



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE COUNCIL

Thursday, 17 September 1998

Legislative Council

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THE PRESIDENT took the Chair at 11.00 am, and read prayers.

EUTHANASIA

Petition

Hon Tom Stephens (Leader of the Opposition) presented the following petition bearing the signatures of 675 persons -

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

We the undersigned residents of Western Australia respectfully commend to the attention of the House that:

- 1 Every act of euthanasia carried out with the approval of the State necessarily involves a judgement by the State that the person killed had a life that no longer mattered;
- 2 Inquiries into the legislation of so-called "strictly regulated voluntary euthanasia" by the House of Lords Select Committee on Medical Ethics (1994), the New York State Task Force on Life and the Law (1994), the Canadian Special Senate Select Committee on Euthanasia and Assisted Suicide (1995) and the Australian Senate Legal and Constitutional Legislation Committee (1996) each concluded that it is impossible to ensure adequate safeguards for voluntary euthanasia and that therefore legalising euthanasia will always create more victims than beneficiaries;
- 3 That any Bill to legalise euthanasia should be rejected as an attempt to remove the equal protection from intentional killing enjoyed by all Western Australians under existing law.

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

[See paper No 173.]

WORKSAFE WA

Standing Committee on Public Administration - Motion

Resumed from 16 September on the following motion -

That the House direct the Standing Committee on Public Administration to inquire into and report upon -

- (1) The degree to which and the methods by which WorkSafe WA applies and seeks to ensure compliance with the Occupational Safety and Health Act 1984.
- (2) The extent to which compliance with the Occupational Safety and Health Act 1984 has been impacted upon by privatisation and contracting out.
- (3) The degree to which legislative changes since 1993 have impacted on the safety of Western Australian workers, with particular reference to the Industrial Relations Legislation Amendment and the Repeal Act 1995 and the Labour Relations Legislation Amendment Act 1997.
- (4) The extent to which WorkSafe WA complies with safety standards enforcement in demolition and other high-risk industries.
- (5) The extent to which a declaration by the WorkSafe WA Commissioner not to respond to safety complaints by unions had an effect on the administration of the Occupational Safety and Health Act 1984.
- (6) The extent to which the construction branch of WorkSafe WA meets compliance with the Occupational Safety and Health Act 1984.

- (7) The extent to which reporting of occupational injuries and diseases as per the requirements of the Occupational Safety and Health Act 1984 truly reflects the extent and rate of occupational injuries and diseases in Western Australian workplaces.
- (8) The extent to which existing penalties for breaches of occupational health and safety standards adequately reflect the pain and suffering of victims.
- (9) Any other matters relating to WorkSafe WA and its operations that the committee deems necessary in conducting its inquiry.

HON KEN TRAVERS (North Metropolitan) [11.04 am]: When the debate was adjourned yesterday, I had just commented that the unfortunate death of Mark Allen was the first time that a major industrial fatality had touched my life and that I hoped that it would not happen to others. I certainly took the opportunity to pay my condolences to his family. It was interesting to note that, at the time of his death, Mark was working as a union organiser in the demolition industry. Paragraph (4) of the motion states the committee should inquire into -

The extent to which WorkSafe WA complies with safety standards enforcement in demolition and other high-risk industries.

At the time of the loss of Mark Allen I had a chat with a person who ran a small demolition business in this State. At that time he was looking to move out of that industry, and he has since left it. A couple of people in the demolition industry have said that they wanted to do the right thing for their employees and operate using correct occupational health and safety standards, but the industry was full of fly-by-nighters who do not enforce high safety standards. Members can imagine how difficult it is to compete in that industry when some operators cut corners on health and safety. Maintaining standards costs money. The person to whom I spoke at that time has well and truly moved out of the industry because he was not prepared to put his workers or himself at risk by cutting corners. He wanted to do the right thing, not just because it was the law but because it was morally correct. Therefore, he could not compete. I particularly appreciate that aspect of the motion. We must examine whether there is proper compliance with safety standards, as it would make it much easier for good operators to remain in the industry.

Another term of reference in the motion that attracted my attention states -

The extent to which compliance with the Occupational Safety and Health Act 1984 has been impacted upon by privatisation and contracting out.

As members are aware, I am responsible for the shadow water portfolio. Obviously, there has been significant contracting out and privatisation of this industry in recent times. If the Standing Committee on Public Administration were to inquire into the matter, it could determine whether the anecdotal evidence that I am gathering is correct. That anecdotal evidence is that there is a major problem in contracting out. Again, big operators - the larger corporations that tender for Water Corporation contracts - are doing the job properly and complying with all occupational health and safety standards that one would expect, but again fly-by-night operators - small independent operators - seek to cut corners.

Fortunately, there has not been a fatality, but the view of people in the industry is that it is only a matter of time. When there are deep trenches there is potential for serious accidents, not to mention fatalities. There have certainly been some problems. So far we have been lucky not to have lost a life in that industry. I refer not only to workers but also to young children. As members might remember, a young child fell into a large excavation site in the south eastern suburbs because it was not properly fenced off and protected. Luckily, again, there was no long-term damage, but it indicates the potential. I would like the committee to investigate that issue to establish whether the anecdotal evidence is correct and that contracting out and privatisation have led to a reduction in standards. As I said, that reduction might not have occurred across the industry but only in one segment - the small operations.

I congratulate Hon Ljiljanna Ravlich for moving this motion. All members would agree that she has made a real impact since arriving in this place. She has made the Leader of the House happier and brought out his great sense of humour.

Hon Simon O'Brien: We are grateful and happy.

Hon KEN TRAVERS: I appreciated her contribution, as I am sure did all members. I commend the motion to the House.

HON BOB THOMAS (South West) [11.11 am]: I am proud to speak on this very important motion and I congratulate Hon Ljiljanna Ravlich for moving it. It is important that the Standing Committee on Public Administration inquire into and report

on this broad topic of occupational health and safety. Although I have no knowledge of the Act, and I am not involved in many issues specifically related to the area, I believe the concept is non-negotiable.

I mentioned to the House last year that I spent two or three years in Wittenoom in the early 1950s. We now see a massive health problem working its way through our community because inadequate health and safety measures were put in place at the Wittenoom mine. At the time, medical evidence was available indicating that the blue asbestos fibres, especially the very fine fibres, were carcinogenic. Extensive work had been done on the issue in South Africa and the local Health Department was aware of the implications of asbestos for those working in the industry who were exposed to the fibres. However, nothing was done.

My father worked in the mill. That was the most dangerous environment because that was where the asbestos was crushed and dropped from hoppers into bags. The place was constantly awash with dust. The workers in the mill were exposed to far more dust fibres than those working in the mine, because the fibres were intact when it was mined. Needless to say, my father died of an asbestos-related disease. His life was cut short because of an occupational hazard that should have been prevented. I therefore believe that this is a non-negotiable issue.

As a Labor member of Parliament, I place great store on matters relating to employment and occupational health and safety. We cannot take these issues lightly.

I do not want to bag Neil Bartholomaeus, because he has done many good things at times in the government agencies for which he has worked. He was a good operator when he worked for the Labor Premier's Department. However, he made a grave error of judgment in refusing to deal with unionists in relation to occupational health and safety matters. He should not have let his personal views interfere with his official judgment; he did the wrong thing. I do not want to see a witch-hunt about this, but Mr Bartholomaeus should admit that he made a mistake.

I am more interested in other aspects of this motion. I was glad to hear that Hon Ken Travers is especially interested in paragraph (2) of the motion relating to privatisation and contracting out. This is another problem that I see with the contracting out of government business. The town in which I live, Albany, is probably one of the hardest hit towns as a result of contracting out by this Government. We have lost about 150 jobs from the public sector and much of that work has been taken up by contractors. The quality of the contractors' work has been significantly lower than that done by government employees.

A number of problems have resulted, and I will cite but one. When private contractors try to cut their costs to win tenders, they tend to rid themselves of those things they believe are superfluous. Just as they do not take on apprentices - unlike the government agencies - they are reducing their attention to occupational health and safety matters. One need simply look at the way some of the contractors undertaking Water Corporation contracts deal with trenches to see that safety standards are being undermined by the contractors' need to cut costs. We should look carefully at that issue. We might need to include some form of words in the contracts or terms of engagement with these companies specifying minimum safety standards. It is only a matter of time before we see a death or serious injury as a result of the shortcuts being taken by private companies, which are being driven by the need to cut costs to win tenders.

I congratulate Hon Ljiljanna Ravlich for moving this motion, and I commend it to the House.

Adjournment of Debate

HON RAY HALLIGAN (North Metropolitan) [11.17 am]: I move -

That the debate be adjourned to the next sitting.

Question put and a division taken with the following result -

Ayes (13)

Hon M.J. Criddle	Hon Helen Hodgson	Hon Murray Montgomery	Hon Greg Smith
Hon Max Evans	Hon Barry House	Hon N.F. Moore	Hon W.N. Stretch
Hon Peter Foss	Hon Norm Kelly	Hon B.M. Scott	Hon Muriel Patterson (<i>Teller</i>)
Hon Ray Halligan			

Noes (10)

Hon Kim Chance
Hon E.R.J. Dermer
Hon N.D. Griffiths

Hon Ljiljanna Ravlich
Hon J.A. Scott
Hon Christine Sharp

Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson

Hon Bob Thomas (*Teller*)

Pairs

Hon Derrick Tomlinson
Hon B.K. Donaldson
Hon M.D. Nixon
Hon Dexter Davies

Hon John Halden
Hon J.A. Cowdell
Hon Tom Helm
Hon Cheryl Davenport

Question thus passed.

Debate adjourned.

SPEED LIMIT TRIAL

Motion

HON GREG SMITH (Mining and Pastoral) [11.20 am]: I move -

That -

- (1) This House supports a trial to increase the speed limit to a maximum of 130 kilometres per hour on specific roads in remote areas of the State of Western Australia.
- (2) The trial should be conducted over a 12-month period, be fully monitored by the Road Safety Council of Western Australia, and appropriate data to be compiled both prior to and during the trial.

The same motion was moved last year by the now Minister for Transport, and was debated in this place at length.

Hon Ken Travers: Hon Greg Smith must convince the minister.

Hon GREG SMITH: I would like a trial to be held because many people claim that an increase in the speed limit in remote areas of Western Australia will lead to an increase in motor vehicle accidents

The PRESIDENT: Order! There are five separate conversations occurring in the Chamber. If members want to hold a conversation, perhaps they would like to move outside.

Hon GREG SMITH: The motion is calling for a trial to be conducted; it is not emphatically asking for an increase in the speed limit to 130 kmh in remote parts of Western Australia.

This motion came about for two reasons: Firstly, I spend a lot of time driving in remote areas of Western Australia, and I am well aware of the roads, the driving conditions and how modern motor vehicles travel on roads; secondly, I talk to people who live in these areas and for whom a trip of 400 km or 600 km in one hit is a way of life. Trips of this sort are not something they do only during their holidays - that is, just one lengthy trip once a year. I know an accountant in Broome who regularly travels from Port Hedland to Broome and onto Kununurra. The problem for people who travel long distances in the course of going about their business is that it is easy to lose track of the speedometer reading after sitting in the car for hours at a time. If they lose their drivers licence they must either employ someone to drive them around or hire someone in those towns who can liaise with them about their business. That affects their living, because we know that no-one can run a business as well as the person who owns it.

There is a good argument for the demerit point system to operate like frequent flyer points. At the moment the woman living in Cottesloe who only drives to church on Sunday has the same number of demerit points as the accountant or the travelling salesman who drives 100 000 km a year. The fine hurts people, and they do not like paying it. However, the demerit point system can impact upon a person's ability to earn a livelihood because losing one's licence is a major blow.

Hon Tom Stephens: The lady going to church might be a bit upset if she were not able to go to church.

Hon GREG SMITH: She might be. However, in the metropolitan area she can travel on the public transport system, which currently loses over \$100m a year, and she has taxis at her disposal.

The trial could be conducted on specific sections of road. For example, the speed limit could change halfway to Broome - one half would have a higher speed limit and the other half the lower speed limit; or the speed limit could be increased on the whole road from Broome to Port Hedland - at a reasonable distance out of the town and with speed restrictions applying on bends, the approach to intersections and near roadhouses. Anyone who has travelled on that road will know that the only roadhouses are the Roebuck Plains and Sandfire.

An argument has been put in the newspapers, mainly by the Road Safety Council of WA and the Royal Automobile Club of WA, that an increase in the speed limit would increase the number of fatal accidents. I think that it is total nonsense, but unless a trial is conducted it is pure speculation.

I am pleased that the Labor Party agrees with the motion. Yesterday I spoke with the member for Pilbara, Larry Graham, and he said the Labor Party would support the motion, and that shows good sense.

Hon Tom Stephens: We always show good sense.

Hon GREG SMITH: That is debateable.

Hon Ken Travers: Does the Government agree with Hon Greg Smith?

The PRESIDENT: Order! Hon Ken Travers will get his chance in a moment, if he ceases interjecting.

Hon GREG SMITH: Patrick Bedard of *Car and Driver* magazine reported on tests that were conducted by Martin R. Parker Jr on speed limits which were to be raised or lowered on American roads. For example, in areas that had once been outer metropolitan areas but were now built up, the speed limit would be lowered; in other areas where a road had been improved, the speed limit would be increased. Mr Parker conducted a detailed study of drivers on a specific section of road. Patrick Bedard writes -

In a nutshell, Parker concludes that speed limits have almost nothing to do with travel speeds - raise them, lower them, it doesn't matter because drivers keep driving at the speeds they previously found to be comfortable. Lowering limits doesn't reduce accidents either. It merely increases violations, Parker concludes.

This is a real-world study, not some academic cookout. Parker found 100 sites in 22 states that were scheduled for a speed-limit change, either up or down. Then he measured traffic speeds before and after those changes. So the results show what real people do in the real world.

Mostly, these were rural and urban two-lanes with speed limits of 55 mph or less, not freeways. Typically, they were fringe areas where recent changes in development and traffic called for speed change. Traffic volume ranged from light to heavy, 300 to 17,000 vehicles per day.

Parker was scrupulous about the details - the before and afters were measured over complete 24-hour periods, in most cases on the same day of the week and same season of the year. To eliminate the possibility that clumping would restrain some drivers from their preferred speed, he disregarded all cars that didn't have at least four seconds of empty road ahead. To further guard against imponderables, he took simultaneous measurements at control sites - similar roads close by that had no speed-limit change. Altogether, 1.6 million speed measurements were analyzed.

I would be very happy if the studies conducted by the Road Safety Council of WA were as thorough as this one. It goes on -
... on their own judgment instead of the signs.

And this is the speed at which they were travelling. To continue -

Why would that change when new signs were put up?

Answer: It wouldn't. "Lowering speed limits to the 33rd percentile . . . provides a noncompliance rate of approximately 67 percent. Raising speed limits in the region of the 85-percentile speed has an extremely beneficial effect on drivers complying with the posted speed limits," Parker observed.

It goes on to say -

Ah, the sturdiness of our democracy. Drivers are voting with their feet on the accelerator. When the government posts signs telling people to change their vote, they're ignored. When the signs side with the majority, everyone is happy.

Except the insurance industry -

We have the same situation here with the RAC, one of the most vocal critics of an increase in speed limits.

- it still pretends we're suicidal when it comes to speed. "Whatever speed you set, people will tend to push that," said Chuck Hurley to USA Today recently, he of the Insurance Institute for Highway Safety.

He goes on to say that basically it did not matter what the speed limit was, people travel at a speed they feel comfortable at. I will not bore members by reading the rest of the document.

The point I make is that the Road Safety Council and other people are saying an increase in the speed limit is irresponsible, and that if we increase the speed limit to 130 kmh, people will then travel at 140 kmh. If people drive with total disrespect for their own safety and lives, I do not think they will bother driving with respect for the speed limit or the law because I would hope every person puts his own life and safety one notch above the law.

Another matter that has disappointed me bitterly is the advertising we have seen by the Road Safety Council and other people in which they indicate that if someone is driving 10 kmh over the speed limit, it is like driving with a blood alcohol level of 0.1. I would like those people to produce some evidence to prove that, because it is incomprehensible to suggest that the driver of a motor vehicle with a 0.1 per cent blood alcohol level is no more dangerous to the public than someone driving 10 kmh above the speed limit.

Hon Kim Chance: Did they say 0.1 or .01?

Hon GREG SMITH: The figure was 0.1.

Hon Ken Travers: In terms of your reaction time, that is getting very close.

Hon GREG SMITH: It is very interesting that Hon Ken Travers says that. The other ads that have been run indicate an increase in the speed of a vehicle of 10 kmh actually increases the braking distance by 50 per cent. If we multiply that figure, it is clear that once one is 50 kmh over the speed limit, when one hits the brakes, one will never stop. That does not add up. I have figures from trials which were conducted on the effects of braking. Those trials found that once a vehicle gets above 100 kmh, the effort required to push a vehicle through the air is 3.38 times as much as is required to push it through the air at a lower speed, so the minute a driver's foot is taken off the accelerator, the friction of the air stops the vehicle as quickly as the brakes do. Hon Ken Travers finds that amusing. It shows how ignorant he is about friction. Formula 1 motorcycles, the 500 cc grand prix motorcycles, when tested for speed on dynamometers can do about 370 kmh. However, when they are put on the race track to race, they cannot go faster than 320 kmh. At 320 kmh wheel slip occurs because the motorbike physically cannot be pushed through the air any faster.

Hon Ken Travers: Why is this so?

Hon GREG SMITH: If I have to answer that for the member he is displaying his - I will not use the word.

The following is one aspect which was found on braking-

Although raising the test speed from 100 to 150 mph seems like a simple 50-percent increase, its effects are profound.

For one thing, overcoming aerodynamic drag at 150 mph requires 3.38 times as much power as it does at 100 mph. Therefore, whereas acceleration at two-digit speeds is primarily determined by a vehicle's power-to-*weight* ratio, acceleration above 120 mph is limited more by the power-to-*aerodynamic-drag* ratio . . .

That demonstrates what any of us who has driven knows; that is, if one is travelling at 110 or 120 kmh and one takes one's foot off the accelerator, the effect is the same as hitting the brakes.

Hon Ken Travers interjected.

Hon GREG SMITH: I doubt whether Hon Ken Travers has driven out of the metropolitan area.

Hon N.F. Moore: Which is good for the rest of the country.

Hon GREG SMITH: That is one of the annoying things about this debate; all the people from the metropolitan area are telling the people in the bush what is best for them.

Hon Ken Travers: You are doing a good job to convince me at the moment.

Hon N.F. Moore: If you support it, we have a problem.

Hon GREG SMITH: The road from Kununurra to Wyndham, and particularly from Kununurra to Halls Creek, is a classic example of a road the speed limit of which should not be increased to 130 kmh. We have not got around to replacing all the bridges and fixing the mess that was left to us.

Hon Tom Stephens: Again, because of your Government.

Hon N.F. Moore: What an extraordinary statement you have just made, Mr Stephens, after 10 years in government.

Hon GREG SMITH: The road from Kununurra to Halls Creek has single lane bridges. To suggest we make the speed limit 130 kmh on all the roads in that region would be ludicrous because it would be dangerous to approach single lane bridges at a speed such as that. We already have signs prior to those bridges warning people -

Hon Ken Travers interjected.

Hon GREG SMITH: Hon Ken Travers is looking more like a fool all the time.

There would be areas on these roads that would be deemed to be of a reasonable quality and on which vehicles could travel at a speed of 130 kmh.

One of the points I have made and people say to me is, "We must make it as easy as possible for people to live within the rules of the laws that we lay down in this country." When 10 000 people a year are booked for exceeding the speed limit in these and other areas, it suggests to me that there is something wrong with the law because they are all basically law-abiding citizens; they are not people who set out to break the law; they are not petty thieves or criminals. They are law-abiding people and taxpayers going about their business. The minute they get in their cars to go from Carnarvon to Geraldton, for example, and drive at 130 kmh, they are no longer law-abiding citizens.

People say this is a revenue raising measure, but one would be very hard pressed to justify it in those terms when one considers the costs involved in putting a highway patrol car on the road and, for example, driving from Carnarvon to Geraldton or halfway there and back, and booking two people for speeding. It is unlikely that the few dollars the policeman receives from fines would equate to a positive economic sum when one considers the wear and tear on the motor vehicle, the time he spends on the road and all those sorts of things.

As I have travelled around, people have suggested to me that the speed limit in this provision relates only to the north west, but on many other roads, for example, the Eyre Highway across the Nullarbor Plain, there is no reason that the speed limit should not be increased. When people leave the Northern Territory, they reach the Western Australian border, they go from an open speed limit to 110 kmh.

Another interesting suggestion made to me was that the speed limit is affecting tourism. I asked the person how that could be the case. He said people from Europe come to Australia for their holidays and they look at the map and decide to go to Monkey Mia. However, they realise they must get in a car and travel at 110 kmh during their holiday all the way to Monkey Mia.

Tourists talk to their friends who have made the journey and say that they got booked for speeding when travelling there. They think it is ridiculous because in Europe cars travel at 100 miles an hour, or 160 kilometres an hour, on the autobahns, bumper to bumper almost. The traffic density on roads in the north west is negligible. One can travel sometimes for half an hour and not see another vehicle.

Hon Murray Criddle: Would you agree though that the design of the road should regulate the speed?

Hon GREG SMITH: Definitely. There is no suggestion whatsoever that speed limits be increased on unsuitable roads. Credit can be given to past Federal and State Governments for the very good road network of the North West Coastal Highway, Great Northern Highway, Great Eastern Highway and Eyre Highway. Some patching up work is to be done in some areas but basically they are excellent roads. Some of them were dirt roads 20 years ago. Blokes I used to shear with used to talk about driving to places like Mardie. Once they got to the other side of the Murchison River they were on a dirt road. They would drive on it all the way to places like Mardie and Karratha. What is that grade of road called?

Hon Murray Criddle: They are national highways.

Hon GREG SMITH: There are different standards of roads. I am not aware of the terminology for the best standard but those are the roads on which one could look at increasing the speed limit.

I was amused at the weekend to see another article in the newspaper in which the Road Safety Council was commenting about deaths on country roads. In an accident, someone had fallen from the back of a utility 315 km east of Laverton - this would have been on the Gunbarrel Highway. It would not matter what the speed limit was. What really gets under my skin is that the people who bitterly oppose the suggestion that we increase the speed limit, or conduct a trial, carry on as if we have 250 or 260 road accidents per annum now and that by increasing the speed limit the number will increase to 350 or by not increasing the speed limit the number will be zero. We are not starting from a zero base. There will be accidents. They happen no matter what. I am told that the first car accident occurred after the second car was built, and two people were hurt.

