, liaises with Telstra in order to facilitate improvements in infrastructure and customer support. The State Government's Communications Advisory Committee also considers the quality of rural telephone services and raises matters of concern with Telstra at its quarterly meetings.

(3) The Government, through its Statewide Telecommunications Enhancement Program, is negotiating with Telstra to dramatically upgrade its telecommunications infrastructure in regional and remote areas. This will facilitate increased use of online service delivery by business and Government and is expected to have significant flow-on benefits to the overall quality of basic telecommunications services in rural WA.

TIMBER CUT, BREAKDOWN OF ESTIMATE

3142. Dr EDWARDS to the Minister for the Environment:

(1) Will the Minister confirm that the amount of timber expected to be cut in 1999-2000 is 1.51 million tonnes?

(2) Will the Minister provide a breakdown of this figure into tonnes, cubic metres and hectares for -

(a) first and second grade jarrah sawlogs;
(b) first and second grade karri sawlogs;
(c) marri sawlogs;
(d) lower grade jarrah sawlogs;
(e) lower grade karri sawlogs;
(f) jarrah charlogs and chiplogs;
(g) karri chiplogs;
(h) marri chiplogs; and
(i) other logs, branchwood and residue?

(3) Will the Minister confirm that the amount of timber cut in 1998-99 was 1.63 million tonnes?

(4) Will the Minister provide a breakdown of this figure into tonnes, cubic metres and hectares for -

(a) first and second grade jarrah sawlogs;
(b) first and second grade karri sawlogs;
(c) marri sawlogs;
(d) lower grade jarrah sawlogs;
(e) lower grade karri sawlogs;
(f) jarrah charlogs and chiplogs;
(g) karri chiplogs;
(h) marri chiplogs; and
(i) other logs, branchwood and residue?

Mrs EDWARDES replied:

(1)-(2) It is not yet possible to confirm the exact amount of timber and the breakdown by species and grade expected to be harvested in 1999-2000 because negotiations are continuing with the timber industry following the finalisation of the Regional Forest Agreement.

(3)-(4) No, because the end of the period for which data is requested has not occurred.

SMALL BUSINESS, RETAIL FUEL SECTOR

3151. Mr BROWN to the Minister for Small Business:

(1) Since 1 January 1999 has the Minister and/or the Small Business Development Corporation made any further submissions to -

(a) The Australian Government;
(b) The Australian Parliament;
(c) oil industry and/or oil companies;
(d) industry organisations; and/or
(e) any other bodies,

on behalf of small business and small business franchise operators in the retail fuel sector?

(2) What representations has -

(a) the Minister; and/or
(b) the Small Business Development Corporation,

made to protect the interests of small business and small business franchisees in the retail fuel industry?

(3) What further representations does the Minister and/or the Small Business Development Corporation intend to make on behalf of small business operators and small business franchise operators in this sector?

(4) When will those additional representations be made?

Mr COWAN replied:

(1) (a) No.
(b) Yes.
(c)-(e) No.

(2) (a) Not applicable.

(b) The Small Business Development Corporation (SBDC) made a submission to the Senate Rural Affairs and Regional Transport Committee inquiring into the repeal of the Petroleum Retail Marketing Franchise Act 1980 (the Franchise Act) and the Petroleum Retail Marketing Sites Act 1980 (the Sites Act). The SBDC submission identified a range of problems likely to be faced by small business and small business franchisees in the retail fuel industry if the Franchise Act and the Sites Act are repealed before a strengthened oil code is mandated under the Trade Practices Act. The SBDC submission also identified potential adverse impacts for small business suppliers of products and services to fuel retailers if small service station operators are not adequately protected and are forced to leave the industry.

(3)-(4) The Small Business Development Corporation will consider any findings and recommendations of the Senate Committee's Report when it is presented to the Federal Government and made public in the near future. The SBDC will advise the Minister for Small Business if it is considered appropriate that further representations on behalf of small business should be made by the State Government to the Federal Government or to other bodies at that time.

SECURITY INDUSTRY, AWARD OBLIGATIONS AWARENESS RAISING CAMPAIGN

3172. Mr BROWN to the Minister for Labour Relations:

(1) Has the Department of Productivity and Labour Relations conducted an awareness raising or similar campaign in the security industry on industrial and/or award obligations?

(2) Has a report been prepared on the campaign?

(3) Is a copy of the report available?

(4) If not why not?

(5) Will a copy of the report be made available?

(6) If not why not?

(7) What were the results of the campaign?

(8) What findings, if any, are contained in the report?

Mrs EDWARDES replied:

(1)-(3) Yes.

(4) Not applicable.

(5) Yes.