This motion is extremely important to the people in the area I represent, the Mining and Pastoral Region. No doubt Hon Tom Stephens is aware that people are concerned about the speed limit. Hon Larry Graham has confirmed this. I am pleased to see that Hon Alannah MacTiernan is supporting it to some extent.

Hon Ken Travers: Responsibly supporting it.

Hon GREG SMITH: Yes. I assure the Australian Labor Party that not to support this will be suicide for it in the bush because people want it. People are sick and tired of having more and more rules imposed on them and being told everything they cannot do. We are becoming a nanny State.

Hon Kim Chance: One of the interesting statistics is that when we introduced open road limits in Western Australia the death toll was lower.

Hon GREG SMITH: I will not go into that because anyone who wants to see those statistics can read *Hansard* when we last had the debate. The Minister for Transport articulated some of those facts. For example, in 1967 when a reduced speed limit was imposed the accident rate went up, and it has risen ever since. In the United States in places where the speed limit has been increased, the accident rate has actually gone down.

One of the main contributors to deaths on the roads in the areas to which I am referring is fatigue; people simply fall asleep at the wheel. There are tell-tale signs on the road. When driving along the road, one can see black tyre marks going off to the side of the road and then veering across the road. What happens is that people get a bit tired and then start to nod off and suddenly find themselves on the gravel. Inexperienced drivers in particular wrench their car back onto the road. The car shoots sideways, goes across the road and then rolls.

I was good friends with a police sergeant at Mt Magnet a few years ago. A fatal accident occurred near the turn-off to our station. The highway patrol was heading south and a vehicle was heading north. The highway patrol clocked the vehicle doing 110 kmh. They looked in their rear vision mirror and saw the vehicle rolling. One person was killed and two were badly injured. Apparently the driver was a girl who had been picked up from Perth Airport having just flown in from New Zealand. She had probably never driven on an open road like that before. She was leaning down trying to get the cassette tape into the tape deck and lost control. How many times has that happened? Are we to ban tape decks in cars because they cause accidents?

Hon Norm Kelly: If those people were travelling at 130 kmh, there would be an increased chance that the other two would have been killed as well.

Hon GREG SMITH: It is interesting that the member says that. At 130 kmh many of the new motor vehicles sit on the road straighter than they do at 100 kmh. At 110 kmh one has almost to drive the vehicle because the car is travelling at a speed

where one feels that it has almost stopped. A couple of months ago I was with two other people travelling from Kununurra to Broome. We were sitting on a speed in excess of the speed limit for a long time. We were relaxed. We slowed down to 110 kmh merely to see what it was like to travel at the speed limit and see how impractical it was.

Hon Kim Chance: And instantly fell asleep!

Hon GREG SMITH: No we did not.

Hon Tom Stephens: Did you get out of the car to see what had gone wrong with it?

Hon GREG SMITH: Someone in the back did say that perhaps he could get out and walk quicker, because that is how it felt.

Hon Ken Travers: You know what that is a metaphor for.

Hon GREG SMITH: Never in a moving vehicle.

One of the other reasons that this trial is important is that we must establish whether it is fact or fiction that an increase in speed limits will cause an increase in accidents in those areas. Monash University in Victoria has conducted road studies. I do not know how people in Victoria can conduct road studies that bear any relevance to roads in remote Western Australia. The people who started pushing these things at the Liberal Party state conference wanted an open speed limit, just as there is in the Northern Territory. It is arguable that an open speed limit is irresponsible because it gives people the ability to travel at any speed they like. Some people do not have any respect for their own lives. They will get in a vehicle and drive at 100 miles an hour. People are doing that now. The police at Mt Magnet know of such people. It is almost like a game. Some people who work two weeks on and two weeks off at the mining companies have V8 Commodores. They can do the trip from Meekatharra to Perth in about four and a half hours. It is like a cannonball run. The police try to catch them each time. They are accidents waiting to happen.

I can assure all members in the Chamber and anyone else who cares to read *Hansard* that if I thought in any way that an increase in the speed limit would contribute to an increase in accidents, I would not have any part of it. The last thing I want to do is be responsible for causing one death or one accident on the road. I have had friends killed in motor car accidents. I am not so irresponsible to say that we should do this and who cares. We do not want that. I believe this is a way to decrease the number of accidents on our roads in that part of Western Australia.

One of the other issues that annoys people is the fact that the "safety Nazis", or police, or whatever we like to call them, think everybody is stupid. I think differently. Most people are responsible when they drive and in the way they go about their lives. They are not irresponsible in the way they drive a vehicle. We should give people the opportunity of taking responsibility for their own actions by increasing the speed limit to 130 kmh. If they are driving a 1970 HQ Holden that has unbalanced tyres and a bad wheel alignment they will not drive it at 130 kmh while it is shaking, shuddering and rattling to bits. They will drive at the speed at which they feel comfortable.

The present speed limit has elements of danger. If I were driving behind a road train or a vehicle towing a caravan travelling at 100 kmh I would be breaking the law if I were to pass it because I would have to travel at more than 110 kmh. There is nothing in the law that says we can drive at more than 110 kmh most of the time; it is all the time. I know people who have been booked for passing a triple road train on an open road at 140 kmh. It is not an excuse to say one was passing a truck.

Trucks, caravans and cars towing trailers do not travel at 125 or 120 kmh; it is more like 80, 85 or 90 kmh.

Hon M.J. Criddle: The limit is 100 kmh if they are towing under 750 kilograms.

Hon GREG SMITH: I have found that most vehicles towing caravans travel at 80 kmh because, as those drivers know, the wind makes them move about. Trucks are allowed to travel at 100 kmh. That means that someone wanting to pass a truck doing that speed can pass it at only 110 kmh. If we think about that, it seems silly. If the maximum allowable speed limit is 130 kmh one can legally and comfortably pass the big road trains.

I commend the previous minister for allowing triple road trains back onto the road in more areas, but they take quite some time to pass. The time spent passing them at 130 kmh would be much shorter. One could whip around the truck and pass it in no time. It is surprising the number of head-on accidents that occur on straight, open roads in the middle of nowhere which no-one can explain.

Hon Norman Kelly: It is through fatigue.

Hon GREG SMITH: Yes, the main cause of accidents in those circumstances is fatigue. I beg the Minister for Transport and the Minister for Police to take this on board. The people of the north west badly want this trial.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [11.54 pm]: I express the support of the Labor Opposition for this motion. Members will know this represents a change in the previously stated position by the Australian Labor Party regarding the trial proposed in this motion.

I am pleased about the change which has come about because recommendations were put to us about qualifying the way a trial would proceed. Before this motion is carried the Opposition wants to see it amended to reflect the following propositions: The Opposition accepts there is a need for the law to be both respected and enforceable. Already in much of our State the speed limit of 110 kmh is not respected by the communities. It is no longer an appropriate limit in the light of the change in circumstances throughout much of the remote areas of Western Australia; that is, the improved quality of roads to which Hon Greg Smith referred, improved vehicles with improved tyres and braking capacity, etc, all of which have caused people to feel comfortable with higher speeds. In turn, in many parts of this State the police are responding to community acceptance of higher speeds and are no longer, for whatever reasons, enforcing the speed limits on some roads.

It seems to me, and I am sure to many others in the community, that it is not acceptable for police officers to exercise tolerance of illegal activity. A more appropriate process would be for Main Roads, in conjunction with the Road Safety Council, the Royal Automobile Club of WA and local communities, to identify the roads that can sustain higher speeds. The roads on which the trial should be undertaken must be designated.

There should be two phases to this trial. For the first 12 months the trial speed limit should be 120 kmh and for the subsequent 12 months, if all goes well, other roads should be explored to see on which of them the limit could go to 130 kmh. The Opposition does not want to see these higher speed limits used beyond daylight hours. It should be a condition of the trial to rule out the high speed limits beyond daylight hours. Probationary drivers, trucks, commercial vehicles and vehicles towing caravans should be excluded from higher speed limits.

I commend to the House of the amendments that will take on board that consideration.

Hon N.D. Griffiths: Buses.

Hon TOM STEPHENS: I will not develop the whole theme, but when I move the amendments the House will have the opportunity of commenting on whether there should be some other exclusions.

There is wide support for amendments to the road traffic laws that have imposed the 110 kmh speed limit. It is interesting to hear the debate in the community, especially heavy debate in the metropolitan area reflecting, without much knowledge, on the way things are in the bush. Even in the bush responsible citizens are concerned that speed limits of 120 or 130 kmh will in reality mean 130 or 140 kmh. The Labor Party is not advocating that; it is advocating an enforceable law at the set speed.

Interestingly enough, my colleague Ms Alannah MacTiernan observed a divergent view between the sexes on this question. Many women in the community are concerned about moving to higher speed limits, particularly if 130 kmh is taken as a sanction for 140 kmh or beyond. The Labor Party is not saying that. It is specifically saying: Set a figure which is the enforceable figure to be policed from then on - not ignored by the police as currently happens in some areas; it must be enforced. We are not opening the way to yet higher speeds. Let the trials begin. Let the process then determine whether we can set appropriate speed limits on different roads in regional Western Australia.

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS - CONSIDERATION

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Standing Committee on Estimates and Financial Operations - Resignation of Gary Byron, Director General, Ministry of Justice

Resumed from 10 September on the following motion -

That the report be noted.

Hon KEN TRAVERS: Last week I made it very clear that the committee had applied the wrong test in recommendation 12.3. It should have applied a test which related to an action in the civil courts in Western Australia - a test of the balance of probabilities - rather than in the criminal courts. On that basis, it was clear from the evidence given by Mr Fletcher about conflicts between him and the Attorney General and Mr Byron that on the balance of probabilities the committee would fall on the side of Mr Byron and the Attorney General.

Having said that, the bottom line is that we will not develop that argument much further in this forum. It ultimately comes down to the Premier's making a decision. The committee members have not disagreed with the view that a decision should have been on the lower test of the balance of probabilities. We are not trying to hang this person, but it is a balance of the test of probabilities. If that had occurred, it would have fallen against Mr Fletcher's evidence, which was lacking in comparison to that given by other people.

Ultimately, the Premier must make his position clear. It is a sad state of affairs in our State's administration if we are left with clearly conflicting evidence between Mr Byron, a chief executive officer of a major agency; the Attorney General, one of the Premier's responsible ministers; and the Premier's chief of staff. It is untenable to leave that up in the air without the Premier saying, "I accept that it was the Attorney General or my chief of staff or the CEO who gave misleading evidence." He must make a very clear statement of his view. The Attorney General tried to bring in an argument about semantics last week and suggested that there was a grey area at the edges. Evidence given to the committee by Mr Byron was that something was clearly black and by Mr Fletcher that it was white. It was not about grey areas, misunderstandings or misinterpretation; there were clear differences of black and white.

Last week the Attorney General rose in defence and indicated that if it had been said anywhere that he was unhappy with the processes of the department not incorporating findings from his overseas trips into the submissions -

Hon Peter Foss: You said that, not me.

Hon KEN TRAVERS: Yes, that is right. I made the claim that there was a problem because the department was not putting into its documents, evidence -

Hon Peter Foss: You specifically said the design of prisons. I told you I did not go to look at the design of the prisons. I happened to see some because when you are in a prison you can see it. However, I did not go for that purpose, nor have I ever complained about that. You are looking at it fourth-hand; that is your problem.

Hon KEN TRAVERS: I refer members to page 9 of the report under item 3.4, which is Mr Byron's account of events. The last sentence states -

The Attorney General made reference to what he had seen on his overseas visit to the United States and indicated that he wanted that information included in the relevant submissions.

The Attorney General took a close interest in this inquiry at all stages. I understand he was down there for quite a long time. If that was the evidence given by Mr Gary Byron to the committee, why did the Attorney General not challenge it at that time or subsequently?

Hon Peter Foss: You left out half the document. He did not deal with Aboriginal offenders. You are taking it fourth-hand and you are trying to read something into it. Just give up on that because I will not explain it to you. When you read a report on evidence of people's accounts relating to something that happened before, you are five stages away. It is showing clearly that you are five stages away. You are adding supposition to the report. The report at best is fourth-hand and at this stage you are adding a fifth.

The CHAIRMAN: Order, members! There is ample opportunity during the committee stage for members to speak.

Hon KEN TRAVERS: I was waiting to be enlightened by those comments.

Hon N.D. Griffiths: There was nothing of substance.

Hon KEN TRAVERS: I was happy to wait while the Attorney General went through it. Clearly, there was a problem and I will not go through it all again. The Attorney General is now saying that the purpose of his trip to America was not to look at prison planning. I encourage members to look at the report tabled, as was suggested by the Attorney General. It definitely

deals with the issues of prison management and infrastructure. It relates to contracting out of prison functions. That relates to prison planning and, if I remember correctly, if one looks at the press release -

Hon Peter Foss: It has nothing to do with the report; it has nothing to do with that remark. If you had been there, you might know what you were talking about.

Hon KEN TRAVERS: We have lost a CEO of the Ministry of Justice because the Government needed a scapegoat to carry the can for the lack of prison planning in this State. The committee is now making a further investigation into prison planning in this State and the Attorney General tells us that it has nothing do with this inquiry.

Hon Peter Foss: It has nothing to do with this remark. You must be a gossip because the way you go on it is obvious you like to get things fifth-hand.

Hon KEN TRAVERS: I know I am not a lawyer, minister, which means I can talk straight.

Hon Peter Foss: No, the member is a gossip.

Hon N.F. Moore: You never lie straight in bed.

Hon Bob Thomas: That is below the belt.

The CHAIRMAN: Order, members! Hon Ken Travers.

Hon KEN TRAVERS: Members should look at the media statement that the Attorney General released before he went on his trip. He said that the State Government recognises the need for increased prison capacity and he will be looking at design management and financing of prisons both private and public. If that does not relate to prison planning, I do not know what does.

Hon Peter Foss: That is different from what this debate is about. You do not understand all the evidence. You are a clear gossip. You should make a living as a gossip.

Hon KEN TRAVERS: I cannot wait to hear the minister tell us what the inquiry was about. The inquiry was about whether the Attorney General was trying to make Kevin Payne a scapegoat because of the lack of action by the Attorney General's office. That is what the inquiry was about; everyone in Western Australia knows that.

Hon Peter Foss: Then it would be outside the committee's terms of reference. I hope that is not what it was all about. It might have been what the member thought it was all about. It is interesting to hear him say that he thought that is what it was about because it is not what the chairman said it was about; and he would know that that was outside the terms of reference.

The CHAIRMAN: Order!

Hon KEN TRAVERS: That is clear.

Hon Peter Foss: Yes, it is as clear as mud.

Hon N.D. Griffiths: He was referring to your interjection.

Hon KEN TRAVERS: The Attorney General can come in here and indulge in his semantic arguments -

Hon Peter Foss: No. We know what you were trying to do.

Hon KEN TRAVERS: - but out there everybody knows that what led to this inquiry - the resignation of Gary Byron - was that members opposite were looking for a scapegoat. That is the bottom line. Whether the Attorney General was involved or whether it was Mr Fletcher is another matter, poor old Gary Payne got caught in the crossfire. There is evidence in the committee's reports about the problems that were occurring between the Attorney General's office and the Premier's office.

Hon Peter Foss: Gary Payne? That shows you paid a lot of attention to this matter.

Hon KEN TRAVERS: I would love to see the Attorney General get up and elaborate on some of the things that he could

not recall at the committee's inquiries when he was asked about problems he had in the past with Mr Fletcher. He knew he had problems with Mr Fletcher when he spoke to Byron in the lift, but when asked specifics he could not recall.

Hon Peter Foss: I do not remember that I had problems with him; I did not say I had not.

Hon KEN TRAVERS: The Attorney General did so.

Hon PETER FOSS: It is interesting to hear this comment from this member because, as members know, the Standing Committee on Estimates and Financial Operations was appointed with certain terms of reference; that is, to look at the estimates of expenditure laid before the Council each year and any matter relating to the financial administration of the State.

I must confess that when the committee started to consider this matter, I had doubts about whether it was operating within its terms of reference. However, having considerable confidence in the fairness and general way in which Hon Mark Nevill has conducted himself in this Chamber, I was content to await the result rather than challenge it. For a while I was concerned that the committee may be straying into an area that was not within its terms of reference because it happened to have on it a majority of Labor Party members. To make that suggestion is probably unfair and unreasonable. I do not know exactly how the committee began this inquiry and I would like to know that; there is obviously a very good reason.

Hon Bob Thomas: We received a letter.

Hon Simon O'Brien: Where did that letter come from?

The CHAIRMAN: Order, members!

Hon Bob Thomas: It was from either Hon Tom Stephens or Geoff Gallop.

Hon PETER FOSS: That is a new piece of information from Hon Bob Thomas. It started because the committee got a letter from either Hon Tom Stephens or, interestingly enough, Dr Geoff Gallop. I am not sure what Dr Geoff Gallop has to do with the Legislative Council committee. It is an interesting point and almost sounds, in view of the two people he suggested it may have come from, as though it might have some political basis.

Hon N.D. Griffiths: Politics in the Legislative Council! God forbid!

Hon PETER FOSS: It almost sounds as though they were not unaware of the majority of the committee being Labor Party members! It is almost as if it is not a pure coincidence. How silly of me to think that it may be more! Could it be that Hon Ken Travers might just have told the truth when he said that the whole idea of the inquiry was to find out whether Mr Payne had been used as a scapegoat?

Hon N.D. Griffiths: Only when you conducted the inquiry.

Hon Ken Travers: You conducted the inquiry because you were making him a scapegoat. That is the truth.

Several members interjected.

The CHAIRMAN: Order, Hon Ken Travers!

Hon Ken Travers: Let us take the politics out of it. Tell us about the politics of Mr Fletcher.

Hon PETER FOSS: Members opposite were out to get somebody.

Hon N.D. Griffiths: You do not know what you are talking about.

Hon PETER FOSS: If members want to talk about scapegoats -

Hon Ken Travers: Tell us about your problems with Mr Fletcher.

Hon Ljiljanna Ravlich: Talk about due process. That applies to you.

Hon PETER FOSS: Let us talk about what members opposite were up to.

The CHAIRMAN: Order! Would the Attorney General sit down. Members will cease their interjections. Hansard will be having a great deal of difficulty following the Attorney General, let alone the several and individual interjectors.

Hon PETER FOSS: I have obviously touched a raw nerve.

Hon N.D. Griffiths: Your own!

Hon PETER FOSS: We have all politely ignored the fact that the Labor Party set this up to misuse that committee in order to -

Point of Order

Hon BOB THOMAS: The Attorney is reflecting on a decision of the committee in which he was not involved. He is wrong in what he is saying and I object to that. I ask that he withdraw that remark.

The CHAIRMAN: There is no point of order.

Committee Resumed

Hon PETER FOSS: All I have said is that Hon Ken Travers was telling the truth.

Hon N.D. Griffiths: You are a gossip.

Hon PETER FOSS: Hon Bob Thomas is objecting to the fact that I am saying that Hon Ken Travers has put his finger on the real reason.

Hon Bob Thomas: I am objecting to your inference.

Hon PETER FOSS: The committee declined to do that. I congratulate the committee on the fact that it did so. Hon Mark Nevill is a chairman who has very carefully stayed as much as he can within the terms of reference and confined himself to the matters that the committee was formed to deal with. Hon Ken Travers obviously does not like that. He has decided to get hold of this report and insert into *Hansard* all the things that the committee did not say. He will draw all the conclusions that the committee felt unable to draw. He will be the person who makes all these broad allegations fifth-hand. He will gossip; and that is what he is doing.

Hon Ken Travers: I am asking questions, minister, and you will not answer a single one.

Hon PETER FOSS: There was a set of events. We have already decided there is a difficulty in working out what the events actually were when people are asked afterwards. We went through this the last time we discussed this.

Hon N.D. Griffiths: That is rich coming from you.

Hon Ken Travers: You are dancing around the ballroom and not answering the question.

Hon N.D. Griffiths: It is not a Global Dance!

Hon PETER FOSS: I am dealing with something that might be considered factual as opposed to fifth-hand gossip. I know the Labor Party loves fifth-hand gossip; it is as good as facts. It used to govern on that basis. WA Inc would not have occurred if members of the Labor Party had relied on facts instead of gossip. We have already worked out that there are differences of opinion between people about what occurred. That is quite easily explainable on the basis of recollections and that some people were making notes advisedly.

Hon Ken Travers: You are wrong. There are differences of opinion in relation to Mr Fletcher that you cannot recall.

Hon PETER FOSS: Leaving that aside, in addition to that there is a committee report. The committee sat through this whole performance, listened to all the evidence and said what it was able to determine. Therefore, the very people who judged the people there, listened to the evidence throughout the inquiry and read all the documents, have said what they can agree to. However, what do we now have? We have Hon Ken Travers not worrying about all of those primary documents. He is not a historian is he? No; he would not be allowed to be a historian because historians know that the further away one gets from -

Hon Ken Travers: I am watching living history with you, minister. You are a dinosaur in the making.

Hon PETER FOSS: No; the member is a gossip. He is reading between the lines of the report. He is drawing conclusions that the committee was not able to make. He is misreading the report. Can I get some of this in *Hansard*?

Several members interjected.

The CHAIRMAN: Will the Attorney General sit down. Hon Ken Travers and Hon Ljiljanna Ravlich will come to order and cease interjecting.

Hon PETER FOSS: Hon Ken Travers is seeking to read extra meaning into the report, to misunderstand what was originally said, to take it out of context and to be the true gossip. I would like to place on the record that this committee conducted an inquiry and made findings. Hon Ken Travers is gossiping, drawing conclusions that cannot be made, and exhibiting his ignorance. I will not refer to every one of his garbagey statements and say he got it wrong. I will say comprehensively to Hon Ken Travers that I will accept that the committee is able to draw certain conclusions, even if I do not necessarily agree with them. However, the member is gossiping and trying to draw conclusions that those in the committee could not draw. Hon Ken Travers should not shake his head, because he has done that. I have sat in this Chamber while he has made these gossipy suggestions and he got it wrong. I will not go through the reasons for his getting it wrong or the context. It is a waste of this committee's time to sit here while the member, fifth-hand, tries to draw conclusions that the committee was not prepared to draw at third-hand. The member's conclusions are his speculations on a report which is fourth-hand. In a court of law, this wide speculation at fifth-hand could not be started because the court would recognise that it is no more use than gossiping around the parish pump. The member is better suited to gossiping around the parish pump because the way he has drawn his conclusions is so pathetically weak and useless.

Hon N.D. Griffiths: You are a master of self-description.

Hon PETER FOSS: No, because I have been careful to try to understand what the facts are. Many facts are involved. One of the things the committee has found is that there is a huge body of fact and background to this matter. There are allegations and counter-allegations. The first thing one discovers in the prison system is that there are hundreds of years of history. It is like trying to find out why Northern Ireland was established. To find out what is happening in prisons, it is first necessary to find out the area from which people come and their history. One of the difficulties in finding the facts is the source of the information. I do not envy this committee.

Hon Ken Travers: I do not either, listening to you.

Hon PETER FOSS: That is a very good and clever remark from Hon Ken Travers. This committee had a big task.

Hon Ken Travers: Trying to get a straight answer from you is a job and a half.

Hon PETER FOSS: The committee got straight answers and went so far as to say it believed me.

Hon Ken Travers: What were your problems with Fletcher in the past?

Hon PETER FOSS: I said that he had a tendency to shoot his mouth off.

Hon Ken Travers: What about?

Hon PETER FOSS: About anything.

Hon Ken Travers: Like what?

Hon PETER FOSS: If the member thinks somebody has a tendency to shoot off his mouth, does he carefully write down everything that person says? One tends not to pay attention to those people.

Hon Ken Travers: When people shoot their mouth off, I can remember at least a couple of examples.

Hon PETER FOSS: Why is that necessary?

Hon Ken Travers: At least give a couple of examples.

Hon PETER FOSS: I cannot recall any. I do not remember what I had for breakfast a week ago.

Hon SIMON O'BRIEN: The Committee probably wants to move to other reports for consideration, so I will not speak for very long when adding to my contribution of last week. On a point of procedure, I seek your guidance, Mr Chairman. Documents which are considered by a standing committee become subject to privilege. I want to know whether they can be referred to in this Chamber. In a brief period of interjections a moment ago, a letter was referred to and there was speculation about the author of the letter sent to the Standing Committee on Estimates and Financial Operations. I am not having a shot at Hon Bob Thomas, because he and I had the interchange; it is purely a matter of clarification. I ask, Mr Chairman, whether it is permissible to divulge information to this Committee of the Whole House about that letter and its author.

Chairman's Ruling

The CHAIRMAN: Under Standing Order No 324, anything that was taken in public session can obviously be referred to, unless an order was made by the committee to the contrary. It would depend on whether it was on the public record before the committee and whether the committee required that it not be disclosed.

Hon SIMON O'BRIEN: The letter was received as correspondence at a normal meeting of the estimates committee.

The CHAIRMAN: Is the member referring to Dr Gallop's letter?

Hon SIMON O'BRIEN: Yes.

The CHAIRMAN: If it has nothing to do with the inquiry which was before the committee, it is not caught by Standing Order No 324 and it is confidential.

Debate Resumed

Hon SIMON O'BRIEN: I confirm that the author of the letter referred to, which kicked off this inquiry into the Byron-Payne matter, was Dr Geoff Gallop, MLA, member for Victoria Park and Leader of the Opposition. It struck me as curious that he should write to a committee in a House of Parliament of which he is not a member. It did not escape my attention, nor the attention of the Attorney General, that it went to a particular committee whose terms of reference would not, without being stretched somewhat, entertain an investigation into this sort of matter.

Hon Bob Thomas: Any member of the public can write to the estimates committee and ask it to investigate.

Hon SIMON O'BRIEN: Indeed, they can. The comment was made earlier, and I confirm that Dr Gallop was the author of the letter which was the basis for commencing this inquiry. I said last week there was very much a mood in certain quarters that this was an inquiry about getting the Attorney General, getting the Premier or, later, getting the Premier's chief of staff. Perhaps that explains to some small extent the extraordinary disappointment expressed vocally by Hon Ken Travers to indicate there must be more to it than this.

Hon Ken Travers: Which quarters are you talking about?

Hon SIMON O'BRIEN: The Labor Party clearly is disappointed that it has not been able to hang the Attorney General and that he has a clean bill of health. The Labor Party is clearly disappointed that it has not been able to hang the Premier. The juvenile rantings from the long streak of artificial cheerfulness opposite quite frankly do not cast the member in a very good light. One of his interjections was that the Attorney General refused to accept responsibility.

Hon Ken Travers: It is a direct quote from the Attorney General last week when he spoke in this Parliament.

Hon SIMON O'BRIEN: The member was referring to what he alleged was the Attorney General's refusal to accept responsibility for Byron's resignation.

Hon Ken Travers: I was not asking him to accept responsibility for that.

Hon SIMON O'BRIEN: The member has spoken about this on five occasions -

Hon Ken Travers: And you have interjected a few times.

Hon SIMON O'BRIEN: I will repeat this for the benefit of the member. The fact is that the committee is quite satisfied that the Attorney General did not behave improperly. The conclusion at paragraph 11.08 states -

In relation to the Attorney General the Committee is satisfied that he emphasised to Mr Fletcher that the proper process should be followed if Mr Payne were to be removed. Furthermore, the Committee is satisfied that the Attorney General had scheduled the meeting for 19 January 1998 at which the matter of Mr Payne would be discussed and that there was no evidence that he intended to take any action whatsoever prior to that date. It is clear that the Attorney General issued no instruction to remove Mr Payne, either written or oral, and that he simply authorised Mr Fletcher to make some enquiries on behalf of the Premier. In these circumstances the Committee is satisfied that the Attorney General acted both properly and appropriately and that his actions in no way breached the Act.

That is pretty clear. If it is not clear enough for the member, that is just too bad. Mr Byron's behaviour was extraordinary. He felt Mr Payne was in some way being victimised.

Hon Ken Travers: Set up to be shafted.

Hon SIMON O'BRIEN: In fact, we found that was not the case. That is in the report. I just made reference to paragraph 11.8, and elsewhere, at paragraph 11.9, a similar clearance is given in relation to the Premier. Mr Byron, however, thought wrongly - let us get this clear; he was wrong - that he had been directed to remove Mr Payne from office. The only person with the statutory power to remove Mr Payne from his office is Mr Byron. Fletcher does not have the power to do it. Nobody has the power to do it. Mr Byron would have to remove Mr Payne. In answer to questions I asked before the committee, Mr Byron acknowledged this. Paragraph 11.6 states -

In relation to Mr Byron, the Committee considers that he erred in his responsibilities to the Attorney General and the Premier by not discussing the matter with them prior to tendering his resignation . . .

Hon Bob Thomas: Did he say he feared retribution if I he did not.

Hon SIMON O'BRIEN: I am coming to that. The report continues -

The Committee agrees with Mr Fletcher's comments that Mr Byron should have been aware that Mr Fletcher did not have the required authority to issue a direction concerning Mr Payne's removal. The Committee also considers that Mr Byron was aware that a meeting had been scheduled with the Attorney General for 19 January 1998 and that he should have taken this opportunity to discuss Mr Payne's position and, if necessary, defend him, rather than pre-empt the matter by resigning.

The Attorney General was away on leave when these meetings with Byron and Fletcher and the telephone calls were happening. The Attorney General was scheduled to meet with Byron on the morning of his return, 19 January 1998. On that day it is announced in the media that Mr Byron has just resigned, without consulting the Attorney General.

Hon Peter Foss: Extraordinary behaviour.

Hon SIMON O'BRIEN: That is right. At that stage Mr Payne was still in office, and he continues to be in office. Mr Byron removed himself from office and departed the scene. Of course, once he did that he was no longer in a position to protect Mr Payne, if he felt Mr Payne was unfairly under threat. That was extraordinary behaviour.

The CHAIRMAN: Before proceeding, I advise members that any discussion of how the committee came to its determination on this term of reference is not on the public record and, therefore, if members discuss it, they will disclose the confidential deliberations of the committee to the Chamber. They should not do that without a determination of the committee to that effect.

Hon KEN TRAVERS: I will respond to one comment by Hon Simon O'Brien about an interjection I made about the Attorney General not accepting responsibility. At that point I referred to the delays in prisoner management planning. I refer members to the uncorrected proof of *Hansard* of Thursday, 10 September.

Hon Simon O'Brien: You made the interjection a few minutes ago. It is not in the *Hansard*.

Hon KEN TRAVERS: I stopped interjecting on Hon Simon O'Brien to let him have a fair go.

Hon N.F. Moore: It would be the first time you have.

Hon KEN TRAVERS: I love the double standards of those on the other side. They get precious about my interjecting, but now they want to do the same thing.

Hon N.D. Griffiths: They are very precious.

Hon KEN TRAVERS: They should just hold their horses, relax and breathe deeply. The relevant part of the debate recorded in *Hansard* states -

Hon KEN TRAVERS: Well, who was responsible for the delays in prison management planning in this State?

Hon Peter Foss: Mr Byron was responsible for overall planning.

Hon KEN TRAVERS: It is now Mr Byron's fault?

Hon Peter Foss: The honourable member knows he is responsible.

The Attorney General was trying to deflect responsibility for the delays that occurred -

Hon Peter Foss: That is rubbish, you have no basis for saying that.

Hon KEN TRAVERS: Does the Attorney General accept that it is his fault that the planning was delayed for 12 months?

Hon Peter Foss: No, I don't.

The CHAIRMAN: This has been developing into a dialogue, and it should cease. We are in committee. It is open to individual members to speak for 10-minute periods and address any points that have been made, and I ask that they do that.

Point of Order

Hon PETER FOSS: The problem we are getting into is that we are getting further away from the motion that a report be noted. Hon Ken Travers has gone off on his trot down all sorts of matters that are not in the report. We have had replies and now we are having replies to the replies. We might as well start debating the Address-in-Reply because we are getting so far away from the central point. The member should deal with the question that the report be noted, otherwise he should sit down and we should vote on it.

The CHAIRMAN: There is no point of order, but I will pay attention to ensure that the comments members make are related to the motion and the report under consideration.

Committee Resumed

Hon KEN TRAVERS: It goes to the heart of this report. One of the important issues in all of this was that Mr Payne felt he was being made a scapegoat for the lack of action on prison planning. Mr Fletcher made comments that there was concern within the Cabinet about the lack of action on prison planning. All the way through the report there are comments about that. We have a minister of the Crown saying the chief executive officer is ultimately responsible, not him. That is a complete abrogation of the Westminster system.

Hon Peter Foss: That is nonsense, as between him and me, about who holds him responsible.

Hon KEN TRAVERS: I will also respond to a couple of the comments made by the Attorney General. He argued that I have been spreading gossip and innuendo and all the rest of it. I have made two key points which I hope have been acknowledged. The first is that in terms of the acceptance of the rejection of the conflicts in evidence between Fletcher and the Attorney General and between Fletcher and Byron, the test used by the committee was wrong, and I have been quite upfront about that. A different test should have been used, one that would have been more appropriate in civil cases in this State. I have also said that it is ultimately for the Premier to make a choice. The Premier is left in the invidious situation today of having conflicting evidence given by a chief executive officer, a responsible minister and his chief of staff. Ultimately the Premier must determine the facts. We should take it out of the political arena. I do not want it in this Chamber. I would love to see the Premier make the necessary inquiries to find out whose evidence to the committee was correct and whose was wrong, especially where there are areas of clear, black and white conflict. I turn now to the one area in the report from which Hon Muriel Patterson and Hon Simon O'Brien dissented, item 11.7 which states-

In relation to Mr Byron's resignation, it should be noted that the Committee recognises that it is not uncommon for pressure to be brought to bear on Chief Executive Officers by Government concerning staffing matters. In this regard, the Committee understands Mr Byron's concern that he may suffer some retribution if he did not comply with the changes being suggested by Mr Fletcher.

As Hon Bob Thomas mentioned earlier in this debate, it was clearly the case that Mr Byron felt that he might suffer some retribution. I can understand why he felt that way.

The first point made in item 11.7 is that the committee recognises that it is not uncommon for pressure to be brought to bear on chief executive officers by Government concerning staffing matters. When Hon Muriel Patterson spoke on this matter on 20 August, she said -

Hon Ljiljana Ravlich could not have been further from the facts of the case. It was thought initially that Mr Payne could be placed in a different area. It is as simple as that. That is not unusual in the Public Service.

I was amazed to hear that, because the one area from which Hon Muriel Patterson and Hon Simon O'Brien dissented was the committee recommendation that it is not uncommon for people to be moved around within the Public Service!

Hon Muriel Patterson: That does not necessarily mean it is a problem, or that it is done in anger. Sometimes it is for promotion, and sometimes it is because it is a better position for that person's abilities.

Hon KEN TRAVERS: Surely the issue here is whether the person was forced to move.

Hon N.F. Moore: You were not even there! You did not attend the committee and do not know what happened.

Hon KEN TRAVERS: If we could deal in this House only with matters that happened when we were physically present, we would not have much to deal with, would we?

Hon N.F. Moore: The way you go about it, you would not do anything.

Hon Muriel Patterson: You are assuming that Mr Payne would be moved to a lesser position. We do not know.

Hon KEN TRAVERS: Whether he was to be moved to a lesser position or another position, if he was being moved against his will -

Hon Peter Foss: You are assuming all sorts of things. The problem that Mr Byron had is that he had preconceived views of what he was being told; he heard everything in that way. The problem with comprehension is that if you go in with a preconceived idea of what you are about to hear, that is often what you do hear. Mr Byron unfortunately got it all mucked up.

Hon KEN TRAVERS: I find that extraordinary.

Hon Peter Foss: You were not there. You did not see what happened.

Hon KEN TRAVERS: It is a shame that the Attorney General did not advise Mr Byron about his concern that Mr Fletcher shoots his mouth off, because then perhaps Mr Byron would have gone into the meeting in a different manner.

Hon Peter Foss: Mr Byron resigned on the morning that he was meant to be meeting with me!

Hon KEN TRAVERS: One of the reasons that I got involved in this issue and started to look at it was that everything I had ever heard about Mr Byron was that he was a good operator, that he was doing a good job as the CEO of the Ministry of Justice, and that he was starting to gain the respect of the staff there, who for years had found it difficult to get any decent direction. It seems to me that members opposite have attempted at every step of the way to try to turn this inquiry around and to place all the blame on Mr Byron. That is unfair, because I have only ever heard good things said about Mr Byron.

Hon Muriel Patterson said also -

Mr Byron picked it up as a personal matter. We do not know how personal, except that he returned to Victoria very quickly.

I would love to have some explanation of what she meant by that comment. I hope she was not taking a cheap shot at Mr Byron, because no-one has yet given me a reasonable explanation of what would motivate a person who was the CEO of the Ministry of Justice to just get up and walk out of that job.

Hon Peter Foss: That is a interesting question, to which most of us would like to know the answer, but we did not have a committee that inquired into that.

Hon Muriel Patterson: How many CEOs have resigned without conferring with the Attorney General?

Hon Peter Foss: Do you think it is normal?

Hon KEN TRAVERS: No, but I do not think any of the process leading up to his resignation, in terms of his being dragged into the chief of staff's office, was normal.

Point of Order

Hon E.R.J. DERMER: Mr Chairman, I would like to hear from Hon Ken Travers.

The CHAIRMAN: There is no point of order.

Committee Resumed

Hon KEN TRAVERS: I would also love to hear from Hon Simon O'Brien, who was quick to ask a question of Hon Ljiljanna Ravlich in this place yesterday about whether she had discussed her motion with any union official or other person. I would love to hear Hon Simon O'Brien tell us whether he had any discussions prior to the completion of this committee's report - not with regard to its deliberations, but with regard to any of the matters surrounding this inquiry - with any member of the Government, or the like.

Progress

Hon N.F. MOORE: I move -

That the Chairman do now report progress and seek leave to sit again.

Question put and a division taken with the following result -

Ayes (14)

Hon M.J. Criddle	Hon Barry House	Hon Simon O'Brien	Hon W.N. Stretch
Hon Peter Foss	Hon Norm Kelly	Hon B.M. Scott	Hon Derrick Tomlinson
Hon Ray Halligan	Hon Murray Montgomery	Hon Greg Smith	Hon Muriel Patterson (<i>Teller</i>)
Hon Helen Hodgson	Hon N.F. Moore		

Noes (11)

Hon Kim Chance	Hon N.D. Griffiths	Hon J.A. Scott	Hon Ken Travers
Hon Cheryl Davenport	Hon Tom Helm	Hon Christine Sharp	Hon Giz Watson
	Hon Ljiljanna Ravlich	Hon Tom Stephens	Hon E.R.J. Dermer (<i>Teller</i>)

Pairs

Hon B.K. Donaldson	Hon John Halden
Hon M.D. Nixon	Hon J.A. Cowdell
Hon Dexter Davies	Hon Mark Nevill
Hon Max Evans	Hon Bob Thomas

Question thus passed.

Progress reported.

Standing Orders Committee - Proposed Amendment to Standing Order No 134 for a Right of Reply

[The President took the Chair.]

The PRESIDENT: Members will be aware that this report deals with a proposed amendment to Standing Order No 134 relating to providing a right of reply under certain circumstances in the Legislative Council. In the last session, on 30 April 1998, I gave a general explanation to members of why the Standing Orders Committee had proposed these amendments to Standing Order No 134. Unless it is necessary to repeat those comments, I seek a motion from the Committee.

Hon J.A. COWDELL: I move -

That the report be noted.

I move this motion so members may express opinions on this initiative. I will make comments on behalf of the Australian Labor Party following other comments.

Hon NORM KELLY: The Australian Democrats support the Standing Orders Committee's proposal to provide a right of reply. I appreciate the opportunity to discuss the matter today given that the debate originated in November of last year.

Mr President, I seek to move an amendment to what is proposed. Should I do that now or at a later stage?

The PRESIDENT: It is up to the member. It may be more convenient for the member to give a general overview. Once he arrives at the reasons for the amendment, he may then move it.

Hon NORM KELLY: This proposal is markedly different from what occurs in the Senate and the Legislative Assembly. However, it accurately reflects the way this Chamber and its committee system works. My only reservation is that, given the slow pace of work in certain instances in this place, assurances should be given to people who petition the Legislative Council for redress that the matter will be dealt with expeditiously. I refer to the role of a Standing Committee on Constitutional Affairs in receiving petitions. Although it considers the merits of all petitions - and I am sure petitions seeking redress will be given the highest priority - we should amend the proposed standing order amendment to prescribe that expedition. I propose that the committee reports within 14 days upon receiving such a petition on whether further action should be taken.

The second step of the procedure will be to ensure that the petitioner knows that he or she will have an answer in two weeks. That does not interfere with the wider inquiry. This will apply if the constitutional affairs committee finds a case needs to be investigated and requires paragraph (f) to be activated; namely, it will constitute the committee to include the Leader of the Opposition and the Leader of the House, or their respective nominees.

I am concerned that a tight time frame may not be maintained in the first step. Also, the second stage of the process, with a wider committee representation, may allow the committee to decide a matter expeditiously. It may be a complex process which will take time. I propose that the first step have a 14-day deadline for reporting on whether the issue should proceed, and the second step have a 30-day deadline to reach a resolution. However, flexibility will be possible through the words "unless otherwise ordered" in my amendment. Therefore, the Council can give the committee further time to consider complex matters.

It is very important that the Council provide an opportunity for redress to people and organisations relating to what occurs in this place. It is also important that a time frame apply. Rather than working in parliamentary time, which seems to be slow on occasions, people have an expectation that matters will be dealt with expeditiously. Therefore, I want to move -

To insert after the word "noted" the following words -

and that the Committee recommends that the text of the proposed amendment to Standing Order No 134 be amended as follows -

Paragraph (e) - To add the following -

The committee shall make and report its determination under this paragraph not later than 14 days of the day on which the petition stood referred.

Paragraph (f) - To add the following -

Unless otherwise ordered, the committee constituted under this paragraph shall report finally on the matter not later than 30 days of the day on which it was so constituted.

I reiterate that the Australian Democrats support the proposal.

Point of Order

Hon N.F. MOORE: The motion we are dealing with is to note the report. The motion proposed by Hon Norm Kelly is therefore premature and out of order. If the motion were that the Committee agree to the proposed new standing order, it would be appropriate. I seek your judgment, Mr President, before we proceed.

The PRESIDENT: The Leader of the House correctly notes that the original motion was that the report be noted. As such, that motion alone would not be binding if carried - the report would simply be noted. Hon Norm Kelly is moving one step further by recommending that the text of the proposed amendment to Standing Order No 134 be amended in the manner outlined in his motion. That is not out of order as such.

Hon N.F. Moore: That is not what his motion says.

The PRESIDENT: Tell me what the member thinks the amendment says. The way I understood Hon Norm Kelly's motion, it would not be out of order. Perhaps it could be something different.

Hon NORM KELLY: I asked earlier for advice on the procedure; that is, whether we simply note the report, or move to have the standing order adopted and, at that stage, move that my amendment be incorporated.

The PRESIDENT: It is not inconsistent to make a recommendation to the Chamber that is not binding. The simple way to proceed is in the first instance to note the report. Having considered what everyone has said, if Hon Norm Kelly wants to move forward with his proposition, it is up to the member to move his motion along the lines just stated. I now assume that the member will move his motion should the report be noted by the Chamber. Does that assist the Leader of the House?

Committee Resumed

Hon N.F. MOORE: I recognise that I have one minute. I read Hon Norm Kelly's amendment as a motion to alter the amendment to Standing Order No 134 rather than a motion to amend the text of the report. A distinction exists. The Chamber is not being asked to accept or reject the proposed standing order. I hope that when consideration resumes in a few weeks, the member who initiated this motion might tell us what he thinks about the report. Hon John Cowdell entered into this debate in a great blaze of glory some time ago saying that people should be able to petition Parliament. We could not do that here. The member moved a motion which was rejected by the House, and the matter was referred to the Standing Orders Committee.

Hon J.A. Cowdell: It is not my motion.

Hon N.F. MOORE: I look forward to Hon John Cowdell's comments to discover whether this amendment meets the requirements he sought when he initially raised the matter.

Debate adjourned, pursuant to standing orders.

Sitting suspended from 1.03 pm to 2.00 pm

ADDRESS-IN-REPLY*Motion*

Resumed from 16 September.

HON CHERYL DAVENPORT (South Metropolitan) [2.01 pm]: I took the opportunity during the winter break to visit the United Kingdom. I saw a range of services relevant to both my role as shadow spokesperson on seniors and women's reproductive health. On my return, I prepared a report which I am sure members will be pleased to look at; a copy is in the Parliamentary Library. I looked at a whole range of services and I will briefly touch on some of them. During my speech I will relate some of the services I have seen on my return here compared to the services I looked at in Britain.

In relation to aged care services, Australia is much better off than our UK counterparts, not least because our population has not yet reached the number of seniors that are evident currently in the UK. The statistics I have seen show that the level of seniors in Britain today is about 25 per cent of the population whereas in Australia it is just over 14 per cent. Only when we reach the year 2015 will Australia reach the number of seniors currently in Britain. However, these statistics show that we need to be vigilant to ensure that we provide services for people as they age. By the year 2021 over one-third of all UK households will be headed by a person over the age of 60 years. One in six households will consist of a person aged 60-plus and living alone. Another interesting statistic that I identified was that 72 per cent of those persons aged 80-plus are women.