(6) Not applicable

(7) Thirty nine security firms were visited, advised of the award system and their employment obligations, including proper maintenance of time and wages records. Breach notices have been served on all employers found to be not complying with the State or Federal Award. Approximately $12,000 has been recovered on behalf of employees. Employers who have not rectified the breaches are currently being pursued by DOPLAR. If they fail to make rectification, they will be prosecuted. Regular follow-ups will be undertaken in three to six months time to gauge the effectiveness of the campaign.

(8) 46% of employers visited were respondents to the Federal Award. Of these, 5% were operating with registered Australian Workplace Agreements. Of the employers not covered by the Federal Award, 28% were a party to a state workplace agreement. 14 employers bound by the State and Federal Awards were found to not be complying with award requirements.

ALBANY CITY COUNCIL, COMPLAINTS

3173. Ms MacTIERNAN to the Minister for Local Government:

In light of various complaints that have been made in relation to the Albany City Council, which is currently under administration, concerning the differential rate imposed on Central Business District property owners, will the Minister advise -

(a) what powers the Albany City Council delegated to the Albany City Heart Committee Inc;

(b) if the Albany City Council retained control over funds that are collected by virtue of the differential rate;

(c) if the funds have indeed been handed over to the Albany City Heart Committee Inc; and

(d) whether this was in fact a breach of the responsibilities of the Albany City Council or the City Commissioners?

Mr OMODEI replied:

(a) None.

(b) Yes, to the extent that:

- City Heart provides Council with a detailed budget;
- City Heart provides Council with an audited report on the expenditure of funds;
- Council has appointed an elected member to sit on the Executive Committee of City Heart.

(c) Yes.

(d) No.

PERTH CITY COUNCIL, CHEMICAL SPRAYING

3174. Mr PENDAL to the Minister for the Environment:

(1) Does the Perth City Council (PCC) continue to use chemicals such as Atrazine, Vorox AA and Simazine?

(2) Does the PCC undertake such spraying at night, and if so why?

(3) Is it a fact that these and other chemicals are now banned as hazardous toxic substances in other countries?

(4) Is it a fact that Simazine has been listed in New Zealand as a known human carcinogen?

(5) Will the Minister take action with the Minister for Health to either act to ban any of these dangerous substances, or, where doubt exists, to institute an inquiry on their toxicity and report to Parliament on whether they should continue to be used by Western Australian local authorities?

Mrs EDWARDES replied:

(1) Questions 3174 (1) and (2) relate to local government issues and therefore should be referred to the Minister for Local Government.

(2) Questions 3174 (3), (4) and (5) are under the jurisdiction of the Health Department of Western Australia, Agriculture Western Australia, and the National Registration Authority.

NATIONAL PLANTATION INVENTORY,

3176. Dr EDWARDS to the Minister for the Environment:

(1) Is the Department of Conservation and Land Management (CALM) satisfied with the data underpinning the National Plantation Inventory?

(2) Is CALM satisfied with the conclusions drawn in the National Plantation Inventory about availability of plantation timber for the local market?

(3) What is the explanation for the substantial discrepancy between the National Plantation Inventory and the reports produced by Dr Judy Clark?

Mrs EDWARDES replied:

(1) CALM does not have access to all of the data underpinning the National Plantation Inventory, so it is unable to provide comment.

(2) The National Plantation Inventory of Australia, as published by the Bureau of Resource Sciences in 1997, does not contain or draw any conclusions about the availability of plantation timber for the local market. It does contain "approximate and broadly average woodflows for each region" with Western Australia comprising one region. These estimates were based on wood flow forecasts provided by growers, and where these were not available, predictions provided by the Department of Forestry of the Australian National University. The wood flow estimates provided in the NPI report "present only one scenario. Other scenarios based on a number of defined management strategies are also possible." It is therefore not appropriate for CALM to be either satisfied or dissatisfied with their predictions.

(3) CALM does not have responsibility for the data or analysis prepared in the NPI. Detailed enquiries should therefore be directed to the Bureau of Resource Sciences (now the Bureau of Rural Sciences). However, CALM understands that the differences probably arise from differences in the resolution and quality of the data used. For example, Judy Clark's analysis applied a single yield regime to all plantations by species irrespective of their condition, stocking or site quality. Such analyses can only provide, at best, a very broad, imprecise indication of future resource availability.

HEALTH, INFECTIOUS DISEASE NOTIFICATION

3199. Dr EDWARDS to the Minister for Health:

(1) How many cases of -

(a) gonorrhea;
(b) chlamydia (genital);
(c) syphilis;
(d) human immuno deficiency virus (HIV); and
(e) hepatitis C, have been notified to the Health Department in each year from 1993 to 1998 inclusive?