Hon Derrick Tomlinson: Did you say that is current?

Hon CHERYL DAVENPORT: Yes. That information was derived from the UK census data on social trends in 1997. Those statistics are sobering in terms of trying to meet the needs of people as they age. As I have an ongoing interest in this in Western Australia, I was particularly interested in looking at how the UK coped with community care to try to ensure that people do not enter institutional care prematurely. Community care in the UK was legislated for only in 1993. That is very late. In Australia it has been legislated for since 1985. In the UK the assessment process for the provision of those services is carried out through local government authorities. Generally, they contract both non-government organisations and private-for-profit sector agencies to provide services. It seemed to me that services are provided on an ad hoc basis and based primarily on the user-pays system, which is now starting to creep into the Australian system. Because of the age of the British population, the care emphasis is very much placed at the high need-consuming area. That means that people in the lower priority areas tend to miss out. The amount of advocacy available for seniors in particular, and the evaluation processes to assess whether they are getting access based on need does not seem to be working well there. The other area that surprised me was that as many as 800 000 to 1.1 million people may be eligible for income support payments but do not claim them currently. The social security system in Britain is, I guess, saving money because the information is not available in the community for people who might access it and improve their quality of life.

It was interesting to talk to service provision operators in Britain. They were absolutely horrified to know that our funding for services such as community care was still provided through the government system. They clearly said that as the population ages this will not continue because the system will not be able to sustain the money that will be needed. That is something for us to be vigilant about as our population ages, because it is difficult now for people in the community. Many will fall through the net if those services do not remain in place.

A royal commission has been set up currently in Britain right across the country for a 12-month period to consider long-term care funding of seniors and the services they need. It is aimed at assessing and evaluating the needs of older persons. That is being conducted across the board involving both well and frail age people. I am keen to get that report. It will conclude in December and I have contacts in the UK through whom I hope I will be able to get access to the report when it is complete. The findings may help us to base some of our policy decisions for the future to help us meet the need that will exist. One of the things that became evident was there was not a lot of interaction between the health ministry and the social security ministry in the past and that seems to have been looked at and is now starting to improve. There is now much more of an insistence by Cabinet for those two departments to be coordinated to ensure a holistic approach to seniors occurs.

When a Government assumes office after another Government has been in power for a long time, a fresh look is taken at a number of things. That is one of the positives that has become apparent since the Labour Government took office in Britain last year. The whole notion of the current service in Australia for home and community care is far superior to that in Britain. However, I am concerned about the emerging evidence that Australia is beginning to head towards the approach adopted in the United Kingdom where fee-for-service applies. Nowhere has that been more evident than in the past 12 months when the States and the Commonwealth have continued to argue about how fee-for-service will be introduced in this State. I found out purely by chance, during the budget estimates debates, that the fee-for-service, which has been forecast for the past three years in Western Australia, would begin on 1 July this year.

I have worked in this field for a number of years, and there are still no clear guidelines about how fee-for-service will work in this area. We have been told that all services must have a fee-for-service policy in place by the end of this financial year, that perhaps for the next two years service providers will be able to plough that money back into service delivery, but that at the end of that time all services will be assessed on the basis of where unmet demand occurs. We have been told that the money received as grants, together with the fee-for-service money the agencies collect, will be assessed and the grants could decrease to meet unmet demand in other areas. I find that a worrying trend because I know that where I have worked in the East Victoria Park and Carlisle areas of my region, the unmet demand for the services has grown over the past three years. Currently there are waiting lists for home help, gardening and maintenance, care aiding and access to the frail age day centre. When I was first involved in that program, there were no waiting lists. Currently on a monthly basis the names of between 12 and 15 people are on waiting lists for those services. That takes into account that at any time people move from the program to go into permanent care, die or move to other situations. Those waiting lists do not seem to change very much.

They have not decreased over the past 12 months. I acknowledge that in the past three years growth funding has been received for home help services, gardening and maintenance requirements. However, it is not keeping pace with demand. The area to which I refer has a high population of people over the age of 55 years, and that trend will not diminish for some years yet.

The home and community care agency in the Health Department has advised that a fee-for-service policy must be in place. The program which I convene has had a fees policy in place for the past four years and, even though it is a voluntary fee, most clients, unless they can demonstrate an inability to pay, generally pay a fee. However, we are still not keeping up with the demand.

The commonwealth-state relations continue to be a problem in that area, and it does not seem ever to be resolved. One of the major problems with the HACC services in the Health Department is lack of staff at the frontline to see where the money is being spent. My local service runs a very lean and appropriate service. It does not over-service. An assessment policy is in place whereby people are assessed every six to 12 months to determine whether their need is such that they must be assessed by an age care assessment team with a view to permanent care. Despite that, we are not meeting demand in the community. That worries me, in view of the fact that we are told that in two years, when the policy is in place, we may lose part of the normal recurrent grant to meet demand in other areas of the State.

I will briefly refer to the question I raised recently in an urgency debate in this place about the goods and services tax, and how it may impact on home and community care services. I had the opportunity to facilitate a visit by my federal Labor counterpart, Jenny Macklin, to our centre to meet seniors, as part of the federal election campaign. It was an important visit because it made the Federal Government finally clarify the fact that meals on wheels would be free from the GST. However, the information we received from the office of Hon Warwick Smith, as a result of her visit, is not clear. I refer to a section of the coalition's tax reform package under the heading "How will the GST apply to nursing homes, hospices and hostels?". It does not deal with HACC as a separate item in relation to the GST, but poses the question: Will home nursing care be subject to a GST? It states -

No. They will be GST-free. Nursing home services provided to the elderly in their own home, including Home and Community Care services, will be treated in the same manner as if the person had been a resident in a nursing home.

Prior to the debate in this place, to which Hon Max Evans replied, I telephoned the coalition's hotline to clarify this issue. The person answering the telephone could not tell me whether HACC services would be GST-free. The only information the minister has since provided is the paragraph on home nursing. Home and community care services are not just home nursing. HACC provides services such as transport to take people who live in their own homes to medical and specialist appointments, basic maintenance and gardening services so that people can stay in their own homes, home help on a weekly or fortnightly basis to do some cleaning, and care aiding which helps people to maintain their banking facilities, do their shopping, washing and showering, and other such things. This section of the tax reform package as it relates to the GST and the people who receive those services is not clear. I am pleased that the minister said publicly on radio that meals on wheels will be GST-free, but I am not sure if the other services will be.

Hon Derrick Tomlinson: That is free to the clients.

Hon CHERYL DAVENPORT: Yes, to the clients.

Hon Derrick Tomlinson: But not to the goods purchased for the meals.

Hon CHERYL DAVENPORT: No, that is still subject to a GST. The centre still does its own cooking every day, and it is not a freeze-dry service. That will not necessarily bring the prices down, and I would be very surprised if it did, because perishables are more likely to increase in price.

Hon Simon O'Brien: Why?

Hon CHERYL DAVENPORT: By perishables, I mean fresh foods which currently are not subject to a wholesale sales tax. There is a wholesale sales tax on some processed foods, but not on fresh foods.

Hon Simon O'Brien: The prices for fresh foods fluctuate by 100 per cent from week to week anyway.

Hon CHERYL DAVENPORT: They do, but this service buys fresh food on a daily basis. It provides between 80 and 120 meals daily, and also delivers the meals on wheels service.

Hon Simon O'Brien: It is a very valuable service.

Hon CHERYL DAVENPORT: Yes, it is, and the seniors in that area utilise it all the time. I still think a whole range of things need to be urgently clarified.

I continue with the notion of a GST. Earlier this week I attended the annual general meeting of the Council on the Ageing. It is generally held to be a relatively conservative organisation, but its latest newsletter contains some comment on the GST. I refer to a letter from the executive director of that organisation, under the heading "Seniors have the right to learn - why then should education for seniors be subject to a GST?". The Council on the Ageing over the past two or three years has run a very successful program which offers computer training for seniors. I have been to the centre on a number of occasions and it is worth looking at. A range of people, from 70 to 96 years of age, are consumers of that service. I can tell members that 2 000 seniors have graduated from the service and in the past 12 months it has had a 300 per cent increase in demand. The quite frightening thing is that, because the computing service tuition offered at the centre is said to be a commercial activity and competes with other businesses that might offer the service, it will now be subject to a 10 per cent GST. Obviously, seniors are not happy about that; nor is the Council on the Ageing. It denies access to seniors in a quite unfair manner. They could go to a technical and further education course which would be GST-free; however, they chose to do it with the Council on the Ageing because they can attend the course with their friends and have some social interaction. The council is in the Wesley Centre building and after the morning tuition is over the participants can have lunch, so the socialisation goes on. Many will think twice about attending that service because, as COTA has been advised, commercial activities will be subject to a GST to avoid unfair competition with other businesses.

Those services the seniors have been accessing for the past two to three years will become more expensive and the numbers will drop. In his article in the newsletter, the executive director observed that seniors contribute to society and, oddly enough, they still vote. We would do well to note those words and not dismiss our seniors community as not having the right to participate the same as the rest of us do in the normal operation of community.

Hon Derrick Tomlinson: Who are you talking about? I am a member of Parliament.

Hon CHERYL DAVENPORT: The member is not quite a senior yet, although he probably does not have long to go! I should also indicate that the Council on the Ageing at the national level has done an analysis of the Federal Government's tax reform package. In the summary of issues, it asks - it is quite worried about these issues - whether there is adequacy in the compensation package for older people on the age pension; whether there is fairness; and whether the package will deliver the most benefits to the highest income groups among older people at the expense of the lower income groups. Another concern is that food, health and community services should be GST-free. Although we know health services have been exempted, a range of health-related services may not be.

I return to my report. While I was in the United Kingdom, I took the opportunity to find out what Britain and the European Community are doing for the International Year of the Older Person, which commences on 1 October this year. I spent a worthwhile morning with Age Concern - Eurolink Age, the non-government organisation contracted to coordinate the approach for the 15 European countries as they participate in this United Nations program. Some interesting statistics this organisation has already brought together include the fact that, today, 120 million people in the European Union are already aged 50 years or over. Together they make up one in three of the population, two out of every five voters and seven out of every 10 disabled people. By the year 2020, more than 150 million people in the European Union will be aged 50 years or over and, of these, 25 million will be aged 80 years or over.

Hon Derrick Tomlinson: If you carry that through to 2050, you will find the aged population will decline. There will be a decline not only in the ageing population, but also in the total.

Hon CHERYL DAVENPORT: That is right, because the birth rate is not keeping pace with the ageing community.

Hon Derrick Tomlinson: I have a responsibility.

Hon CHERYL DAVENPORT: We all do! They are very sobering figures. We should look at them in the context of the challenges which will be highlighted during the International Year of the Older Person and the four priority themes for this year to be taken up by the United Nations - to look at the situation of older persons; at lifelong individual development; at multigenerational development; and at development and ageing of populations. I believe that with those sorts of themes, we will get some very interesting material; and hopefully we, along with all the other countries that are participating in the international year, will take another look at how we respond as a country and as a State to our ageing population.

I have spent some of my parliamentary career concentrating on this area of policy, and it is becoming increasingly clear to

me that we need to spend far more time on it. Seniors currently comprise 14.2 per cent of Australia's population. However, by 2020, seniors will comprise 25 per cent of Australia's population. Governments and Oppositions can no longer afford to ignore this group in our population, because they do so at their peril.

As a result of the Acts Amendment (Abortion) Bill in which I was involved earlier this year, I also took the opportunity while I was in the United Kingdom to look at abortion law reform matters. In the United Kingdom, the termination of pregnancy has been legalised for some 30 years. I was interested to see, given that our circumstances do not allow this, that all women in the United Kingdom can receive, through the National Health Service, access to free counselling if they so choose. I visited a number of church and community-based organisations that offer counselling services. The situation in the main is that hospitals and general practitioners contract under the National Health Service to provide counselling services, as do non-government clinics that are generally funded through foundations and trusts to provide services. Therefore, access to counselling is far easier in the United Kingdom than it is in this State.

While I was in the United Kingdom, I was invited by an all party committee of the House of Lords to address a meeting in the Commons about a campaign that was launched in April under the banner "Voice for Choice Campaign UK 1998". The aim of that campaign is to liberalise the abortion laws in the United Kingdom to make some sections of its legislation more accessible than they are currently. For example, it is seeking to allow access to a termination up to and including the first 14 weeks of pregnancy with the approval of only one doctor rather than the current process whereby approval must be given by two doctors.

The campaign is also examining the situation in Northern Ireland, which has been exempt from the British abortion laws for the past 30 years. The common practice is that an Irish woman who wants to terminate a pregnancy goes to the United Kingdom for that termination. That is totally unacceptable when we are almost at the end of the twentieth century and are moving towards 2000.

The United Kingdom reform is seeking to place a duty on doctors who have a conscientious objection to abortion to declare that to the woman who is seeking a termination and to refer her immediately to another doctor who does not share that view. It also places a duty on the National Health Service to provide adequate abortion services to meet local needs. A range of services are provided throughout Great Britain that are not uniform. An easy way out with regard to termination of pregnancy in that country is the use of the drug RU-486, which is far more cost effective for the National Health Service than is a surgical procedure. But women need to choose between surgical or chemical terminations.

The day before I addressed that committee, an interesting debate had occurred about whether abortion should remain a national law or be devolved to the Scottish Parliament; and I am pleased to say that after a feisty debate, the vote that was taken - on conscience grounds - was that abortion should remain a national law in Great Britain.

I return now to the Western Australian situation. After the proclamation of the Acts Amendment (Abortion) Bill earlier this year, I was approached by a range of organisations and individuals who work in this field who were concerned that not enough counselling services were available in this State to cope with the provision in the Bill that the woman must give informed consent. I wrote to the then Minister for Health, Hon Kevin Prince, about that concern. In the past three months, that concern has been realised. Although counselling is provided by women's health care centres, family planning clinics and some church organisations, Perth has very few non-government counselling organisations, and women who do not have private health cover must pay a high fee to access private counselling services.

Section 334(5) of the Act provides that in order to meet the informed consent provision, a medical practitioner must offer the opportunity of referral to appropriate and adequate counselling about termination of pregnancy and carrying a pregnancy to term. The Health Department in its wisdom has tried to overcome the concerns about the lack of counselling services by providing the booklet that many of us received, and by providing a range of brochures, and while those documents are useful, that still does not mean that doctors will feel comfortable providing counselling.

In the past three or four years, the family planning clinics have counselled about 300 women annually who have presented with unwanted pregnancies. However, in the past three months - June July and August - they have counselled 200 women with unwanted pregnancies; and if we project those statistics for a 12-month period, they will counsel close to 800 women. It is clear that general practitioners are not feeling confident to provide the counselling and are referring women to other agencies to receive it.

Hon Derrick Tomlinson: The Family Planning Association has said for years that general practice has inadequate training and information on women's sexual reproductive health. The association sees itself as playing a very important role in educating the general practitioners.

Hon CHERYL DAVENPORT: Since the proclamation of the Act, the association has conducted seven or eight seminars for GPs, certainly within the metropolitan area - I do not know about the country. Nevertheless, these seminars require extra resources and are stretching the association's budget.

All women's health care services have waiting lists. When a woman presents with an unwanted pregnancy, other people, not necessarily women, who attend the family planning birth control counselling, or whatever -

Hon Derrick Tomlinson: Sexual reproductive health counselling.

Hon CHERYL DAVENPORT: - are put further back in the queue to enable women to receive counselling regarding unwanted pregnancies. I know that the organisation has approached the new Minister for Health. I was concerned with the response I received from the previous Minister for Health, Hon Kevin Prince, dated 21 July. It is useful to read that letter onto the record. Many members will recall the debate which took place on the notion that when women present to their doctors, they generally know the course of action they want to take. Having inserted the informed consent provision into the legislation, along with other amendments moved in the other place, many of us knew that the situation the minister described in his letter would subsequently occur. The former Minister for Health said -

A number of services currently offer subsidised counselling for women seeking a possible termination of pregnancy in Western Australia. These include Family Planning Association, with two clinics in metropolitan Western Australia and a telephone information and counselling service, Women's Health Centres located within metropolitan and rural Western Australia, and some general practitioners. Non-specialist counselling is also available from other non-government organisations such as Anglicare.

In considering the possible demand for counselling following amendments to the Health Act, past experience of service providers suggests that it is unlikely that the majority of women will choose to take up the offer of counselling to discuss their possible termination of pregnancy. Most women make their decision about terminating their pregnancy following discussions with family and friends and many prior to attending a medical practitioner.

We argued along those lines in debate on the Bill earlier this year: We said that most women have made up their mind by the time they see the general practitioner. The provision was inserted into the Act to make it a mandatory requirement that the doctor must offer counselling. I have no difficulty with that requirement. However, I object to the fact that the services are not available for women to access. The lack of resources to ensure access is clear, and the Act has been in operation for only three months. I hope that the new Minister for Health, Hon John Day, will look at this issue. If we are really to try to reduce the number of terminations in Western Australia, we must provide the necessary services. Clearly, that is not happening at the moment.

Finally, I refer to an advertisement which appeared in *The West Australian* of 5 September. I made some inquiries and established that the Women Hurt by Abortion organisation has received \$40 000 in the last few months. In the advertisement the organisation claims to have been funded by the Western Australian Government as part of a grant to establish a post-abortion syndrome counselling service in Western Australia. I have no difficulty with that organisation being funded either. However, I find it fascinating that it received funding for post-abortion syndrome counselling when the Government has not seen fit to provide counselling to meet the spirit and intent of the legislation which passed through Parliament earlier this year. I have pleasure in supporting the Address-in-Reply.

Debate adjourned, on motion by Hon E.R.J. Dermer.

CRIMINAL LAW AMENDMENT BILL (No 1)

Assembly's Amendments

Amendments made by the Assembly now considered.

Committee

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

The amendments made by the Assembly were as follows -

No 1 -

Clause 4, page 6, line 2 - To delete "gifts" and substitute "items".

No 2 -

Clause 4, page 6, line 12 - To delete "contacted" and substitute "communicated with".

No 3 -

Clause 4, page 6, line 15 - To delete "contact" and substitute "communicated with".

No 4 -

Clause 4, page 7, after line 15 - To insert the following new subclauses -

" (2) Schedule 2 to the *Bail Act 1982* is amended in item 1 by deleting the entry relating to section 338D of *The Criminal Code* and substituting the following -

" s.338E Stalking "

(3) Schedule 1 to the *Criminal Law (Mentally Impaired Defendants) Act 1996* is amended in item 1 by deleting the entry relating to section 338D(1)(d) of *The Criminal Code* and substituting the following -

" s.338E(1)(a) Stalking committed in circumstances of aggravation. " "

No 5 -

Long title, page 1, after line 3 - To insert the following -

and to amend various other Acts as a consequence.

Hon PETER FOSS: I move -

That the Assembly's amendments be agreed to.

Amendment No 1 relates to clause 4 and will delete "gifts" and insert "items". The definition of "pursue" currently reads to "repeatedly cause the person to receive unsolicited gifts". This amendment relates to cases like Judith Durham's, who repeatedly received unwanted items like doormats as gifts. It might be a load of gravel or a severed pig's head. They would not be regarded as a gift. A non-specific term is more appropriate.

Amendment No 2 to clause 4 changes "contacted" to "communicated with". The reason for that suggestion is that "contacted" suddenly appears in proposed subsection (2) without previously being used. It was recognised that moving from "communicated with", as found on the previous page, to "contacted" was likely to lead to confusion or the suggestion that something else was intended by the different term. "Communicated with" is a better term. Amendment No 3 similarly deletes "contact" and substitutes "communicate with".

Amendment No 4 is to provide for amendments to schedule 2 of the Bail Act and schedule 1 of the Criminal Law (Mentally Impaired Defendants) Act. Due to the renumbering of the provisions, section 338D of the Criminal Code will become section 338E.

In schedule 2 the only stalking offence inserted is that which is not the summary offence. Similarly, in schedule 1, it is the stalking committed in circumstances of aggravation. It is a direct substitute of the new numbering for the old and should have been picked up before.

The fifth amendment is to the long title. A small change is required to the long title as a consequence of the amendments to the Bail Act and Criminal Law (Mentally Impaired Defendants) Act. I commend each of the amendments to the House.

Question put and passed; the Assembly's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

SELECT COMMITTEE ON NATIVE TITLE RIGHTS IN WESTERN AUSTRALIA

Extension of Time

Hon Tom Stephens (Leader of the Opposition) reported that the Select Committee on Native Title Rights in Western Australia had requested that it be permitted to present its report on or before 31 October 1998, and on his motion it was resolved -

That the report do lie upon the Table and be adopted and agreed to.

[See paper No 174.]

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT BILL

Committee

Resumed from 16 September. The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

Clause 7: Section 11 amended -

Progress was reported after Hon Norm Kelly had moved the following amendment -

Page 10, after line 7 - To insert the following -

" (3) Section 11 (3) of the principal Act is amended -

(a) by deleting "either - "; and

(b) by deleting paragraph (a) and (b) and substituting the following -

2 persons licensed under the *Land Valuers Licensing Act 1978*, one of whom is appointed by the landlord and one of whom is appointed by the tenant. "

Hon BOB THOMAS: The Labor Party supports the Democrats on this amendment. This amendment makes it mandatory for two land valuers to be employed for the purpose of a rent review; one by the lessors and one by the lessees. Initially, I opposed this measure because I felt that it was an additional cost to retailers who might decide to work with the lessor and share a land valuer. However, I have been advised by members of the industry that sharing a valuer with property owners is not in the best interests of small business people. People in the industry tell me that it is a closed shop and that there are probably five large landlords in town and many land valuers work almost exclusively for property owners. In some cases, land valuers attend the commercial tribunal and act as an advocate for the property owners. It is understood by people in the industry that in many cases the land valuers are only interested in pleasing the property owners in order not to jeopardise future employment prospects. Therefore, the Labor Party is keen to see this issue debated and reconsidered in another place. Some arguments may be put forward in that place which convince it that this is the right way to go.

Sharing a land valuer could be damaging to a small business person. I spoke to somebody who is involved in a case of a restaurant in a shopping centre which was due for a rent review. The restaurateur had a valuer examine the business. That independent valuation suggested the rent should rise by 5 per cent. A second opinion indicated that the rent should increase by 9 per cent. The rent would rise from \$145 000 to \$152 000 in one case and to about \$160 000 in the other. The landlord's valuer said that there had been an appreciation of 95 per cent, so the rent would jump from about \$140 000 to nearly \$240 000 as a result of his valuation. Members can see the discrepancy. The landlord's valuer is well known in the industry and he is known to work for property owners. After hearing of that example, I am now of the opinion that we should support the amendment and allow the debate to progress. I would like the issue to be debated in another place where the minister and the Opposition spokesman are based. I am keen to know what new issues are raised in that forum. The Opposition has agreed to support the amendment.

Hon RAY HALLIGAN: I understand where Hon Norm Kelly is coming from and I appreciate that. In view of what has been said about some of my remarks over the past few days, I am concerned about the remarks by Hon Bob Thomas. Land valuers are qualified professionals. Hon Bob Thomas indicated that they work only for big business - the property owners. I do not think that they would like to hear that.

Hon Bob Thomas: I did not say that.

Hon N.D. Griffiths: He said nothing of the kind, and you know it.

Hon RAY HALLIGAN: Members should wait to read *Hansard* tomorrow. That is fine; if I am wrong, I will apologise. If Opposition members are wrong I will expect them to apologise to me. If those were not the words, that was the implication.

Hon N.D. Griffiths: I see.

Hon RAY HALLIGAN: The point is that I said "if". Opposition members are denigrating that profession. As Hon Nick Griffiths would understand, solicitors often act for both parties in certain transactions. I do not know whether people point the finger at Hon Nick Griffiths' colleagues.

Hon N.D. Griffiths: They do, if they happen to be the Attorney General.

Hon RAY HALLIGAN: Is Hon Nick Griffiths suggesting that it is only if it is warranted?

As I have said, I understand why Hon Norm Kelly is trying to protect the small business owner and operator. I believe that the word "or" between the two subclauses does exactly the same thing. Again, it is just a matter of small business operators going to their advisers and asking which path they should follow. There is no necessity to leave out that option. It could save small business operators money if they were comfortable in going down that path. If they were not comfortable, they could certainly have two independent valuers.

Hon NORM KELLY: It is important to ensure that we save the retailer money in the long term, as rent will be paid for years to come. In respect of valuers being professionals, the argument applies to several professions. Accountants are regarded as professionals, but some accountants work purely for a certain sector of industry because they have the relevant expertise and they know what their clients want. The same occurs with valuers. They can end up working for one sector of the industry, and tenants might regard some valuers as comparatively favourable towards them. That will be the natural flow of things. The process is initiated not by the valuer but by the landlord. A landlord who is new to the game will probably try out several valuers. After a few determinations he will come to realise which valuers tend to err on the landlord's side, so he will give those valuers the work. It is not as though there is an inherent bias in some valuers, it is just the normal way of things in the bigger picture. I accept that in an ideal world there can be agreement between the tenant and the landlord, but as I said last night we are talking about a situation in which they are already in dispute, and unless we are able to put into place unconscionable conduct laws there could be coercion in selecting a certain valuer. I appreciate the Australian Labor Party's support for the amendment, even if it is only at this stage of the Bill's progress.

Hon MAX EVANS: There might be a time when the tenant and the landlord want one valuer. The Valuer General's Office employs more than 100 valuers, and these days it does more valuations than ever before of business, property and plant and equipment for local government, in addition to land valuations. I would like to think that most valuers work on a proper and reasonable basis for both parties. The Bill refers to a person who is agreed to by each of the two parties. I see where Hon Norm Kelly is coming from, but if the parties are in confrontation they might not agree to one valuer, although at other times they might wish to do so. The Government does not support the amendment, but it accepts what Hon Norm Kelly is trying to do. We will just see how it works out.

Hon BOB THOMAS: I wish to respond to the remarks of Hon Ray Halligan. At no stage did I try to denigrate the profession of valuers, but in a real world we must appreciate that there will be some valuers who understand where their loyalty lies, and that is in working for property owners. Some valuers will want to continue to secure work from large property owners. Naturally, some of their decisions will be biased towards a property owner. Hon Ray Halligan shakes his head. He must be one of those who believe in the esoteric argument that the market will find its level. We are talking not about a free market but a huge disparity in bargaining power. We have only to look at other clauses that are designed to take away some of those powers which are being abused by property owners. That is why we are putting in ratchet clauses and taking away the right for property owners to charge management fees as variable outgoings. We are doing that also because some property owners abuse their power and do some unconscionable things. I have given the Chamber the example of one valuer who does the majority of his work for property owners and who was able to come up with a valuation which indicated

that the rent should increase by 95 per cent, whereas two independent valuers indicated that the rent should increase by between 5 and 9 per cent. Hon Ray Halligan is away with the fairies if he believes that property owners will not abuse their power. He is even further away with the fairies if he does not understand that some valuers know where their meal ticket is. As a result of that, I am one of those who have changed their view on the clause. The Opposition has decided to support the provision. Members on this side are keen to see the issue further debated in another place, and that is why we will support this amendment.

Hon J.A. SCOTT: The 1985 Act provides for an agreement between the parties to get a valuer with whom both are happy, or they can each get a valuer. Hon Norm Kelly's proposed amendment removes an option rather than adds anything new. I do not understand how this would improve the situation. If a person did not agree about a valuer, obviously there would be two valuers. I would like to know why the member wants to remove the cheaper option.

Hon MAX EVANS: I hope Hon Norm Kelly can explain this. He obviously has a very good reason for proposing it, but I cannot see it.

Hon NORM KELLY: As has been mentioned by a number of members, the reason for insisting on two valuers rather than allowing the option is that we have this imbalance in power between the landlord and the tenant. Most cases occur in large regional shopping centres in which landlords deal with perhaps 100 different tenants. Because the legislation contains no provisions outlawing unconscionable conduct, the landlord has various ways in which to coerce the tenant to agree to a single valuer. Under the current laws, the landlord can make it very difficult for the tenant if he will not agree to a single valuer.

Hon J.A. Scott: How would he make it difficult?

Hon NORM KELLY: The tenant must operate in that situation for a number of years. It may come up when relocation -

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Hon Norm Kelly will address the Chair. If he does his voice will carry to the Hansard reporter as well as to the Chair.

Hon NORM KELLY: A number of mechanisms exist whereby the landlord can force out the tenant if need be, such as adjusting the tenancy mix. The landlord could say that if the tenant refuses to agree to have a single valuer he might find a new store opening nearby selling the same goods.

Hon Simon O'Brien: If we accept that an unscrupulous landlord, in effect, bullies a tenant into accepting the single valuer, surely it will have the same result. That is not the mechanism to address that issue. We could retain the option and say that if an unconscionable landlord shoves something down a tenant's throat, the tenant has the option of requesting two valuers.

Hon NORM KELLY: The consequential amendments I will move clarify this. Under the current Act, if they use two valuers and there is a discrepancy about the rent to be paid, that can be referred to the registrar for determination. This amendment will also ensure that part of the mechanism. With two valuers, if there is disagreement, the registrar can be brought into the picture to determine a fair rent.

Hon MAX EVANS: I understand what the member is saying in relation to unconscionable treatment by landlords, and that could be the case. The member has explained that if the two valuers do not agree, those involved can go to the registrar. Proposed new sections 6 and 7 deal with this. The member may have a case, but I do not see it. The Bill covers these situations. We are spending too much time on this issue. It will not harm the Act to have this provision but, as I said last night, no-one raised this issue during the Green Bill process. From where has it come? We know the origin of Hon Bob Thomas' amendments. What section of the retail sector is pushing for this? It has been in the Act previously. I presume the member is quoting someone who has had a real problem with this.

Hon NORM KELLY: It has come from tenants' associations and a number of individual tenants, mainly in the grocery area. When I recognised it as an issue, I asked some tenants about it. The general consensus is that they would prefer that the legislation provide for two valuers.

Hon MAX EVANS: The answer depends on how one asks the question. Were they fully cognizant of the fact that those in a dispute situation can have one or two valuers? I doubt that.

Hon Norm Kelly: I did not ask the question in a vacuum.

Hon J.A. SCOTT: Hon Norm Kelly's answer is that the landlord is in a position to put all sorts of other pressures on the retailer. The example provided was that the landlord could move the tenant to a less desirable location. That can be done

anyway; if the valuation is kept down, that can still happen. I do not see how this will prevent that sort of punitive action. That requires a separate remedy. As was mentioned earlier, we will consider a similar matter in the debate on unconscionable conduct. It would be more appropriately handled in that way rather than taking away an option that would be better and cheaper.

Hon N.D. GRIFFITHS: The Opposition supports this amendment at this stage, primarily because it wants this Bill to move along. Enough has been said. The matter should be put to a vote quickly, and if this amendment is passed the matter should be dealt with by the principal speakers, namely the Minister for Fair Trading and the member for Bassendean.

Hon NORM KELLY: I am sure Hon Nick Griffiths would prefer Parliament to work with just the two main dogs in the fight. However, in recent elections we have seen increasingly that people want to be reassured by involving other parties in the political process. We have seen enough occasions in which the coalition and the Australian Labor Party have failed to represent the views of people such as small retailers.

Hon N.D. Griffiths: That is a load of rubbish and Hon Norm Kelly is filibustering on his own amendment. The Opposition supports the amendment and wants the matter moved along.

Hon NORM KELLY: Hon Nick Griffiths' first contribution to this debate is that it should be between the Minister for Fair Trading and member for Bassendean. I agree that the debate should be contained to people who know something about the Bill.

Amendment put and a division taken with the following result -

Ayes (10)

Hon Kim Chance	Hon Tom Helm	Hon Ljiljanna Ravlich	Hon Bob Thomas (<i>Teller</i>)
Hon E.R.J. Dermer	Hon Helen Hodgson	Hon Tom Stephens	
Hon N.D. Griffiths	Hon Norm Kelly	Hon Ken Travers	

Noes (15)

Hon M.J. Criddle	Hon Barry House	Hon B.M. Scott	Hon W.N. Stretch
Hon Max Evans	Hon Murray Montgomery	Hon J.A. Scott	Hon Giz Watson
Hon Peter Foss	Hon N.F. Moore	Hon C. Sharp	Hon Muriel Patterson (<i>Teller</i>)
Hon Ray Halligan	Hon Simon O'Brien	Hon Greg Smith	

Pairs

Hon John Halden	Hon B.K. Donaldson
Hon Cheryl Davenport	Hon M.D. Nixon
Hon Mark Nevill	Hon Dexter Davies
Hon J.A. Cowdell	Hon Derrick Tomlinson

Amendment thus negated.

Hon NORM KELLY: I move amendment L7 -

Page 10, line 20 - To insert after the word "review" the following -

provided that such rent shall not be payable at a rate faster than the rate at which it has accrued

Basically an adjustment for rent, after a rent review, is payable upon determination. Usually the wrangling over what the new rent will be takes place over a matter of months. It can go to the registrar for determination and that may take up to 18 months after the rent review fell due. The determination may be that the rent is to increase by \$100 a week. Although the Government's proposal is commendable - that is, until the determination is made no adjustment is to be made to the rent - by making the adjusted rent fully payable upon determination, depending on whether the determination favours the landlord or the tenant, the amount which has accrued over that 18-month period falls payable there and then. That can be a difficult imposition, particularly on the tenant with limited resources. If the tenant defaults on that one payment it can have severe implications in any further rent review or take-up of an option, because it will give the landlord an opportunity to say that

the tenant has been in breach of the lease. My proposal is that in a case, for example, where it has taken 18 months to determine that an adjustment is necessary, it be paid back at the same rate.

Hon Max Evans: Do you mean it will be spread over the 18 months following that?

Hon NORM KELLY: That is right. If the adjustment is \$500 a month the amount that has accrued is then payable at \$500 a month over the next 18 months. This is not something that favours only the tenant because the determination could be in favour of the tenant or the landlord. However, it is a fairer way of allowing that money to be paid back. I hope it will also have the added effect of encouraging people to bring about a determination at an earlier date. I am sure that neither the landlord nor the tenant wants these matters dragged out any longer than necessary.

Hon BOB THOMAS: The Opposition supports the amendment. It will establish a rate that is consistent with the rate at which the rent increase had built up and must be paid back at the same rate.

Hon MAX EVANS: We are looking at all these things. Two people can play games; sometimes it is the landlord and sometimes it is the tenant. This provides an incentive for a tenant to delay the time for some agreement because it will come out the other way. I suppose if he concedes he will get a lesser amount, he will accelerate it.

I understand exactly what the member is talking about. The change may introduce the potential for manipulation by a lengthy dispute to gain the advantage in time repayment of a new rental level, which is what I would do if I were the shopkeeper and it looked like it was going against me.

Members will be aware the Bill also allows rentals to fall. Therefore, the amendment means that the full benefit to the sitting tenant of the lower rent would be deferred to future months rather than through an immediate adjustment via the next monthly service. That is probably when the landlord would delay it, although the amount of money is more material to the tenant than it will ever be to a landlord; he has a lot of other shops although they might have the same problem. Any business or whatever that is likely to have a price adjustment to its input should make an appropriate provision for future liability; that is really what it amounts to. Members know in debating this legislation that it goes on for many months and if the person is on a loser, he should put the money aside. That is not always that easy but the person must find the money sooner or later, and he should put it aside as interest. I am not too certain whether the existing situation makes it any more certain. However, this provides a greater degree of uncertainty because both parties will play the game to their own benefit, which would worry me.

Hon BOB THOMAS: Perhaps I was a bit brief in indicating that the Opposition supports this, because it establishes a moiety which must be paid back at the same rate at which it built up.

[Quorum formed.]

Hon BOB THOMAS: I indicated that the Opposition supports this clause because it establishes a moiety which must be paid back at the same rate and we think that is fair. I put myself in the position of a small business person who may find that after a rent review, his rent may have gone up by \$100 a week and over nine months that amounts to nearly \$4 000. If that bill were required to be paid in one hit, say in July or August when the water rates, shire rates and all of the other accounts that businesses receive at that time are due to be paid, it could pose enormous difficulty for a small retailer, especially one which is finding the turnover conditions in those months very flat. We need a system which would allow the retailer to spread the payment over time. The moiety idea seems like a good idea. It will not preclude retailers who are able to pay it in one lump sum payment from paying it, but it will provide a choice or another option for those retailers.

Hon RAY HALLIGAN: I fully understand where Hon Norm Kelly and Hon Bob Thomas are coming from. My only concern is that a situation could arise - 18 months has been suggested as a negotiating period - when these additional rents, if they are found in favour of the landlord, are accruing. The example has been given that they should be amortised over the successive 18 months. What if the lease concludes six months after the determination?

Hon Bob Thomas: It is an outstanding liability.

Hon RAY HALLIGAN: It means that the lessee must pay off that 18-month increase in rents over a six-month period, and that in turn could be detrimental. I understand that.

The Bill is written in such a manner which would suggest it would be prudent for anyone going through this process who may come up against one of these rent determinations - if there is disagreement and if the suggested increase by the landlord is an additional \$100 a week - to put aside that \$100 per week until the determination so that if the determination went against him, he would have the funds to pay those arrears immediately and if the determination were made in his favour, he would then have a nice nest egg. I suggest that would be the prudent approach.

Hon J.A. SCOTT: I feel a bit like I am sitting on the fence on this amendment. If the situation dragged on, the lessee could get an unexpected tax bill on top of a big rent increase and, in some businesses that have not been going very long and are fairly marginal, that might push them over the hill. Therefore, allowing the longer period might be appropriate. On the other hand, the lessee could borrow it and pay it back over a period even though he would have to pay interest -

Hon Bob Thomas: I do not know of too many banks that would lend money for that.

Hon J.A. SCOTT: Secondly, if the person knew there is some chance of its going against him, he could put aside that amount each week or month to cover it. On balance, I support the motion moved by Hon Norm Kelly, but it is a line call.

Hon NORM KELLY: I agree with Hon Ray Halligan's remark that it would be prudent for the lessee to put aside that money. However, often when the tenant is negotiating his review, good grounds exist for his working hard to negotiate a fair rent - the business may be struggling. Depending on the type of business, cash flow is always regarded as the number one problem in the viability of these small businesses. As much as I agree that Hon Ray Halligan's suggestion might be ideal, unfortunately, I do not think that is reflected in what actually happens.

Hon MAX EVANS: If this adjustment were given at the end of June, rent received is usually on a cash basis; therefore, a person would not be paying tax on money he has not received. On a payments basis, the person could accrue the expenditure and get the benefit of that even if the determination went the other way. He could have a bit of a win in that case.

Amendment put and a division taken with the following result -

Ayes (13)

Hon Kim Chance	Hon Helen Hodgson	Hon J.A. Scott	Hon Ken Travers
Hon E.R.J. Dermer	Hon Norm Kelly	Hon Christine Sharp	Hon Giz Watson
Hon N.D. Griffiths	Hon Ljiljanna Ravlich	Hon Tom Stephens	Hon Bob Thomas (<i>Teller</i>)
Hon Tom Helm			

Noes (12)

Hon M.J. Criddle	Hon Barry House	Hon Simon O'Brien	Hon W.N. Stretch
Hon Max Evans	Hon Murray Montgomery	Hon B.M. Scott	
Hon Peter Foss	Hon N.F. Moore	Hon Greg Smith	Hon Muriel Patterson (<i>Teller</i>)
Hon Ray Halligan			

Pairs

Hon John Halden	Hon B.K. Donaldson
Hon J.A. Cowdell	Hon M.D. Nixon
Hon Cheryl Davenport	Hon Dexter Davies
Hon Mark Nevill	Hon Derrick Tomlinson

Amendment thus passed.

Hon NORM KELLY: Could I move the remaining amendments standing in my name?

The DEPUTY CHAIRMAN: You can but you may not because the amendments standing in your name, M7 and N7 on the Supplementary Notice Paper, are dependent on the successful adoption of K7. That was rejected and therefore M7 and N7 lapse.

Clause, as amended, put and passed.

Clause 8: Section 12 amended -

Hon NORM KELLY: I move -

Page 15, line 16 - To delete the words "If there is".

This amendment is to clarify the situation in regard to management fees. Although in the Government's Bill management fees are in a sense prohibited and clauses relating to management fees are made void, that is not exactly the way the Bill is worded. I am seeking to ensure that it is quite clearly stated in the legislation that any such clauses in a tenancy agreement are unenforceable.

Sitting suspended from 3.45 to 4.00 pm

Points of Order

Hon TOM STEPHENS: Mr Deputy Chairman, I draw your attention to the fact that some members in the Chamber are reading newspapers. Even though those newspapers are of top quality, it is still a breach of standing orders. They support the candidate for the federal seat of Cowan; nonetheless, that is no excuse.

The DEPUTY CHAIRMAN: As all members are aware, one of our standing orders states that newspapers must not be read in the Chamber. If members wish to, they can move outside the Chamber to read.

Hon SIMON O'BRIEN: I was not reading a newspaper; it is a work of fiction!

The DEPUTY CHAIRMAN: There is no point of order.

Committee Resumed

Hon NORM KELLY: As I was saying before the break, this amendment seeks to achieve a simplification of what seems to be the Government's intent. The final part of the proposed subclause 8(1)(f) of the Government's Bill states that "the landlord is not entitled to recover, and the tenant is not obliged to make, that payment" in regard to management fees. I would like to see the Act clarify this situation even more clearly with the words that I have proposed on the Supplementary Notice Paper. My amendment states it categorically and simply. What the Government has proposed is more a case of allowing such payments to continue, but there may not be an obligation to make those payments. My proposed amendment would make them enforceable to strengthen that part of the Act.

Hon RAY HALLIGAN: I understand where Hon Norm Kelly is coming from, but he may find that the words "is unenforceable" in his proposed amendment are usually used at law. That means that if the tenant agrees to pay, the clause the member is proposing would not be enforced. Only when the tenant decides to say no would it come into force. If the landlord decides to take the tenant to court, that payment provision of a lease would be unenforceable. The original wording of the Bill states quite clearly that the landlord cannot recover the moneys and the tenant is not obliged to make payment. It is clear in the Government's Bill that the tenant does not have to pay. If the landlord approaches the tenant, the tenant could say that it is in the Act and he does not have to pay. By going down the member's path, pressure could be applied and they would have to go to court for it to be unenforceable.

Hon KEN TRAVERS: The Labor Party supports this amendment. We acknowledge that this is about semantics to a large degree, but we would probably prefer the Democrats' to the Government's semantics on this occasion.

Hon MAX EVANS: The Bill was drafted at the Government's initiative. No parties raised any concern about the drafting of this provision during consultation. Therefore, when it comes to the reason for the amendments, I hope the member will tell us where the problems are coming from. Hon Ken Travers mentioned semantics. To move to later amendments of Hon Norm Kelly, if this amendment is put in place, after 12 months all management fees, land tax and so on would be out. The effect would be retrospective. In a five-year lease, some 12 months down the line, the following four years of payments that were computed into the whole deal would be taken out. That would be a real bonanza and popular. I am wondering what the impact of that might be on a shopping centre owner. The implications worry me. I can see the point that Hon Norm Kelly is trying to bring forward, but I am looking at what could happen further on if after 12 months all those payments would be illegal. He might have an explanation for that.

Hon NORM KELLY: I did not quite get all of the minister's comments.

Hon Max Evans: I was referring to your later amendments.

Hon NORM KELLY: They relate to transitional clauses. This is why it is very difficult to go step by step through all of these amendments and have regard to what might or might not be passed further down the track. We should address this amendment and, if it is passed, consider the transitional amendments as they may or may not apply. Even though we may be amending a small matter here, we must remember that it has taken seven to eight years to get the legislation before

Parliament. It is important therefore that we make this legislation as tight as possible while it is before the Parliament. It may be many years before we again have the opportunity. I take on board Hon Ray Halligan's comments. I suggest to him that perhaps a stronger way of wording the amendment would be instead of using the word "unenforceable" to use the word "void". I am happy to make a further amendment to my amendment to change the word "unenforceable" to "void", which might give a clearer legal definition.

The DEPUTY CHAIRMAN (Hon Murray Montgomery): Before I put the question, I remind the member that if he wishes to make a further amendment he can do so only by leave.

Hon J.A. SCOTT: I am a little concerned that Hon Norm Kelly's amendment does not quite make sense. Could he read out the clause as it would read if amended in the way he wants, so I may get a better understanding?

Hon NORM KELLY: Yes. The wording of subclause (1f) would read -

A provision in a retail shop in respect of any premises which requires the tenant to -

- (a) pay management fees; or
- (b) reimburse the landlord for management fees,

is unenforceable.

Is now an opportune time for me to seek leave to amend my amendment to change the word "unenforceable"?

The DEPUTY CHAIRMAN: We will dispose of the amendment that is on the Supplementary Notice Paper and then go to the member's further amendments.

Hon MAX EVANS: Under the member's transitional arrangements which result - he might say it all depends whether we pass the transitional arrangements for 12 months - the tenants would not pay any management fees or land tax, which will be a huge bonanza.

[Quorum formed.]

Hon MAX EVANS: What worries me, having worked out the significance of these amendments, is the effect on the industry in the long term. I must admit that I did not fully work it out before, but I have put it all together in the past 10 minutes. I did not like it very much before; I like it even less now.