(2) What is the rate of notification of each disease per 100,000 population?

Mr DAY replied:

(1) Notification of selected diseases in Western Australia 1993 – 1998

	1993	1994	1995	1996	1997	1998
CHLAMYDIA (GENITAL)	782	848	1026	1417	1585	2048
GONORRHOEA	793	843	1036	1114	1294	1215
SYPHILIS	144	103	127	94	101	93
HIV	65	70	73	73	70	68
HEPATITIS C	1122	1317	1150	1157	1140	1262

(2) Notification rate per 100,000 population of selected diseases in Western Australia 1993 1998*

	1993	1994	1995	1996	1997	1998
CHLAMYDIA (GENITAL)	46.6	49.8	59.2	80.1	90.1	114.0
GONORRHOEA	47.3	49.5	59.8	63.0	73.6	67.6
SYPHILIS	8.6	6.0	7.3	5.3	5.7	5.2
HIV	3.9	4.1	4.2	4.1	4.0	3.8
HEPATITIS C	66.9	77.3	66.4	65.4	64.8	70.3

** Note: Population figures in Western Australia 1993 - 1998*
1993 1,678,030
1994 1,702,705
1995 1,732,850
1996 1,768,352
1997 1,758,889
1998 1,796,358

LAND, SALE IN KARRATHA

3243. Mr RIEBELING to the Minister for Lands:

(1) Will the Minister confirm there was an auction of Government owned residential land in Karratha on Saturday 19 June 1999?

(2) If yes, how many blocks were available to be sold and how many were sold?

(3) What was the average price of the blocks sold?

(4) If no blocks were sold what was the highest failing bid?

Mr SHAVE replied:

(1) Yes.

(2) 37 available 1 sold.

(3) $73,000.

(4) Not applicable.

QUESTIONS WITHOUT NOTICE

REGIONAL FOREST AGREEMENT, STATE GOVERNMENT PLANS

979. Dr GALLOP to the Premier:

Did the Premier advise the federal Minister for Forestry and Conservation, Mr Wilson Tuckey, on Saturday that the State Government had no plans to change the Regional Forest Agreement, as was claimed in Federal Parliament yesterday?

Mr COURT replied:

I did meet Mr Tuckey on Saturday. I will not disclose what was discussed at that meeting; it is not appropriate.

POLICE OFFICERS, LEGAL COSTS

980. Mr OSBORNE to the Minister for Police:

In an interjection during the debate on the Police (Immunity from Civil Liability) Bill 1998 last Wednesday, relating to the question of legal costs for the former Commissioner of Police, the member for Midland asked the minister to bring examples to this House of the legal costs of officers being paid by the Government. Is the minister prepared to give this information to the House?

Mr PRINCE replied:

Historically -

Mrs Roberts: I hope you will relate this to criminal charges and not civil charges.

Mr PRINCE: If the member for Midland wants to ask a question, she should do that. The member for Bunbury has asked the question and the member for Midland should wait until she hears the answer. She probably will not like it anyway. Historically the Police Union provided legal representation for officers who were defending civil matters - civil suits, disciplinary charges and criminal charges - or where they were required to appear before statutory bodies, the Coroner's Court, or something of that nature; in other words something that arose from the execution of their duties. Payment of the legal costs was borne by the union, which then sought from the Government a form of payment. That has been going on for decades. There was a backlog of claims and a number were not being reimbursed, and a committee was established in 1996 to deal with claims as consistently and expeditiously as possible. The committee includes the Solicitor General, an officer from Treasury, a representative from the Western Australian Bar Association, and the Commissioner of Police. As long as an officer is carrying out official duties, and acting reasonably and in good faith, legal coverage is provided.

In June last year, a new system was established, and the Government approved a new process whereby officers applied for legal representation before the commencement of any legal action against them. Under this process the Commissioner of Police, in conjunction with the Solicitor General, has the power to provide legal representation up to a value of $50 000. Applications for amounts higher than that can be dealt with, but they must be approved by the Governor in Executive Council. They are on the same basis as applications for reimbursement of legal costs by the union; namely, if the officer was carrying out official responsibilities, acting reasonably and in good faith, legal coverage is granted.

Depending on the nature and, more particularly, the geographical area in which this occurs, the Police Service will use either its own legal personnel or people from the Crown Solicitor's Office, or in country areas local solicitors if they are available. Since the beginning of this process 31 applications for assistance have been made. Of those, 22 were approved, six were not approved and three are still being considered. Of the 22 which were approved, three involved the provision of a total of $6 000 to employ private lawyers.