A lot of lease agreements are for five years with an option and the option is on virtually the same terms. As I understand it, all these transitional amendments would come into effect within 12 months. A landlord with 20 or 30 shops will suddenly be faced with void and unenforceable agreements for the paying of management fees and/or land tax which are part of the structured lease agreement. The amendments seem to be retrospective. I do not know if this is even legal; I suppose if it is in the law, it is. I am worried about the potential impact on the thousands of shopping centres and tens of thousands of tenants. The tenants might be happy and the public companies would be okay but the ramifications for some for the shopping centres owned by self-funded retirees could be devastating. I ask Hon Norm Kelly where this request has come from because it was not suggested in the discussions the Government had with people during the Green Bill phase or since. Different organisations have come back to the Government but no-one has suggested this. I wonder if whoever suggested this realises its ramifications during the 12 months of transition.

Hon NORM KELLY: I appreciate the minister's concerns about the ramifications but we should have that argument when we deal with the transitional clauses of the Bill.

Hon KEN TRAVERS: I wish to clarify what the Minister for Finance was saying. His concern is that this will lead to a retrospective provision. Is it just that that the Government is opposing or is it the whole context of the amendment?

Hon MAX EVANS: As the Hon Norm Kelly said, we are dealing with this part first and the transition will come later. I am anticipating the impact of passing the transitional. I may be getting the message across to those on the other side about looking at the transitional. Those provisions contain a large degree of retrospectivity and involve large sums of money. The amendments could have a huge impact. At the moment we are just dealing with this amendment and the transition is another part. I am alerting the Chamber to my concern about the effects of these amendments on the self-funded retirees who own a lot of small shopping centres. They may as well skip the country.

Hon NORM KELLY: My reading of the Government's Bill in its current form indicates that the ramifications of implementing these provisions within 12 months would be very similar whether it be in the Government's wording or my wording. My wording makes it far stronger and clearer.

Hon N.D. GRIFFITHS: I listened to what was said by the Minister for Finance and Hon Norm Kelly. I am not satisfied in my own mind as to precisely what Hon Norm Kelly is seeking to do with respect to the retrospectivity of this amendment. I would like to hear more from him and the Minister for Finance so members know precisely what effect this will have on people who have invested in shopping centres and on the retailers. Apart from the proposition that it will have a retrospective effect, the amendment may have all sorts of ramifications in taxation on the part of those getting money back and those who have paid. The administrative costs may be enormous. This may be bad for business. It may be bad for the retailers that Hon Norm Kelly says he is trying to protect. We need to know more and to hear more of the argument before we can give this amendment the consideration that it no doubt deserves. I am fearful that it may hurt people unnecessarily. We need to be assured that it will not. After we hear from Hon Norm Kelly and the Minister for Finance, we may be convinced one way or the other. I am not sure precisely where this is leading at the moment. Through you, Mr Chairman, I invite the members in question to explain it further.

Hon NORM KELLY: If Hon Nick Griffiths had been following the debate -

Hon N.D. Griffiths: I assure you I have been following the debate and your comments are tripe.

Hon NORM KELLY: - he would realise that we are talking about the transitional clause which is the one relevant to any degree of retrospectivity of this Bill. I am quite happy to have the amendment put.

Progress reported, pursuant to standing orders.

BOTANIC GARDENS AND PARKS AUTHORITY BILL

Receipt and First Reading

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

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.57 pm]: I move -

That the Bill be now read a second time.

Background: Kings Park and Botanic Garden is one of this State's first class tourist attractions. It is a haven for local residents and a centre of research which contributes to the conservation of our floral heritage. The proper management of the park is an important issue for all Western Australians. This asset is being managed under an Act that is more than a century old. While that Act has been amended on various occasions, it is now time for a complete overhaul through new legislation. In 1995, recognising its similar nature, the Government made a commitment to vest Bold Park in the existing Kings Park Board. This Bill will enable the board to manage the park once transfer of the land is effected. Kings Park is a popular place for exhibitions, concerts and a wide range of other events. It is a superb venue, particularly for the spectacular wildflower festival held in spring each year. The festival opens at 11.30 tomorrow morning. If we are to protect and manage this park properly, a number of significant changes are required from the current legislation.

The current Parks and Reserves Act is limited in that it is silent on the functions and powers of the State's botanic garden; it provides very limited and unclear protection for the bushland; it does not address the importance of Kings Park as a tourist and cultural heritage attraction; it severely inhibits the ability to raise revenue and to deliver quality services and facilities; and it provides no statutory basis for important research work into the conservation of our floral heritage. Kings Park is emerging as one of the world's leading botanic gardens. It won a gold medal at the 1997 international Chelsea Flower Show on its first attempt at displaying live Western Australian wildflowers overseas. At the same time, the Kings Park research team has been widely acclaimed for discovering new ways of conserving endangered plants, germinating wildflowers using smoke, and restoring bushland on mine sites and urban reserves. The functions of the State's botanic garden and the important services it provides to the community need statutory protection. When the garden within Kings Park was established in the mid-1960s, no enabling legislation was proclaimed to protect it. Now is the time to rectify this.

Kings Park and Botanic Garden is also recognised as a leader in urban bushland management. Current legislation provides very limited protection of the bushland in Kings Park. It is silent on the important urban bushland research and conservation

functions of the agency today. This will be rectified under the new Act. Kings Park and Botanic Garden is the State's most heavily visited tourist location and recreational parkland. To ensure world class services, the agency must be able to operate under efficient administration and sound business principles. The new Bill enables this while maintaining the highest standards of accountability and access. The Bill provides for modern management of not only Kings Park, but also other land where designated in a schedule attached to the Act. Besides Bold Park, the Bill enables the addition of other lands as appropriate in the future.

Relationship to existing legislation: This Bill proposes dissolution of the Kings Park Board - to be replaced by the Botanic Gardens and Parks Authority Board of Management. The Parks and Reserves Act 1895 will be amended to remove specific sections and references relating to Kings Park. However, the remainder of that Act will continue in force, applying to many unvested reserves in this State administered by the Department of Land Administration. There will be minor amendments to five other Acts. These are primarily as a result of name and title changes. The consequential amendments are to -

- the Constitution Acts Amendment Act 1899;
- the Financial Administration and Audit Act 1985;
- the Government Employees Superannuation Act 1987;
- the Public Sector Management Act 1994; and
- the Sentencing Act 1995.

New Authority: This Bill provides for the establishment of a new authority to control and manage Kings Park and other designated land. It also provides for efficient and effective management policies to be followed by the authority. Foremost among these is the requirement for publicly reviewed management plans. These will ensure wise conservation and enhancement of designated lands. The management plans will be fully accountable to the minister and transparent to the public. The title of the Botanic Gardens and Parks Authority has been deliberately worded. The name proposed for the authority recognises that Kings Park is the State's botanic garden. World wide, botanic gardens often include urban bushland as well as traditional garden beds and landscaped parkland. Furthermore, most botanic gardens have a major involvement in conservation through scientific research, horticultural activities, education programs and active bushland restoration. It is entirely consistent therefore that the valuable bushland of Kings Park and Bold Park be managed by an agency titled the Botanic Gardens and Parks Authority. It is the Government's view that the new authority must have a clear focus on managing the State's most visited tourist recreation and cultural heritage facility - Kings Park. Also, its unique focus in conservation is in learning to grow native plants, protecting endangered species through biological research and long term storage, and in combining its horticultural and research capabilities to help restore and re-establish bushland. Some of the authority's key roles are in plant research and in managing centrally located urban bushland which is subject to very high levels of public visitation. This Bill continues the policy of maintaining a specially focused agency with the appropriate scientific and horticultural capabilities to provide specialist care and display of the State's wonderfully diverse wildflowers and other flora.

Consultation: The legislation has been drafted with a great deal of consideration and consultation. Many of the provisions in the Bill came from extensive public consultation associated with the Kings Park bushland management plan and the Kings Park framework plan. The Bill has been drafted after consideration of similar legislation governing the management of other botanic gardens - in particular the Victorian Royal Botanic Gardens Act of 1991 and the New South Wales Royal Botanic Garden and Domain Trust Act of 1980.

Bold Park: Agreement has been reached with the Town of Cambridge for the creation of Bold Park as a major new "A-class" reserve managed by the State. It is proposed that once the land title for Bold Park has been transferred, the land will be added to the definition of designated lands in the Botanic Gardens and Parks Authority Act. It will be designated as lands reserved under the Land Administration Act 1997 and vested by order under that Act in the authority.

Fees, charges and sponsorship: Western Australians have shown, through large attendances, that they are happy to pay an entrance fee to exhibitions, concerts and other events held in the park. Under the Parks and Reserves Act, charging fees for entry to any exhibition, concert or other event requires the approval of the Governor in Executive Council. This is an unnecessary, cumbersome and indeed outdated requirement. This proposed legislation eliminates this requirement. It gives the authority the power to charge an admission fee to a display or event being conducted in part of Kings Park for purposes consistent with the authority's functions. A similar provision applies to other designated land, or to any land or facility being used in connection with such a display or event. However, Kings Park and Bold Park themselves are state treasures. They belong to the people of Western Australia who love and cherish these botanic garden and parkland show pieces. This legislation therefore specifically excludes the power to charge for entry to Kings Park, guaranteeing free public access. The Bill also enables other designated lands, such as Bold Park, to be excluded from entry fees.

The Botanic Gardens and Parks Foundation: Western Australian corporations are significant supporters of Kings Park and

the other land to which this proposed legislation applies. However, clear rules and regulations, the guidelines and manner of operation of any formal support, such as sponsorship, currently lack legislative support or control. The ability to attract sponsorship for the development of major projects requires much greater clarification in legislation than that provided under the Parks and Reserves Act. This Bill delivers that clarity through the establishment of the Botanic Gardens and Parks Foundation. This will hold a number of responsibilities including the raising and managing of funds, in addition to ongoing government financial allocations. It is proposed that the foundation will attract and retain continuing public interest and financial support for the authority. It will also encourage donations to improve services, enhance facilities and contribute to the performance of the authority. Any funds received by the foundation are to be credited to an account called the Botanic Gardens and Parks Foundation account at the Treasury or, with the Treasurer's approval, at a bank. The foundation is a body corporate with perpetual succession. It will have a council appointed by the minister, which will be the governing body of the foundation.

Core business and functions: The authority will have extensive powers tempered by stringent checks and balances including ministerial approval processes, publicly reviewed management plans, ongoing reviews and annual reporting. The core business of the authority is the care, control and management of the designated land as botanic gardens and parks. The new legislation will enable the authority to -

provide, improve and promote recreational and tourism facilities and services;

conserve and enhance the flora and fauna;

conserve and enhance the natural environment, the landscape features and amenity of the designated land;

develop, manage, display and undertake research into collections of Western Australian and other flora; and enhance and promote the understanding and conservation of the flora and fauna on the designated land and of flora and fauna generally.

While Kings Park and Bold Park have undoubted environmental values, their cultural significance is also important to all Western Australians. It will be an important role of the authority to conserve, enhance and promote the Aboriginal, colonial and contemporary cultural heritage of the designated land. The tracts of land covered by this proposed legislation also present unique opportunities for education. The authority will also promote the use of flora for the purposes of horticulture, conservation and education. The authority will undertake and promote research and investigation across all its activities as required.

Powers: To carry out these functions and to perform in line with modern business practices, the authority must have appropriate powers - to do what is necessary, efficiently and effectively as a world-class botanic garden and park management agency. The authority must be able to maintain pace and style with the corporate community and the public in general. Under the proposed legislation the authority will have a number of powers including -

the right to acquire land and dispose of land with ministerial approval. The Bill specifically excludes designated lands; that is, Kings Park and Bold Park from this power; and

the right to grant a lease or licences consistent with its functions and on the terms and conditions it sees fit. Periods of lease or licences exceeding five years will require ministerial approval and this can be given only if the proposed lease or licence conforms to the relevant publicly reviewed management plan for the designated land.

This approval process is more comprehensive and more efficient than the provisions of the current Parks and Reserves Act. Also under the proposed legislation the authority will have the power to erect permanent or temporary structures, and to undertake roadworks and other works on the designated land which are necessary for the good management of that land. Again, there are two safeguards: First, that any major works over a prescribed amount of \$100 000, will require ministerial approval. Second, such approval will be given only if such major works conform with the relevant publicly reviewed management plan.

Research and intellectual property: The State's botanic gardens play a key role in the local, national and international efforts to conserve endangered plants and to understand plant lives. In line with that work, the authority will have the power to give or take, to loan or exchange, botanical specimens with scientific or educational institutions. As part of its public accountability, research and education activities, the authority will produce and publish information on matters related to its functions. In carrying out its core business as the State's botanic garden manager, the authority may also sell or dispose of plants, parts of plants, seeds and fungi, or similar organisms. As is only proper in an area of innovation and in light of the world-class research and horticultural activities being undertaken, the authority may also apply for, obtain and hold, any

patent, patent rights, design rights, copyrights or similar rights. It may be that the authority holds these rights alone, or jointly with other people or parties. A wonderful and exiting example of this kind of innovative scientific research was the recent discovery and development of the beautifully vibrant and aptly-named King's Park Federation Flame Kangaroo Paw.

Management plans: The work of the foundation and the authority's significant powers will be used in the context of management plans put together with considerable public consultation. The Bill specifically seeks public involvement in the development and revision of management plans. To facilitate this, the authority must advertise and provide a copy of each of the management plans applicable to the designated land free, for public examination and submissions over a period of two months or more. Good planning is crucial to the future protection of Kings Park, and other designated land. It is proposed that when this Act takes effect, the existing publicly reviewed plans known as the Kings Park Bushland Management Plan 1995-2005 and the Kings Park and Botanic Garden Framework Plan for the Developed Areas 1996-2006 are, together, to be regarded as the management plan applicable to Kings Park. When land is designated under this Act, the authority must prepare and submit to the Minister a management plan for that land within two years. The management plan will state the policies or guidelines to be followed and summarise the operations proposed for that land. These management plans must be reviewed after five years and amendments which might be required should be prepared. Importantly, the community will have access to information and opportunities to make comment on this information.

Under this legislation, the public must be notified by newspaper advertisements of any revised management plan or amendments to the existing plan. The public will also be notified if and when the existing management plan is to be continued without amendment. Submissions from the public on the revised management plan, or amendments, or the proposal to continue an existing management plan can be made by any individual, group or organisation.

Ministerial approval and review of the Act: As I have outlined, the proposed Botanic Gardens and Parks Authority will have the considerable powers required for it to perform effectively and efficiently, with proper checks and balances, and proper processes of accountability. As well as stringent reporting requirements, and public involvement in the development and review of management plans, the legislation demands that the authority seek ministerial approval before exercising a number of its powers. In particular, ministerial approval is required if and when the authority wishes to exercise its powers relating to the disposal or acquisition of land.

Ministerial approval is also required for -

- granting leases or licences for longer than five years;
- erecting permanent structures;
- roadworks; or
- other major capital works exceeding \$100 000 in value.

Moreover, such approval can be given only if the work conforms to the relevant management plan.

The minister may direct the authority in writing and any such direction must be reported annually.

As is entirely appropriate, it is proposed that the Botanic Gardens and Parks Authority Bill undergo a comprehensive review after five years of operation. The review will examine the effectiveness of the operation of the authority, the need for the continuation of the functions of the authority, and any other matters relevant to its effectiveness. In keeping with the open and accountable processes which have been put into place by this Government, we propose the minister must then prepare a report which will be submitted to each House of Parliament.

Staff and powers to delegate: The provisions of the current legislation in relation to staffing arrangements still relate to management structures relevant in 1895. For the present and future operations of the authority, it is essential to provide for a chief executive officer and to empower the agency to work cooperatively with other government departments, agencies and instrumentalities. Consequently, the Bill requires the appointment of a chief executive officer to administer the day-to-day operations of the authority and to engage its staff. It also enables the authority to engage the services of other government staff, subject to collaborative agreement, and, by arrangement, to make use of any facilities of other departments, agencies or instrumentalities. Rangers are renamed "park management officers", reflecting the scope of their contemporary duties.

Under the current Parks and Reserves Act, the Kings Park Board can delegate responsibilities only to a subcommittee of itself, not to staff, nor to expert committees which may be created by a minister. The new legislation will rectify this so that

the board of the authority will focus on policy and broad strategic issues, while the CEO and staff will have delegated powers for day-to-day operations and to develop new policy and strategies for deliberation by the board of management. Also, in keeping with the modern requirement of a small agency to seek outside specialist advice and management assistance on specific issues, the Bill enables the board to delegate to committees and persons appointed by the minister.

Control of inappropriate behaviour and wilful damage: The legislation permits regulations addressing the issues of arson, graffiti and vandalism which inflict damage on these beautiful botanic gardens, parkland and bushland areas and the facilities within them. There is clearly an ongoing need for park management officers to deal with the public safety and conservation risks associated with such dangerous behaviour. Regulations may provide penalties up to \$2 000.

The Botanic Gardens and Parks Authority Bill also gives park management officers the right to remove a person from the designated land, if that person is committing an offence against the regulations, or if he or she believes that an emergency situation, such as bushfire, exists on the land. Penalties for resisting, delaying or obstructing park management officers as they go about their business may be up to \$5 000 or six months' imprisonment or both.

Control of vehicle activities: As applies in current legislation, under this legislation an owner of a vehicle may be issued with a notice if the vehicle is alleged to have been involved in an offence and the driver is not known or cannot be immediately identified. Unless the owner can provide details of the driver or show that the vehicle was stolen at the time, the owner will carry the responsibility of the offence. This provision is important for controlling unauthorised parking which occurs within the park.

The Botanic Gardens and Parks Authority Bill seeks to ensure that Kings Park and Botanic Garden and Bold Park in particular are managed and protected, for the benefit of not only this generation, but also generations to come. It demonstrates this Government's willingness to -

ensure ongoing conservation and enhancement of Kings Park and Bold Park;

ensure world-class tourism and recreation services are provided through efficient administration and sound business practice;

provide statutory protection for the State's botanic garden and the important research, horticultural and educational services it provides to the community; and

provide statutory protection for the bushland in Kings Park and Bold Park as well as the significant urban bushland research and conservation functions of the present agency.

The legislation has been constructed with a great deal of care, consideration and consultation, and I assure the people of Western Australia that ongoing consultation about the future of their parks and botanic gardens is a high priority. This Bill provides the legal framework to achieve these objectives. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.

ADJOURNMENT OF THE HOUSE

Special

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 13 October.

Ordinary

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.15 pm]: I move -

That the House do now adjourn.

Australian Democrats - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [5.15 pm]: I want to put on public record my disappointment with the Australian Democrats in relation to the motion that I had before the House about a referral to the Standing Committee on Public Administration.

The PRESIDENT: Order! The standing orders state that members cannot reflect on the votes of the House. I suspect that Hon Ljiljanna Ravlich is about to do that. However, if she tells me she is not, let us hope she remains within the standing orders.

Hon LJILJANNA RAVLICH: Thank you, Mr President. I am concerned about the Australian Democrats having accountability and ensuring that there is no waste of public moneys as a key platform policy. These are the two key issues I want looked at in calling for the inquiry. I am particularly disappointed, given that the inquiry was about -

The PRESIDENT: I now presume that Hon Ljiljanna Ravlich is intending to talk about the matter that was agreed to be adjourned today; that is, the motion that she moved to refer something for inquiry to the Standing Committee on Public Administration. If so, she cannot do that, because she would be anticipating debate on something that is on the Notice Paper, and she can only raise that when that debate arises again. She is not restricted from speaking now. I am just presuming that is what she is about to do. If she can show me that she was not about to do that, she may continue again.

Hon LJILJANNA RAVLICH: Can I just say that the Australian Democrats are a party which purport to be about accountability and not wasting government money.

Hon Ken Travers: You can say it but you would not be right.

Hon LJILJANNA RAVLICH: I just say that the behaviour of members today -

Several members interjected.

The PRESIDENT: Order, members! I have to listen closely because we all know what the standing orders say and I am sure Hon Ljiljanna Ravlich wants to work within them.

Hon LJILJANNA RAVLICH: This is supposedly a party about accountability and not wasting taxpayers' money. Certain events which occurred in this place today lead me to believe that that is not the case. There are many issues related to WorkSafe WA that need serious investigation. Can I say that much?

The PRESIDENT: Hon Ljiljanna Ravlich has said it.

Hon LJILJANNA RAVLICH: It is not good enough to put a bandaid on a cancer. What has happened at WorkSafe has grave implications for the whole of the state public sector. If we allow standards to drop in one government agency without check, it has grave consequences for the public sector as a whole. It behoves all of us to ensure that public sector standards are maintained. I become disappointed when a political party preaches about the need for public sector standards but, when it comes to action, we see an entirely different attitude.

The Australian Labor Party supports accountability, Western Australian workers and members of unions. It agrees there should be no government waste. Because ALP members believe in accountability, we are very disappointed with certain members in this place. I refer to the general principles of the Australian Democrats WA. This party purports to represent all Australians. Given the events of today, I query whether that is the case. Evidence has been given in this place that sectors of the community are certainly not being supported by the Australian Democrats. I will not refer specifically to the terms of reference, but that is a key principle. I understand another principle is that Australian Democrats members are independent, and I have no problem with that. I do not think I, or anyone else, can tell members of a political party what they can do. However, it behoves all of us to ensure that, whatever action this House takes, it is in the best interests of the community as a whole and Western Australian workers in particular. I refer to the Democrats' policy, which was used in the Western Australian state election in 1996, in relation to codes of conduct. Members will be aware from recent events which have unfolded in relation to WorkSafe WA, of the finding against the WorkSafe Western Australia Commissioner that he breached the code of conduct of WorkSafe WA, together with the code of ethics. The Australian Democrats' platform states -

The Australian Democrats have been active proponents of the improvement of standards of conduct and behaviour in all areas of government and public life. Included in their campaigns have been recommendations and submissions to a number of Parliaments, for the introduction of codes of conduct and the establishment of Ethics Committees . . .

Given the events of today, that is worth absolutely nothing. When it needed to be translated into action, the Democrats said one thing and did another. Its code of conduct platform continues -

the establishment of a Parliamentary Commissioner for standards to impartially investigate alleged breaches of the codes of conduct, with sanctions and enforcement determined by Parliament if breaches are proved;

codes developed by public sector bodies and local government authorities be externally monitored and evaluated;

I find it really disappointing that the Australian Democrats have these policy platforms but, when an opportunity was presented in this place for them to practise what they preach, they did completely the opposite. I do not believe those members are representing the best interests of all Australians. They might represent the interests of Australians at the margins, but on fundamental issues, such as death, injury and the safety of workers, clearly the Democrats simply do not put their words into action. They get the rhetoric right, but Western Australians are looking for more than rhetoric. They are looking for political representation which is able to serve the interests of the Western Australian public.