Should an officer approach the union for representation - as some do - the union is still able to seek reimbursement from the Government for the legal costs incurred. In 1998-99, approximately 30 applications made by the union for reimbursement of legal costs have been considered by the Government. Of those, 18 have been approved and six are still under consideration. The system changed a year ago but it is still possible for representation to be provided by the union and paid for with public moneys. Those guidelines remain virtually the same for an officer who has acted in good faith and in the course of his duties. That should put to rest the question of whether this Government backs and supports police officers when any form of action is taken against them, particularly action of a civil nature; it does.

REGIONAL FOREST AGREEMENT, PUBLIC CONFIDENCE

981. Dr GALLOP to the Minister for the Environment:

Has the community's confidence in the Regional Forest Agreement been further undermined by the Minister for Resources Development's claim that the public has lost confidence in the RFA?

Mrs EDWARDES replied:

The Regional Forest Agreement is a complex issue which requires a great deal of understanding. There is some confusion in the public's mind. As a Government, we will continue to work towards implementing the Regional Forest Agreement and selling its positives. A number of positives arise from the Regional Forest Agreement and the Government will continue to sell them.

REGIONAL FOREST AGREEMENT, PUBLIC CONFIDENCE

982. Dr GALLOP to the Minister for the Environment:

I have a supplementary question. Has the minister had her "little chat" with the Minister for Resources Development on this matter?

Mrs EDWARDES replied:

The Minister for Resources Development and I are extremely good colleagues and we will continue to work together on this and many other issues.

JOONDALUP, SPORTING AND RECREATIONAL FACILITIES

983. Mr BAKER to the Parliamentary Secretary representing the Minister for Sport and Recreation:

I refer to the ongoing population boom in the Joondalup region and the need for additional sporting and recreational facilities for young families. Can the Parliamentary Secretary please advise the House whether the Western Australian Government has recently launched any new initiatives in this area?

Mr MARSHALL replied:

I thank the member for Joondalup for the question; he is always chasing extra incentives for his electorate. The Minister for Sport and Recreation has provided the following response -

In addition to the official opening of the Iluka Sporting Complex - which received a grant of $600 000 - and the commencement of construction of aquatic facilities at Joondalup Arena with a $2m grant, the Western Australian Government has allocated grants from the community sporting and recreation facilities fund to a number of sporting and recreation initiatives in the Joondalup area. The West Perth Football Club received $30 000, the Wanneroo Sports and Social Club (Inc) $28 042, the Shire of Wanneroo aged persons home trust $26 590, Whitfords Sea Sports Club $49 133, and the Greenwood cricket club received a grant of $10 000. Throughout the State, the Government annually allocates $8m through the CSRFF to communities such as Joondalup. In the past seven years this fund has provided more sporting facilities than any in the history of our State. The next round of applications for funds from the CSRFF will be advertised in July. All eligible groups contributing to community sport and recreation activities, including those which cater for young families, are encouraged to apply. They should contact their nearest local government or the Ministry of Sport and Recreation.

NATIONAL PARTY, FOREST POLICY

984. Dr EDWARDS to the Deputy Premier:

I refer to the National Party's policy on forests and ask -

(1) Which so-called icon blocks does the National Party want included in the reserves system and why?

(2) If the reason is public opinion, why not protect all of our remaining old-growth forest because that is what the public wants?

(3) If the reason is science, what science is the Deputy Premier referring to?

Mr COWAN replied:

(1)-(3) I am sorry, I do not have a list of the blocks which most people regard as icon blocks. However, I am prepared to let the member for Maylands have a list of the blocks that the National Party has identified as having high conservation value but which fall outside the reservation process.

With regard to the member's comment about National Party policy that the general public wants all old-growth forest to not be logged, that is an assumption that the member for Maylands is entitled to make. However, I dispute that the member is right. There is no question that there are various definitions of what old-growth forest may be. It is a term that I do not use. I prefer to use the expression "high conservation value", because that is the expression that most people have a tendency to use. Although I know there is a definition for old-growth forest, I do not use it, because not many people in the general public use or accept that definition. For some people, any forest is old-growth forest because they are opposed to logging. Most people have the view that we do have a timber industry, we do need to assign a portion of the forest to the productive forest, and we do need to maintain a sustainable timber industry. That is what the Regional Forest Agreement is about.

With regard to a scientific base, the member will find there was a scientific assessment of the Regional Forest Agreement, and not too many people are disputing that assessment. What is in dispute is whether certain parts of the forest were included in the reservation.

REGIONAL FOREST AGREEMENT, CHANGES

985. Dr EDWARDS to the Deputy Premier:

I ask a supplementary question. Is the Deputy Premier aware that the Premier told Minister Tuckey that he had no plans to change the Regional Forest Agreement and add more reserves?

Mr COWAN replied:

I am aware that is the case -

Dr Gallop: The Premier would not confirm it a second ago!