Certainly, the events of the day indicate that that is not the case. I place on the record my disappointment, and almost disgust, at the fact that when this political party had the opportunity to do something positive for Western Australia, Western Australian workers and safety in the workplace, to raise safety standards, and to demonstrate that accountability is a high priority, it squandered that opportunity. This is at great cost not only to the Democrats, but also to all Western Australians, Western Australian taxpayers, workers, members of unions and the unions themselves. It is an absolute disgrace. It demonstrates what the Australian Democrats are all about; they are opportunists. When it comes to the crunch, all they can do is preach the rhetoric and totally throw away the opportunity to put their policy platform into action. For my money, it is worth nothing.

Myuna Flats, North Fremantle - Adjournment Debate

HON J.A. SCOTT (South Metropolitan) [5.26 pm]: I raise a matter of great concern to me, namely, the plight of the people living in the Myuna flats in North Fremantle. Almost a decade ago the flats were sold by Homeswest to LandCorp. The residents of those flats have very little money; some have disabilities, and some of the residents are women who use the place as a sanctuary because they have suffered sexual abuse. A number of them have been living there for five or six years, under threat of being moved, but because of their financial circumstances they have been unable to find other accommodation. They are aware that a decision has been made to knock down the flats and redevelop the area but they have nowhere else to go. At the moment there is a hold-up in the proceedings and LandCorp is attempting to move these people out by the end of the month, although it has not submitted formal plans to the Fremantle City Council. The council has not given approval for demolition of the flats.

LandCorp, which is a state government agency, told these people that Homeswest would assist them with housing. However, that is not correct. Homeswest has advised that it is not part of its agenda because these people are not Homeswest tenants. Upon inquiry, Homeswest has advised them there is a five-year waiting list for accommodation, homes are available in South Hedland, but 300 people are on the waiting list for those homes. It is an outrageous situation. Some tenants are invalid pensioners who have built up their social networks, and others are low-income women with children. There were 60 tenants in those flats and it will be difficult for them to find other accommodation without any assistance whatsoever. This displays a complete lack of compassion on the part of government agencies involved and they must get their acts together and start to look at the purpose for their existence. We do not want to see these government departments becoming large developers. I am afraid that is the direction in which Homeswest and LandCorp are heading, rather than meeting the housing and land development needs of ordinary people.

There is another aspect to this issue. That land covers more than just the location of the flats. Proposals have been put forward by various groups for the redevelopment of the area and one proposal is for a community housing project. I am told LandCorp is very resistant to that idea. It does not want to get into that sort of housing. There is a push to upgrade this North Fremantle area so that it is more like Mosman Park. A lot of politics are going on in that area to try to get it moved over to the Mosman Park Town Council. I am concerned about that push because this largely involves the new residents who have moved from the area around the old soap factory. They want the benefits of the Fremantle style of living, yet want to destroy the fabric of the society into which they are moving. The concerns about community housing are shared by the Community Housing Coalition of Western Australia which wrote to me some time ago. It is important that I raise its concerns regarding the lack of community housing areas being provided by this Government. It talked about the amount of money that had come from the Better Cities program, with one of its key objectives being social justice. In part, this document states -

Another key objectives of the Better Cities program is social justice. That is access to affordable housing, easier access to employment and education facilities and a better-placed provision of community services, shops and recreation facilities. A key objective of the 'Perth Area Strategy' was to promote and increase housing choice, affordability in locations in close proximity to employment centers and public transport.

The East Perth Redevelopment Authority (EPRA) received \$30M and the Subiaco Redevelopment Authority (SRA) some \$5.1M from the Commonwealth under the Better Cities Program . . .

. . . Commonwealth Government funds allocated under the better Cities Programme to the project (SRA), we believe that there is at least a moral obligation on behalf of the Authority to provide some housing which is affordable to a wide range of households.

The aim of the East Perth redevelopment project was not to drive all the existing population out of the area but to ensure many could stay there. That has not happened. We have very expensive housing developments that most people cannot afford. The document continues -

There will need to be specific sites and developer agreements to ensure that there is at least some rental accommodation available for low income earners, as this is one of the ways of ensuring the provision of affordable housing which would be managed by community or church groups, or Homeswest . . .

Another planning issue to consider is the downward trend in home ownership across all income group, correspondingly REWIA reports an increase demand in Perth rental properties. In March 1998 the rental vacancy rate was 2.5%. Job insecurity, due to contract and casual employment, is an obvious contributing factor to the decline in home ownership. Community organisations anecdotally report a crisis in securing rental accommodation for low income earners, particularly special needs and Indigenous people.

These are the very people who will be kicked out of the Myuna flats with little thought about what will happen to them at this time. The document continues -

On the one hand the Government through the State Housing Commission - Homeswest has a 1 in 9 policy. that is an appropriate 'social mix', which amounts to a maximum of 11% of an area be dedicated to social housing. Despite Subiaco having its origins with the 'blue collar work force' the current level of social housing provision currently stands at only 5.2% of all housing. Instead of there being a social mix and diversity of people living in areas such as East Perth and Subiaco there are enclaves of affluent people. The SRA will add some additional 650 or more dwellings to Subiaco. If the 1 in 9 or 11% criteria is applied, then some 71 dwellings should be designated for social or community managed housing in Subi Centro.

I have attended a number of meetings at the Fremantle City Council which involved the Freo Plan 2000. A very important element of that plan was to maintain the social mix so that we did not get rid of all the low income, but important, people who make up Fremantle within the community of artists and musicians. If we want to maintain the essence of Fremantle, we must have a level of social housing. Homeswest and LandCorp are completely ignoring the community's wishes. They are chucking those people out to the outer suburbs where there are no facilities.

Hon Greg Smith: Are you saying that we should have welfare housing so we can support artists and musicians?

Hon J.A. SCOTT: I am saying that we need social housing. We do not want people with disabilities out in the streets. It may be the member's idea of a just world, but it is not mine. He wants aid for pastoralists who get \$40m a year in hand-outs, but that is not the way it should be.

Commercial Registrar's Ruling - Adjournment Debate

HON NORM KELLY (East Metropolitan) [5.36 pm]: I will speak of a matter that came up last night in debate on the Commercial Tenancy (Retail Shops) Agreements Amendment Bill. It relates to the amount of square metreage applying under the provisions of the Bill. During the debate there was discussion about -

The PRESIDENT: Order! One of the problems we have is that if the member is relating to the Bill that is currently before the House, it is a matter that is on the Notice Paper. If the member is to speak about it, he will be held to be anticipating debate which is due to come forward in this House. His next chance to speak on those issues is when the Bill is brought on, whenever the House resumes.

Hon NORM KELLY: I want to talk about a ruling that was made by the commercial registrar of the Commercial Tribunal which relates to the square metreage in the case of a service station.

The PRESIDENT: Order! I am merely making the point that if the member starts directly relating to the legislation, he should do that when the Bill comes on for debate. If he wants to talk about some issue involving the commercial registrar, there is nothing out of order in that, so long as it is not connected to the debate on the Bill.

Hon NORM KELLY: Greg Spooner, who had a roadhouse, is in dispute with his landlord. A number of matters are involved in the dispute, one of which being whether the owner of the land can also charge management fees to manage the land or whether the owner can manage the land. Another area of dispute is about the retail area and, as I am sure we are all aware, that retail area is usually regarded as being 1 000 square metres or less. There has been some discussion about whether that should include a driveway into a service station. The argument may be whether it is paved or unpaved, or whatever. It seems that in the opinion of the registrar all of the driveway area is regarded as part of the retail area.

Hon Ray Halligan: Probably to the extent of being up to the bowser hoses, not all the parking area.

Hon NORM KELLY: That is not right. I am saying that it may entail all of the parking area and lead-in area to the bowsters.

Hon Ray Halligan: That is an assumption.

Hon NORM KELLY: This is based on a ruling from the registrar. I am raising that matter now to show that it may be necessary to have some clarification of exactly how they relate, and also to show that it is very hard to prescribe these matters too closely, because a driveway that leads into a take-away food shop is a completely different scenario.

On this occasion I do not want to dwell on what Hon Ljiljanna Ravlich said earlier in the adjournment debate, but it does highlight some of the rhetoric and filibustering that goes on in this place.

Hon Ljiljanna Ravlich: I assure you that there was no filibustering about that!

Hon NORM KELLY: If people have a legitimate concern or complaint, it is the duty of this House to act on that concern and to expedite the matter, not to drag out the matter for weeks and weeks. Earlier in the year, we had a debate about the child abuse unit of the Police Service, where as a political stunt, once again, the ALP dragged out the debate when it had other avenues to bring about legitimate and constructive change. The longer I spend in this place, the more it is becoming increasingly clear how much time is being wasted in this place.

Hon N.D. Griffiths: You are a master at it!

The PRESIDENT: Order!

Hon NORM KELLY: It is now clear later in the year, when Bills are piling up and not being dealt with, that other agendas are at hand. When it comes to talking about wasting taxpayers' money, we must remember that we are using vast quantities of taxpayers' money in operating in this place, and we should make sure that we use that money in the best possible way.

Hon Tom Stephens: You have been here long enough. It is about time you developed an appetite for reform!

The PRESIDENT: Order! This is not the place for slanging matches. If members want to talk about the management of the House, I am sure they can do so elsewhere.

Myuna Flats, North Fremantle - Adjournment Debate

HON KEN TRAVERS (North Metropolitan) [5.43 pm]: I rise in support of Hon Jim Scott's comments about the tenants of Myuna flats. Today I was contacted by an advocacy agency for people with disabilities, which has been trying to help some of those tenants who are about to be evicted in 10 days. I noticed during Hon Jim Scott's remarks that the minister representing the Minister for Lands was listening, and I hope he passes on the member's comments, because those people are in desperate circumstances and will be homeless in 10 days if action is not taken.

Health Department Computer Management - Adjournment Debate

HON E.R.J. DERMER (North Metropolitan) [5.44 pm]: I rise to share with the House my concern about answers that I received to questions during the course of this week. I asked a number of questions this week about the provision of computer management services for the Health Department, specifically financial and supply systems.

I asked a question on Tuesday of this week about a new system that the Health Department is implementing. I asked where the system would work, what it would cost, when it would be commissioned, and for how long it was expected to be in commission. I was pleased to receive a very clear answer.

On Wednesday, I asked the same questions about a very similar system. The question I asked on Tuesday was about the

Oracle Financials 10.7 system, and I received a clear answer. Therefore, I was confident that when I asked the same question on Wednesday about the Oracle Financials 10.5 system, I would similarly receive a clear answer. I did not receive a clear answer, and this is a matter of concern. I was told that the Health Department could not tell me what it cost to purchase, to customise for its own purposes, and to implement the Oracle Financials 10.5 system for the health services in the metropolitan area. I was told that I could not be given that figure because that was part of an overall larger contract with CSC Australia Pty Ltd for the provision of services.

I found that extraordinary. The questions I asked on Tuesday and Wednesday were parallel; I received an answer on Tuesday, but I did not receive an answer on Wednesday. I was told that CSC has an overall large contract with the Health Department, and that the Health Department cannot give me a separate answer for the Oracle Financials 10.5 system. I asked what was the total cost of purchasing, customising and implementing the Oracle Financials 10.5 system. I was told that the costs associated with this system were included in the overall contract price agreed with CSC Australia and have not been separately identified.

I am amazed that the department would plan to install this major system and cannot tell me what it cost. It was able to tell me on Tuesday that the updated 10.7 version, which performs the same function, cost \$7.448m. However, it could not give me the figure for the 10.5 version.

Hon Simon O'Brien: Try 10.6!

Hon E.R.J. DERMER: I then sought further information, and I asked what was the overall price of the CSC contract, which included the provision of the Oracle Financials 10.5 system. I was told that that overall contract, which extended for six years, was worth \$89 733 000. I was keen to find out whatever information I possibly could about the various parts of that contract, and the cost of each of those parts, so I then asked about those parts in terms of computer services, communication services and other services, and I was given a detailed list of each of the services that was entailed in that essentially \$90m contract. So far so good.

I then asked whether the minister had information as to the cost of specific systems and other goods and services within the terms of this contract. I was told that the minister does not have that information. That stretches all credibility. I have had the good fortune of knowing Hon John Day for some time, and I have always found him to be an honourable gentleman, in character as well as in title. However, I am absolutely astounded that the Health Department can contract for such a wide range of important services at a cost of \$90m and that the minister does not have any information about the cost of the various services within that contract. I appreciate also that the minister is a new minister, but the Westminster system being what it is, a succeeding minister inherits the responsibilities of his predecessor. Therefore, I find it absolutely staggering that the minister can spend \$90m on these important services and not have any information about how that \$90m is attributed to each of the services provided in that contract.

The Government may not yet understand my instinct. The more difficult I find it to get an answer from the Government, and the more difficult I find it to extract the information that I am looking for, my instinct is to become all the more determined to get that information. There are two possible explanations: The information about the cost of purchasing, customising and implementing Oracle Financials 10.5 is available, and I am not being given it; or the Health Department of Western Australia is so badly managed that it can have a contract worth almost \$90m and have no information about the cost of the parts and services that will be funded out of that \$90m contract. It must be one of these two possible explanations. I want to make clear to the House that it is simply not good enough for this Government not to be up front with information when members of Parliament ask questions precisely and out of a sense of duty when seeking information on behalf of their constituents and all Western Australians.

Australian Democrats - Adjournment Debate

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [5.50 pm]: During a recent contribution to the House by Hon Norm Kelly from the Australian Democrats, the member made an extraordinary claim that the Australian Labor Party had used the issue of child abuse as a filibuster, as though it were not a legitimate and deep concern to members of the Labor Party. It comes straight back to the fact that the member wanted to bring on an urgency motion about buses when an issue of vital importance had to be brought on that day. That issue was child abuse and the failure of this Government to make itself accountable for the resourcing of the child abuse unit. Labor members brought that issue before the House with full determination to process it through this place. We were unashamed in wanting to do so. The member was angry at the time because he was not able to raise some other, less important issue. We wanted to bring on the child abuse issue, and so did.

The member has been here now a good time. He has the opportunity of joining us in our determination to reform this place.

We want to see this upper House operate as a House of Review. It is important that the member recognise this. His slogan and the slogan of his predecessors plead that they want to "keep the bastards honest". The editor of *The West Australian* wrote that it seems too often that the Australian Democrats are committed principally to keeping everybody honest while they are capable of enormous bastardry themselves. It is not good enough for him just to come into this place. He has the opportunity of meeting with the appetite that the Australian Labor Party has for the reform of this place. We would put in place a whole range of reforms if he were so willing. Time management would be one of them. We have found that even in the most gradual reforms, the Democrats are the slowest off the mark. The Greens and the Labor Party are ready.

All we ask is that the Australian Democrats join us in heading down the path of making this place function as a House of Review and as a place where we can hold the Government accountable. The member should not participate in keeping Governments in place that are not subject to the scrutiny that they deserve, whether they be Labor or Liberal Governments. It may well be that this Government is of the complexion that the member currently likes and that he is happy to allow it to fall back into slumber and not be subject to the scrutiny it deserves. It is not good enough for the Democrats to have been here for - how long? Too long it seems. Yet it has not developed an appetite for holding Governments accountable. If Hon Norm Kelly is going out among the people over the course of the next three weeks and wanting to say he is committing himself and his party to holding Governments accountable, he cannot do that on the track record that he has displayed in the House in the short time he has been here, which already seems too long. He must develop an appetite for holding Governments accountable - then his words will have some authenticity.

Question put and passed.

House adjourned at 5.54 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

FORESTS AND FORESTRY*Environmental Protection Authority's Assessment*

3. Hon J.A. COWDELL to the Minister for Finance representing the Minister for the Environment:
- (1) Will the Environmental Protection Authority's ("EPA") assessment of the Department of Conservation and Land Management's ("CALM") adherence to the Forest Management Plan be completed and released before the public consultation period for the Regional Forest Agreement consultation paper ends?
 - (2) If not, why not?
 - (3) Does the Government acknowledge that without the results of the EPA assessment of CALM's forest management practices public trust in the ability of CALM to fulfil its obligations to the RFA process will be compromised?
 - (4) If not, why not?
 - (5) When is the EPA assessment due to be finalised?

Hon MAX EVANS replied:

- (1) No.
- (2) The public consultation period ended on 31 July 1998.
- (3) No.
- (4) The Environmental Protection Authority's report on CALM's compliance with the Forest Management Plan 1994-2003 is a separate process to the Regional Forest Agreement (RFA). The RFA is a strategic level planning process.
- (5) I expect the EPA's report to be published in the near future.

BUS DRIVERS*Redeployment*

22. Hon LJILJANNA RAVLICH to the Minister for Transport:
- (1) How many bus drivers are seeking redeployment at the present time?
 - (2) How many of these employees will gain meaningful employment within three months?
 - (3) How many will be re-offered redundancies?
 - (4) Will there be an increase in the number of drivers seeking redeployment, given that 650 drivers are still employed by MetroBus?

Hon M.J. CRIDDLE replied:

- (1) 377.
- (2) All redeployees will be allocated an initial retraining placement within three months.

- (3) All bus drivers were offered a redundancy. This offer is still open to those who wish to seek that option.
- (4) No.

MIDLAND SALEYARDS

Transport of Animals

47. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

I refer to the Midland Stock Sales Yard and to the circumstances in which particular animals are transported through this facility, and ask -

- (1) What arrangements (regulatory or otherwise) are in place to prevent the movement of livestock unfit for transportation (such as pregnant ewes) to and from this facility?
- (2) If such arrangements exist, how are they policed?
- (3) Can the Minister for Primary Industry provide all available information on the numbers and condition of animals unfit for the transportation that reach the Midland Stock Sales Yard?

Hon M.J. CRIDDLE replied:

- (1) The Prevention of Cruelty to Animals Act (administered by RSPCA) provides penalties for livestock unfit for transportation being transported.

Livestock transporters have a code of practice to provide guidelines for the transportation of animals.

The Western Australian Meat Industry Authority, in consultation with RSPCA, monitors stock movements to and from Midland, and arranges disposal of animals which are injured or die in transit or animals deemed unfit for further transportation.

- (2) Since July 1997, the Authority has funded a full time livestock management officer to carry out the surveillance referred to in (1).
- (3) From 1 August 1997 to 31 July 1998, the Authority has arranged the disposal of the following livestock which were either dead on arrival or were put down on receipt or prior to sale -

	Dead On Arrival/Put Down	% of Throughput
Sheep	1918	0.14%
Cattle	153	0.13%
Pigs	84	0.21%

MIDLAND SALEYARDS

Transport of Animals

49. Hon KIM CHANCE to the Minister for Transport representing the Minister for Primary Industry:

- (1) Is the Minister for Primary Industry aware that despite assurances from the Meat Industry Authority ("MIA") last year to the effect that future cases of heavily pregnant ewes being transported to, unloaded in, and loaded from, the Midland saleyards, would not occur again, reports persist of this practice continuing?
- (2) Has the Minister been advised that on Tuesday, March 24, 1998 a line of some 70 ewes, some of which were actually giving birth, were dispatched from a MIA administered yard to Capel for slaughter?
- (3) If so -
- (a) has the Minister caused the report to be investigated;
- (b) what was the result of that investigation; and

- (c) has, or will, any person/s been prosecuted as a result of the reported incident?
- (4) Was an attempt made to remove an RSPCA inspector from Midland Saleyards on March 27 following an altercation?
- (5) If so, what action has been taken to reaffirm the RSPCA's right to observe and intervene if necessary, during incidents at the saleyards.
- (6) What future action will be taken by the MIA to enforce the law relating to the consignment and transport of heavily pregnant animals?

Hon M.J. CRIDDLE replied:

- (1) The Meat Industry Authority (Authority) has not given any assurance that pregnant stock will not be transported to the Midland Saleyards. A number of incorrect statements to this effect were published in the "Sunday Times" last year. The Authority has been working closely with Industry organisations and the Royal Society for the Prevention of Cruelty to Animals (RSPCA) to prevent such occurrences.
- (2) On 24 March 1998, a vendor sent a consignment of 186 ewes to Midland Saleyards. A number of ewes were found to be pregnant and withdrawn from sale. These animals were cared for by the Authority and any lambs born rehoused. The remainder of the line were sold and transported to an abattoir. The further transport of these ewes and actions carried out by the Authority was fully authorised by the RSPCA. The Minister has received a report from the Authority regarding this incident.
- (3) (a)-(b) A detailed report was prepared by the Authority and presented to the RSPCA on 2 April 1998. The report supported prosecution of the vendor. The vendor concerned was also invoiced for the costs incurred by the Authority.
- (c) This is a matter for the Police and the RSPCA.
- (4) No attempt was made to remove an inspector from the Midland Saleyard.
- (5) A very good working relationship exists between the Authority and the RSPCA officer, senior staff and Councillors.
- (6) Animal welfare issues are not offences under the Western Australian Meat Industry Authority Act, (1976). The Act only gives the Authority power to deal with issues within the saleyard. It is Authority policy that any animal welfare concerns be reported to the RSPCA which is the appropriate body to take action. The Authority will continue to liaise with producers, agents and transports on the need for compliance for animal welfare requirements.

DAWN EXPRESS PARTITIONING PTY LTD'S CONTRACT

91. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to the contract called for tender by the Department of Contract and Management Services, on behalf of the Department of Transport and the successful tenderer, Dawn Express Partitioning Pty Ltd for 441 Murray Street, Perth fit out to the value of \$1 329 487 -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If not, why not?
- (4) If yes, will the Minister table details of the cost benefit analysis and information on any identified inherent risks to the Government?

Hon M.J. CRIDDLE replied:

- (1)-(2) No.

- (3) This project was publicly tendered through the normal CAMS open tender process and resulted in the acceptance of Dawn Express Partitioning reflecting best value for money as the lowest conforming tender.
- (4) Not applicable.

RAILWAYS

Armadale-Byford Electrification

134. Hon NORM KELLY to the Minister for Transport:

- (1) What is the current timetable for electrification of the railway line from Armadale to Byford?
- (2) What factors would be considered in any changes to this timetable?

Hon M.J. CRIDDLE replied:

- (1)-(2) The Government has yet to make a decision on whether there will be an extension to the urban rail system from Armadale to Byford.

MAIN ROADS WA

Redundancies

140. Hon NORM KELLY to the Minister for Transport:

- (1) How many employees finished employment with the Department of Main Roads in -
- (a) May 1998;
 - (b) June 1998; and
 - (c) July 1998?
- (2) How many of the employees in (1) above took voluntary redundancy?
- (3) What was the cost of redundancy payments for each of these months?