Mr COWAN: I understand that he did confirm it.

Dr Gallop: He certainly did not! I think you were not listening. Not only did you not see in the Cabinet, you are not listening in the Parliament.

Mr COWAN: Let me put it to the Leader of the Opposition in very simple terms. It has been stated on a number of occasions by the Premier that the RFA is an intergovernmental agreement and requires the signatures of both the Premier and the Prime Minister. The Leader of the Opposition understands that much, surely. I think it has been acknowledged that the RFA is not something that we will revisit, because of one reason and one reason alone: It makes considerable advances in respect of forestry and forestry management. I do not think the Leader of the Opposition can deny that either.

Dr Gallop: I think you need to go to the forward pocket and have a little rest!

Mr COWAN: I will tell you what, my son; you are not even in the game! The issue about this RFA is that it makes considerable advances about an issue which the member for Maylands mentioned: A scientific assessment of the forest, identifying the sustainable yield of that productive forest. That has been done, and those numbers will come down. The Leader of the Opposition does not need to be reminded of the numbers that he gave, which started off at up to one million cubic metres. He managed to reduce that to 530 000 cubic metres. If he is proud of that, I do not think he should be. I think

most people acknowledge that the intergovernmental agreement has been signed by the Prime Minister and the Premier. This is not a matter of racing off to seek to vary the agreement. It is much more a matter of seeking to manage the forest in a way that allows us to achieve the ends that most people want.

PEEL REGIONAL HOSPITAL, BUS TURNAROUND

986. Mr MARSHALL to the Minister for Works:

The new Peel Regional Hospital is working to near capacity and is being praised by the local community for the added health services it provides. The only negative is that buses cannot turn around near the hospital, causing limited public transport for visitors. Will a much-discussed turnaround for buses ever be built in the hospital grounds in order to create extra bus schedules to the hospital?

Mr BOARD replied:

I thank the member for some notice of this question and his persistence in this issue because he has been fighting for some time for increased public access by public transport to the Peel Regional Hospital, which is a great asset to the community. I thank the Minister for Health for his cooperation in this matter as well as the City of Mandurah and the Peel Regional Hospital because the funds have been found and the bus turnaround will be completed in mid-July. It shows what a strong and active local member can do with some persistence. This construction has been as a direct result of his efforts.

REGIONAL FOREST AGREEMENT, RETRAINING FUNDING

987. Dr EDWARDS to the Minister for the Environment:

Will the minister indicate how much money has been set aside under the Regional Forest Agreement for direct worker assistance in retraining?

Mrs EDWARDES replied:

The $41.5m that has been set aside for timber industry restructuring includes the opportunity for any payments when businesses exit from the industry.

Dr Gallop: What about the workers?

Mrs EDWARDES: If any workers are caught up in that, those companies will be able simply to make applications out of the $41.5m. The hypocrisy from the other side is incredible because all of a sudden those members have remembered the workers. If they have an opportunity to restructure the timber industry -

Mr Brown interjected.

The SPEAKER: Order! I remind the member for Bassendean of the rules about interjecting when I am on my feet. He might have been looking the other way, but he should keep observing.

Mrs EDWARDES: By restructuring the industry, the opportunity to provide for the workers arises rather than simply retraining, relocating and making them redundant; that is what we have provided.

Several members interjected.

The SPEAKER: Order! The member for Carine is trying to get the call and people are interjecting, and nothing is before the Chair.

MEDICAL SCHOOL, ESTABLISHMENT

988. Mrs HODSON-THOMAS to the Minister for Education:

I refer to recent calls for the establishment of a second medical school in Western Australia. Does the minister support this proposal and, if so, what steps will he take to further progress the establishment of this proposed graduate medical school?

Mr BARNETT replied:

I thank the member for some notice of this question. It is fair to say that it would currently be difficult to imagine that a second full medical school would be established within a state and a city of the size that we have. The current medical school at the University of Western Australia has an intake of 126 students per year. Medical education is essentially science-based and is the most expensive and intensive undergraduate program. The establishment of a second medical school is not likely to happen in the short term, although I am aware that Edith Cowan University is keen to progress its courses in the medical-related area. There may be scope for Edith Cowan to develop a postgraduate course in a specialist area. If the group which is advocating that considers areas of medical need and further qualifications, for example, rural medicine - something such as that might be appropriate - there may be a scope to develop in that way and I would be supportive of that. However, I doubt that the Commonwealth Government would fund another full medical school.

MINISTER FOR PLANNING, KWINANA INDUSTRIES COUNCIL

989. Mr MARLBOROUGH to the Minister for Planning:

(1) Does the minister accept that he misled Parliament last Thursday when he claimed that the Kwinana Industries Council had told him that it regularly emits deadly levels of poisonous gases that would kill people on a regular basis? I have survived the week, thank God!

(2) If so, will he apologise for misleading the House and apologise to those industries he defamed?

Mr KIERATH replied:

(1)-(2) My problem was I was engaged in conversation with the member for Peel. I remember at the time he would not shut up and was incessantly interjecting.

Mr Marlborough: I get the blame again. I sit quietly for two years and he is still blaming me.

Mr KIERATH: At the time I was discussing the issue of societal risk and the hypothetical worst case. If there is any misunderstanding in relation to that, I apologise. However, in discussions, members of the Kwinana Industries Council did embellish some examples that it gave me and I guess they were enthusiastic in trying to represent their point of view. They did refer to some instances -

Mr Marlborough: I think the council was concerned about your point of view and their response.

Mr KIERATH: When the member for Peel was asking me that question, I took him into my confidence and shared with him those embellishments at that time.

Mr Marlborough: Mr Speaker, a proper reading of *Hansard* will show that I said that the council did not say that and the Minister for Planning said it did say it.

Mr KIERATH: The member for Peel has some unfortunate effects on many people in this House, and he affected me.

WATER AND RIVERS COMMISSION, BANJUP PERMIT

990. Mrs HOLMES to the Minister for Water Resources:

I understand that the Water and Rivers Commission is currently drafting a permit for operations on lots 1 and 2 Johnston Road, Jandakot. In view of the difficulties which the commission has experienced with operations on this and a neighbouring site in recent years, will the minister please advise -

(1) Is a permit currently being drafted?

(2) If so, what is the full content of the permit?

Dr HAMES replied:

I thank the member for some notice of this question.

(1)-(2) A permit has been issued for sand extraction on lots 1 and 2 Johnston Road, Jandakot. I have the details of the permit here and I seek leave to table that document.

[See paper No 1077.]

ARRIX SERVICES, SCHOOL CLEANING

991. Mr RIPPER to the Minister for Education:

(1) Is the minister concerned that nine school cleaners presently employed by Arrix Services to clean Kalamunda Senior High School will lose their jobs as a result of the contract going to Cleandustrial Services?

(2) Will the minister intervene in his new capacity as the alternative Liberal Premier to preserve the job security of these low paid workers?

(3) If not, why not?

(4) Will the minister table a copy of the contract which apparently allows workers to be treated in this disgraceful fashion?

(5) If not, why not?

Mr BARNETT replied:

(1)-(5) I thank the member for Belmont for some notice of this question. People listening to that question may assume that the cleaners are employees of the Government or of the Education Department. They are not.

Mr Ripper: No, I said they were employed by Arrix.

Mr BARNETT: That school has had private contract employees for in excess of 10 years. These employees work for one private cleaning company that has lost the contract. The contract has gone to another private company and there is essentially a dispute between those employees and their employer. It is not a negotiation or an employee-employer relationship in which the Government is directly involved. The interest of the Government and of the Education Department is to ensure that cleaning continues uninterrupted at a high standard at that school. In that regard the Government, with some involvement from the Education Department, has an interest in ensuring that cleaning continues in a fair and reasonable way.

LESCHENAULT INLET, MANAGEMENT

992. Mr BARRON-SULLIVAN to the Minister for Water Resources:

I refer to the steering group that is in the process of determining the best way to manage the Leschenault Inlet and its

catchment. Can the minister advise whether the Geographe Catchment Council model, known as the "GeoCatch model", which has operated successfully in the Busselton and Capel shires for the past two years, has potential application in the Leschenault area?

Dr HAMES replied:

I thank the member for some notice of this question. The Water and Rivers Commission has been studying the proposal put forward by the Leschenault Catchment Steering Committee, which is very much like the GeoCatch committee about which I spoke recently. The GeoCatch model is very good in that it combines community members with a wide range of interests in the catchment, local government and, of course, the relevant agencies. The group has been very successful in coordinating all the issues that need to be resolved and doing things to ensure that the situation is properly managed. In setting up such a model, we must take into account the issues that will be faced by the existing local area catchment management group, and that will be done during negotiations. I hope a decision will be made on that issue in the near future.

CANNING COLLEGE SITE

993. Dr GALLOP to the Minister for Education:

Some notice of this question has been given. Noting the significant contribution that Canning College has made to Western Australian education and exports -

(1) Will the minister guarantee that Canning College will continue operating on its current site?

(2) Will he guarantee that the Canning College site will not be sold? If not, why not?

Mr BARNETT replied:

(1)-(2) Both Canning College and Tuart College have played a very important role in providing students who otherwise would not have gained entry to a tertiary institution with that opportunity. More recently they have played an important role in providing that opportunity to overseas students, particularly those from South-East Asian nations. It is true that Curtin University has raised this issue in informal discussions - I stress that they are only informal - and it is obviously attracted to the land. No proposal has been put to me and no decision has been made. The interests of Canning College, its students and staff will be taken into account in any discussions with the university. One possible scenario is that Canning College be incorporated within Curtin University. That might be an excellent outcome for the students, staff and university.

Dr Gallop: It would be a disaster. You are destroying a good educational institution.

EDITH COWAN UNIVERSITY, JOONDALUP CAMPUS

994. Mr BAKER to the Minister for Education:

I refer to the recent surge in enrolments at the Joondalup campus of Edith Cowan University. Are there any plans for ECU's administration centre to be relocated from the Churchlands campus to its Joondalup campus, and is any such relocation contingent upon the sale of the university's Mt Claremont campus?

Mr BARNETT replied:

I thank the member for some notice of this question. It is symptomatic of a number of issues involving the university sector and the State Government. The question from the Leader of the Opposition was in that same vein. For the first time in a number of years, fruitful discussions are being conducted between universities, the Education Department and the Government. Those discussions have covered a range of issues, particularly the transition from school to university and/or TAFE.

Enrolment at Edith Cowan University is growing extremely rapidly in the Joondalup area. The ECU long-term strategic plan is to concentrate its activities on that campus, and that is the correct way to go. Part of that plan includes moving the chancellery and central administration unit from the Churchlands campus to the Joondalup campus. The Mt Claremont campus is on state property vested in the ECU. Very premature and informal discussions have been conducted about the possible transfer of that campus from ECU to the University of Western Australia. The Government supports the principle of that move, but any progress will depend on the terms and conditions negotiated. I do not anticipate that issue being resolved within 12 months.

LEGISLATIVE COUNCIL, ABOLITION

995. Dr GALLOP to the Minister for Parliamentary and Electoral Affairs:

Is it state government policy to abolish the Legislative Council?

Mr SHAVE replied:

That is an interesting question. No-one has discussed the issue with me.

Dr Gallop: You are the minister; can you tell us the policy?

Mr Graham interjected.

Mr SHAVE: It could be a takeover bid. There are a lot of views on whether the Legislative Council should be replaced.

Many people believe that this House should be abolished, and from time to time people come up with novel proposals. The matter has not been discussed by the Government.

Dr Gallop: Do you have a policy on the Legislative Council?

Mr SHAVE: The Government has a policy. Many people believe that this Government and this House should be abolished and that Australia should be run from Canberra and by local councils. All of these approaches are novel, but to answer the member's question and to allay the fears of the backbenchers and some of my ministerial colleagues in the other place, the Liberal Party has a position on the Legislative Council: It supports it. If people want to change that situation they should go to the Liberal Party state conference and put their case forward.

LEGISLATIVE COUNCIL, ABOLITION

996. Dr GALLOP to the Minister for Parliamentary and Electoral Affairs:

Will the Minister for Resources Development be apprised of the Government's policy?

Mr SHAVE replied:

I am sure if the minister were to telephone the President of the Liberal Party of Western Australia, the president would support the view I have given.

WHITFORDS SEA SPORTS CLUB, FINANCIAL ASSISTANCE

997. Mr BAKER to the Parliamentary Secretary to Minister for Sport and Recreation:

The Whitfords Sea Sports Club located in Ocean Reef urgently requires financial assistance to enable it to complete two necessary additions to its facility in the Ocean Reef small boat harbour. Can the WA Government provide any assistance?

Mr MARSHALL replied:

The Minister for Sport and Recreation has provided the following answer -

> The Whitfords Sea Sports Club has already been successful in obtaining a grant through the Community Sport and Recreation Facilities Fund for an amount of $49 133. To date $36 850 of the grant has been paid to the club. The balance will be paid on completion of the project. If further financial assistance is required, the club is welcome to apply for a new grant in the next round of the CSRFF, which calls for applications in July. It should also be noted that the club may be eligible for funding through the recreational boating facility scheme, which is administered by the Department of Transport, for the boat launching facility component of its upgrade proposals.

GRUBB FINANCE AND GLOBAL FINANCE, TRUST ACCOUNT AUDITS

998. Ms MacTIERNAN to the Minister for Fair Trading:

Last week the minister gave an undertaking in this place to table the trust account audits of Grubb Finance and Global Finance from 1993 to 1998 inclusive. As the minister has now had a week to honour that commitment, will he now table the documents he promised to table and, if not, why not?

Mr SHAVE replied:

I thank my good friend the member for Armadale for some notice of this question. I am happy to table the documents. I am advised in relation to Global Finance Group Pty Ltd that the audit report for 1993 is not attached to the file and the ministry is endeavouring to locate it. The audit report for 1998 was not provided by the auditor, presumably due to the company going into liquidation shortly after this period. I am happy to table the other reports.

[See paper No 1078.]

NATIONAL WHEELCHAIR RUGBY UNION GAMES, ASSISTANCE TO ATHLETES

999. Mr BAKER to the Parliamentary Secretary to the Minister for Sport and Recreation:

I refer to the National Wheelchair Rugby Union Games to be held in Perth in September. Will the WA Government provide financial assistance to wheelchair-bound athletes in Western Australia?

Mr MARSHALL replied:

The Minister for Sport and Recreation has provided the following response -

> Disabled persons, including wheelchair athletes, access financial support from a variety of government agencies. In the case of the wheelchair athletes, the WA Disabled Sports Association is the umbrella body for disabled sport, and received financial assistance by way of a three-year business agreement with the Ministry of Sport and Recreation. WADSA in turn provides support to a number of its affiliated groups under an agreement between the group and WADSA. This support may take the form of resources, equipment, administration, legal advice, presentation evenings, insurance cover, assistance to host national championships, or airfare subsidies to sporting events to represent WA. Because of the nature of the support offered it is difficult to accurately determine the exact

amount of money directly benefitting wheelchair athletes. On a per capita basis it is estimated the financial assistance provided directly and indirectly in the last financial year was $39 280. Wheelchair athletes also receive competition support from many other States' sporting associations and are in receipt of financial assistance through the Ministry of Sport and Recreation.

RAGNO, MR SHANE

1000. Mr CUNNINGHAM to the Minister for Police:

I refer to the much publicised heroin death of Mr Shane Ragno -

(1) What has been done to investigate reports that heroin is being sold from a well-known address in Redcliffe Avenue, Marangaroo.

(2) Why did police warn Mr Ragno's father that he would be charged if he investigated the death of his son, and what was he to be charged with?

(3) Why did police ask reporter Michael Southwell to cease reporting on the death?

(4) What has the minister done to resolve this matter?

(5) If the minister cannot answer these questions, why has he not bothered to find out?

Mr PRINCE replied:

(1)-(5) The annual question from the member for Girrawheen is a good one. It relates to something that is occurring in his electorate, and I compliment him for it.

Mr Ragno's death was undoubtedly caused by an overdose of heroin and is subject to coronial investigation. That does not mean that the coroner directly investigates, but that he directs investigation and the police carry out that investigation with the assistance of other people such as forensic officers and so on. That investigation is going on at present; it has not been concluded. I expect a report to the coroner will be made.

Mr Cunningham: Will there be a full coronial inquest?

Mr PRINCE: That is a matter for the coroner to determine. However, under the Coroner's Act, a relative - in this instance, the boy's father - can ask for an inquest, and I would be surprised if the coroner refused an inquest if the father sought one; or the Attorney General can direct an inquest be called. That is rare. It is normal that the coroner will accede to a request for an open inquest.

A great many matters are being inquired into by the police in relation to the death of this lad; where he was when he died, how he got there, what he had been doing in the immediate hour or two beforehand, whom he associated with, where he got the heroin from, what information or advice he may have received from the people he associated with, and so on. In other words, his lifestyle for some time prior to his death is being investigated. I will not go into any more detail because to do so could prejudice what the police are doing right now. Whether or not other people will be charged is a matter for the police and their inquiries, and the information they come up with.

With regard to what was said to be some form of warning to the father, I have no knowledge of any such warning. I speculate that the only thing that could have been said to the father - this may or may not be the case, I do not know - relates to hindering the police in the execution of their duty. I have not been informed whether something along those lines has been said. There has been a great deal of eagerness on the part of Mr Michael Southwell, the reporter from *The West Australian* and the former television reporter, to second guess the outcome of the inquiry before all of the facts have been established and presented. Mr Southwell's attempt to do that does not help the police do their job. I accept that he is chasing a story.

Mr Cunningham: This has been going on for months. I raised the matter of 9 Redcliffe Avenue in a speech on 12 May. This is a shocking address for drug transactions.

Mr PRINCE: If the member is doubting the integrity of the police in wanting to nail a heroin dealer, I remind him that at least one police officer had the courage to put his story on the front page of the newspaper when his daughter died from a heroin overdose. The police have an absolute commitment to nailing heroin dealers. It happens to their children as well as to the children of other people in society. I am yet to come across a police officer who has anything other than contempt for these people and who wants to be able to nail them. It is highly unlikely that the police would not want to proceed against this person if they have the evidence to do so.