Hon M.J. CRIDDLE replied:

- | | | | |
|-----|-----|-----------|----------------|
| (1) | (a) | May 1998 | 41 |
| | (b) | June 1998 | 29 |
| | (c) | July 1998 | 119 |
| (2) | (a) | May 1998 | 32 |
| | (b) | June 1998 | 25 |
| | (c) | July 1998 | 113 |
| (3) | (a) | May 1998 | \$1 087 640.95 |
| | (b) | June 1998 | \$1 015 911.59 |
| | (c) | July 1998 | \$4 358 231.51 |

TOURISM

Effect of Logging of Old Growth Timber

143. Hon NORM KELLY to the Minister for Finance representing the Minister for the Environment:

- (1) How many people are employed in the tourism industry in the entire Regional Forest Assessment ("RFA") area?
- (2) Why is this figure not included in the CRA?

- (3) Has any assessment been made of the effects of continued old growth forest clear felling on existing and potential employment in the tourism industry?
- (4) On page 103 of the CRA, it is stated that approximately 1 900 people are directly employed in native hardwood industries in the RFA region? What is the breakdown of this figure according to employment category?
- (5) How many people are directly employed in the plantation sector of the timber industry, and why is this figure not included in the CRA?

Hon MAX EVANS replied:

- (1) An economic profile of the tourism and recreation industries in the Regional Forest Agreement Area (June 1998) estimated that tourism in the combined "Central and Southern Regions" contributes to the employment of between 4900 and 6000 people, excluding self-employed people, and between 7000 to 9500 people when indirect employment is accounted for. The number of self-employed operators who derive some part of their income from tourism related activities is likely to range between 1400 and 1800 persons.

The "Central and Southern Regions" includes coastal areas which are outside the RFA region but excludes part of the Swan Region which is within the RFA region.

- (2) An employment estimate for the Central and Southern Regions based on 1996 ABS statistics was included on page 67 of the Comprehensive Regional Assessment report and an updated figure was included on page 18 of the Public Consultation Paper.
- (3) A direct link cannot be made. For example clear felling of karri forest has occurred at an average rate of 1500 hectares per annum in the decade 1987 to 1996, while a tourism case study in Pemberton showed that full-time tourism employment increased at 12.9% per annum in the decade 1988 to 1997.
- (4) The figures of approximately 1900 people (excluding metropolitan Perth and coastal towns) or 2500 people (including Perth and coastal towns) on page 103 of the CRA report were derived from The Australian Bureau of Statistics 1996 census data. More accurate data on employment numbers by most industry sectors has been gathered for the RFA economic assessment.

As a result, direct employment associated with hardwood production sourced solely from public land is now estimated to be:

Forest growing and management	419
Logging, roading and log haulage	619
Sawmilling and maintenance	1028
Woodchipping and residues	148
Re-sawing, dressing, admin	630

- (5) It is estimated that 866 to 906 fulltime equivalent jobs exist in the plantation and farm forestry sector for Western Australia.

The employment data for the CRA focussed on the native forest sector of the timber industry which is likely to be directly impacted by changes to the availability of hardwood log resource from public land.

PERTH AIRPORT CHARGES

162. Hon MARK NEVILL to the Minister for Transport:

- (1) Does the Minister have any evidence that Perth airport has been cheaper to use under private ownership?
- (2) What new charges have been levied by the airport's owners?
- (3) What major charges have been increased or decreased and by approximately how much?
- (4) What monitoring of charges is in place to ensure this monopoly charges fair and reasonable prices to -

- (a) the public;
- (b) service providers; and
- (c) other airport clients?

Hon M.J. CRIDDLE replied:

- (1)-(4) I should point out to the Honourable Member that the State has no control over or input into the charges made by the owners of Perth International Airport. However, I am aware that certain charges are the subject of Commonwealth approvals and the Australian Competition and Consumer Commission has an interest in the charges made at the airport and can intervene, in the public interest, if it so desires.

If the Honourable Member would like a briefing from the owners of Perth International Airport I would be happy to facilitate this.

WESTRAIL

Redundancy and Redeployment Costs

163. Hon TOM STEPHENS to the Minister for Transport:

- (1) What is the estimate of the number of Westrail staff who will, as a result of the sale of the Westrail freight business and rail track infrastructure -
- (a) take redundancy; and
 - (b) choose redeployment?
- (2) How much has Westrail budgeted for these costs?

Hon M.J. CRIDDLE replied:

- (1)-(2) It is too early in the sale process to contemplate the questions the Hon Member has raised.

A taskforce has been established to provide recommendations to Cabinet on the sale of Westrail's freight operations. The matters of accepting employment with a new owner, redundancy or redeployment will be a matter of personal choice for each employee.

MAIN ROADS WA

Mr D. Roberts' Trip to the USA and London

183. Hon KEN TRAVERS to the Minister for Transport:

On page 70 of the "Report of interstate and overseas travel undertaken by Ministers, Members of Parliament and Officers on official business" for the three months ended September 30, 1997, D Roberts is listed as having made a trip to the USA and London to "Evaluate and implement improvements in road making" -

- (1) Is D Roberts Main Roads' media officer Dean Roberts?
- (2) If yes, did he accompany the Minister on any part of the Minister's visit to the USA and Canada of July 8, 1997 to August 2, 1997?
- (3) If so, where to and why?
- (4) Was Mr Roberts' itinerary identical to the Minister's itinerary?
- (5) If no to (4) above -
 - (a) where was there a deviation;
 - (b) why did the itineraries differ; and
 - (c) will the Minister table Mr Robert's itinerary?

(6) If not, why not?

Hon M.J. CRIDDLE replied:

(1)-(2) Yes.

(3) Honolulu, Toronto, Atlanta, Chattanooga, Nashville, Albuquerque, Dallas, Austin to assist the official party in gathering photographic and other information later used in compiling reports and follow up of contacts made.

(4) No.

(5)-(6) Mr Roberts accompanied the then Minister as far as Austin where he and the Main Roads Executive Director Rural Operations, Mr M Wallwork, travelled to London for talks with UK authorities on contracting out of roadworks prior to returning to Perth.

ZOOLOGICAL GARDENS

Insurance Policies for Members

206. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for the Environment:

In relation to appointments to the governing board of the Zoological Gardens Board -

(1) Are members of the board the subject of any policies of insurance arranged by the board including indemnity insurance?

(2) If yes -

(a) what is the nature of the policy and the liabilities covered by the policy;

(b) who is the insurer;

(c) what is the maximum liability of the insurer under the policy;

(d) what is the annual premium for the policy;

(e) who is responsible for disclosing any material matters to the insurer which might affect the obligations of the insurer to meet its liability under the policy; and

(f) has the board or any of its members made any such disclosures during the currency of any insurance policy?

(3) Has the Government or the board provided any of its members with any indemnity other than through a policy of insurance?

(4) If yes, when was the indemnity provided and why?

(5) Who are the board's solicitors?

(6) How does the board choose its solicitors?

(7) What payment for legal advice and representation were made by the board in the last financial year?

(8) Is the board or organisation required to publish an annual report?

(9) When was its last report due?

(10) When was its last report published?

(11) When will its next report be published?

Hon MAX EVANS replied:

- (1) Yes.
- (2)
 - (a) Personal Accident - Board Members.
 - (b) Riskcover.
 - (c) \$103 717.
 - (d) \$2 000.
 - (e) Chief Executive Officer of the Perth Zoological Gardens.
 - (f) No.
- (3) No.
- (4) Not applicable.
- (5) The Crown Solicitor.
- (6) All statutory work and advice is conducted through the Crown Solicitor. Some legal business contract work is conducted through private solicitors. Selection is then through tender.
- (7) Nil.
- (8) Yes.
- (9) 29 October 1997.
- (10) 1996/97 Annual Report was published late and made available to the public on 11 November 1997.
- (11) October 1998.

NARROWS BRIDGE

255. Hon LJILJANNA RAVLICH to the Minister for Transport:

I refer to a report in *The West Australian* of August 12, 1998 in which the Commissioner of Main Roads stated that "Architects and consultants did a value engineering study aimed at finding the most cost effective solution to an extended or widened bridge across the narrows and that the decision to build a new bridge means massive savings in real dollars - in fact he praised Main Roads staff for being able to detect savings of up to \$15m in building a new bridge" and I ask -

- (1) Does the Minister support the Government's claim that it is an open and accountable government?
- (2) If so, will the Minister table the value engineering study which shows the cost benefit analysis for the building of the new bridge?
- (3) Will the Minister provide the figures to support the Commissioner's claim that Main Roads staff have detected savings of up to \$15m in building a new bridge?
- (4) If so, when will the Minister table this information?
- (5) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) Yes.
- (2) A number of study documents for the Narrows Bridge Widening project, including those outlining the benefits of building a new bridge in lieu of widening the existing one, were tabled with the Standing Committee on Estimates and Financial Operations on August 19 1998.

The decision to build the new structure away from the existing Bridge offers the opportunity for an innovative and

cost effective design to be developed, which achieves a more aesthetically pleasing river crossing, conserves the heritage value of the existing bridge and minimises the risk of traffic delays during construction.

- (3)-(4) A report summarising the estimated cost saving associated with building a new bridge in lieu of widening the existing one will be provided to the Standing Committee on Estimates and Financial Operations. It is expected that the report will be available within four weeks.
- (5) Not applicable.

ALBANY HIGHWAY

Central Median Strip

260. Hon LJILJANNA RAVLICH to the Minister for Transport:

- (1) Is the Minister aware that numerous accidents involving pedestrians have occurred near the intersection of Sevenoaks Street and Albany Highway, in their attempts to cross Albany Highway to reach the bus stop?
- (2) Will the Minister authorise Main Roads to install a central median strip to provide a safe carriageway for pedestrians crossing Albany Highway near the bus stops?

Hon M.J. CRIDDLE replied:

- (1) I understand from Main Roads that there have been no recorded crashes involving pedestrians at this location in the last five years.
- (2) As part of the Roe Highway project, Albany Highway will be upgraded to a dual carriageway on a new alignment between Harris Street and Dudley Road. This work will be completed during the Year 2000 and will provide median islands to enable pedestrians to cross with enhanced safety.

The proposed realignment will also move the curve further to the east from the Harris Street/Albany Highway junction improving the level of sight distance for both pedestrians and motorists.

ROADS

Halls Creek

267. Hon MARK NEVILL to the Minister for Transport:

For the Shire of Halls Creek, would the Minister provide a breakdown of the total road funds provided by the State in each financial year since July 1, 1993?

Hon M.J. CRIDDLE replied:

Expenditures of State road funds on local roads in the Shire of Halls Creek since July 1 1993 are:

1993/94	\$140 463
1994/95	\$768 940
1995/96	\$1 457 131
1996/97	\$1 135 193
1997/98	\$1 282 572
1998/99	\$1 136 195 (Budget)

The honourable member may also wish to compare these expenditures with those made over the last four years of the previous Government which were:

1989/90	\$399 720
1990/91	\$538 820
1991/92	\$86 700
1992/93	\$92 000

Expenditures on National Highways and State Roads in the Shire of Halls Creek since July 1 1989 are:

1989/90	\$1 095 952
1990/91	\$1 245 190
1991/92	\$1 410 612
1992/93	\$2 833 113
1993/94	\$1 259 201
1994/95	\$1 015 940
1995/96	\$3 627 721
1996/97	\$2 322 948
1997/98	\$1 674 181
1998/99	\$7 801 637 (Budget)

ABORIGINAL ACCESS ROADS FUNDING

268. Hon MARK NEVILL to the Minister for Transport:

For the category of Aboriginal Access Roads Funding would the Minister indicate a breakdown of the expenditure on the -

- (a) Tanami Road; and
- (b) individual community access roads?

Hon M.J. CRIDDLE replied:

- (a)-(b) The attached schedule details funding for Aboriginal Access Roads for 1998/99. [See paper No 178.]

HALLS CREEK AIRPORT LANDING LIGHTS

272. Hon MARK NEVILL to the Minister for Transport:

Why were landing lights only installed at the Halls Creek Airport and not at Fitzroy Crossing Airport during the upgrade in late 1996?

Hon M.J. CRIDDLE replied:

Land lights were not installed at Halls Creek in 1996 during the State funded upgrade of the airport. Lights were installed at Halls Creek some years before the 1996 upgrade.

During the upgrade of the Fitzroy Crossing Airport, the Shire was considering the provision of lighting but did not proceed with the proposal at that time.

COCKBURN SOUND DREDGING

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

- (1) Will the Minister for Transport table the letter from the Department of Transport to Van der Meer and Associates Pty Ltd of October 5, 1994 regarding the conceptual approval for dredging works in Cockburn Sound?
- (2) Did the letter state that an Environmental Protection Authority ("EPA") clearance was required before any dredging was to take place?
- (3) What steps did the Department of Transport take to ensure that approval was given by the EPA before allowing dredging to take place?
- (4) Does the department normally ensure that proponents comply with conditions it stipulates?
- (5) If so, what are the department's procedures for ensuring proponents comply with conditions it sets?

Hon M.J. CRIDDLE replied:

(1)-(2) Yes. [See paper No 179.]

(3) Transport does not have any authority to approve any dredging works, it is the jurisdiction of the Environmental Protection Authority.

(4) Yes.

(5) In all cases documentation is required to be submitted for approval. Where possible, and where considered necessary, works are examined in-situ.

PERTH MARKET AUTHORITY

285. Hon MARK NEVILL to the Minister for Transport representing the Minister for Primary Industry:

In respect of the Perth Market Authority -

(1) What was the capital cost of the Perth Market Authority?

(2) What amount of the principal loan is outstanding?

(3) By how much has the principal loan been reduced in each financial year since the Canning Vale Markets were built?

(4) What was the average interest rate paid for the 1996/97 financial year?

(5) What was the total income for the 1997/98 financial year?

(6) What was the total expenditure for the 1997/98 financial year?

(7) What was the total interest paid during the 1997/98 financial year?

(8) What was the net loss or profit for the 1997/98 financial year?

(9) Has the Canning Vale Market operated on a user pay basis for the 1997/98 financial year?

(10) What was the cash surplus for the 1997/98 financial year?

(11) What was the total of funds held on deposit at June 30, 1998 by the Perth Market Authority?

(12) How many lease disputes in the Perth Market Authority have been settled by arbitration?

Hon M.J. CRIDDLE replied:

(1)-(12) The previous Labor Government made the decision to relocate the new market facilities from West Perth to Canning Vale. The markets opened in October 1989, and the capital cost including site services and buildings amounted to \$44 609 256.

Funds for the development were borrowed as directed by the Government of the day through the WA Treasury Corporation and because of the high initial interest rates, a penalty was paid in 1995/96 to refinance the loan, to reduce this interest rate, resulting in the principal loan being \$45 087 612. No repayments have been made.

To meet the continuing demand for expansion of the market facility, additional loans have been taken out for four new developments and these loans are based on approximately 40% equity and 60% borrowing with repayment in full usually over the first term of the lease.

The principal loan is made up of 40 separate lines with a mixture of long and short term maturities. The average interest rate in 1996/97, excluding the Government Guarantee fee, was 7.17% (accrual based calculation).

In the 1997/98 financial year using accrual based calculations, the total income including variable outgoings amounted to \$8.659m, whilst expenditure excluding capital items and depreciation amounted to \$6.852m.

Excluding the Government Guarantee Fee the total interest paid for all loans was \$3 681 782. The property is operated on a commercial basis with the user pay principle applying, and the unaudited result for 1997/98 was a profit of \$328 618. The net operating cash flow for 1997/98 was \$1.758m and this does not include net cash flows from financing and investing activities (capital acquisitions and disposals). At the end of the year, funds on deposits amounted to \$5 267 503.

There have been two arbitrations for individual tenants and one arbitration on behalf of a group of tenants.

MAIN ROADS WA

Contracts under \$500 000

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

- (1) How many contracts up to \$500 000 has the Commissioner of Main Roads awarded in the years -
 - (a) 1995;
 - (b) 1996;
 - (c) 1997; and
 - (d) so far in 1998?
- (2) What was the value of the contracts for each of the requested years?
- (3) Can the Minister table a list of those contracts detailing the company, purpose of the contract and the value?

Hon M.J. CRIDDLE replied:

- (1)
 - (a) This information is not readily available.
 - (b) Approximately 50 000 contracts.
 - (c) Approximately 40 000 contracts.
 - (d) Approximately 18 000 contracts up to June 30 1998.
- (2)

1995 - This information is not readily available.

1996 - Contract award value totals approximately \$340 million.

1997 - Contract award value totals approximately \$377 million.

1998 - Contract award value up to June 30 1998 totals approximately \$157 million.
- (3) To provide the details requested would take considerable time and cost and I am not prepared to commit scarce resources to this task. However, if there are any specific contracts the Hon Member would like information on, I would be happy to assist.

NORTH METROPOLITAN HEALTH SERVICE

299. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

- (1) What was the budget allocation for the North Metropolitan Health Service for the financial years -
 - (a) 1997/98;
 - (b) 1998/99?
- (2) What was the actual expenditure for the North Metropolitan Health Service for the 1997/98 financial year?
- (3) What was the budget allocation for the North Metropolitan Health Service aged care program for the financial years -
 - (a) 1997/98;
 - (b) 1998/99?

- (4) What was the actual expenditure for the North Metropolitan Health Service aged care program for the 1997/98 financial year?
- (5) What was the budget allocation for the North Metropolitan Health Service psychiatric services program for the financial years -
- (a) 1997/98;
 - (b) 1998/99?
- (6) What was the actual expenditure for the North Metropolitan Health Service psychiatric services program for the 1997/98 financial year?
- (7) What was the budget allocation for the North Metropolitan Health Service community health program for the financial years -
- (a) 1997/98;
 - (b) 1998/99?
- (8) What was the actual expenditure for the North Metropolitan Health Service community health program for the 1997/98 financial year?
- (9) What was the budget allocation for the North Metropolitan Health Service public health program for the financial years -
- (a) 1997/98;
 - (b) 1998/99?
- (10) What was the actual expenditure for the North Metropolitan Health Service public health program for the 1997/98 financial year?
- (11) What was the budget allocation for the Osborne Park Hospital for the financial years -
- (a) 1997/98;
 - (b) 1998/99?
- (12) What was the actual expenditure for the Osborne Park Hospital for the 1997/98 financial year?
- (13) What was the budget allocation for the Osborne Lodge for the financial years -
- (a) 1997/98;
 - (b) 1998/99?
- (14) What was the actual expenditure for the Osborne Lodge for the 1997/98 financial year?
- (15) How many aged care beds were located at Osborne Park Hospital in the financial years -
- (a) 1993/94;
 - (b) 1994/95;
 - (c) 1995/96;
 - (d) 1996/97; and
 - (e) 1997/98?
- (16) How many aged care beds will be provided in 1998/99?
- (17) How many aged care beds were located at Osborne Lodge in the financial years -
- (a) 1993/94;
 - (b) 1994/95;
 - (c) 1995/96;
 - (d) 1996/97; and
 - (e) 1997/98?

- (18) How many will be provided in 1998/99?
- (19) What was the budget allocation for capital works at Osborne Park Hospital in the financial years -
- (a) 1993/94;
 - (b) 1994/95;
 - (c) 1995/96;
 - (d) 1996/97;
 - (e) 1997/98; and
 - (f) 1998/99?
- (20) What was the actual expenditure in capital works at Osborne Park Hospital in the financial years -
- (a) 1993/94;
 - (b) 1994/95;
 - (c) 1995/96;
 - (d) 1996/97; and
 - (e) 1997/98?
- (21) What was the budget allocation for recurrent spending at Osborne Park Hospital in the financial years -
- (a) 1993/94;
 - (b) 1994/95;
 - (c) 1995/96;
 - (d) 1996/97;
 - (e) 1997/98; and
 - (f) 1998/99?
- (22) What was the actual expenditure in recurrent spending at Osborne Park Hospital in the financial years -
- (a) 1993/94;
 - (b) 1994/95;
 - (c) 1995/96;
 - (d) 1996/97; and
 - (e) 1997/98?

The answer was tabled. [See paper No 180.]

OSBORNE PARK HOSPITAL

300. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:
- (1) How many patients were treated at Osborne Park Hospital in the 1997/98 financial year and how many are estimated to be treated in the 1998/99 financial year?
- (2) How many patients were treated at Osborne Park Hospital in the 1997/98 financial year in each of the following health service categories -
- (a) medical;
 - (b) surgical;
 - (c) obstetrics; and
 - (d) paediatrics?
- (3) How many patients have been budgeted for each of these categories in (2) above for 1998/99?
- (4) How many medical FTE's were employed at Osborne Park Hospital in the financial years -
- (a) 1993/94;
 - (b) 1994/95;
 - (c) 1995/96;

- (d) 1996/97; and
- (e) 1997/98?

- (5) How many are budgeted for in the 1998/99 Budget?
- (6) How many non-medical FTE's were employed at Osborne Park Hospital in the financial years -
- (a) 1993/94;
 - (b) 1994/95;
 - (c) 1995/96;
 - (d) 1996/97; and
 - (e) 1997/98?
- (7) How many are budgeted for the 1998/99 Budget?
- (8) How many FTE's were employed at the Osborne Park Hospital in the 1997/98 financial year in each of the following categories -
- (a) nursing;
 - (b) medical;
 - (c) medical support;
 - (d) administration/technical support;
 - (e) hotel service; and
 - (f) maintenance?
- (9) How many FTE's have been budgeted for in each of the categories in (8) above for 1998/99?
- (10) How many people waiting for elective surgery at Osborne Park Hospital have had their surgery cancelled in 1998?
- (11) How many people waiting for elective surgery at Osborne Park Hospital have had their surgery postponed in 1998?
- (12) How many surgical operations were performed at Osborne Park Hospital in the 1997/98 financial year and how many are estimated to be performed in the 1998/99 financial year?
- (13) How much money was allocated for elective surgery at Osborne Park Hospital in the 1997/98 financial year and how many are estimated to be performed in the 1998/99 financial year?

Hon MAX EVANS replied:

- (1) 1997/98 9859 discharges (includes neonates)
1998/99 As the budget allocation process between the Metropolitan Health Services Board and individual hospitals is not yet complete and activity has not yet been determined, this information is not available.
- (2) Medical 1999 discharges (includes geriatrics)
Surgical 4650
Obstetrics 1500
Paediatrics 1710 (includes 1483 neonates)
- (3) As the budget allocation process between the Metropolitan Health Services Board and individual hospitals is not yet complete and activity has not yet been determined, this information is not available.
- (4) 1993/94 230.49 (FTE)
1994/95 227.60
1995/96 229.31
1996/97 250.22
1997/98 256.00

(Medical staff considered as clinical and constitutes doctors, nursing and medical support staff).

- (5) As the budget allocation process between the Metropolitan Health Services Board and individual hospitals is not yet complete, this information is not available.
- (6)
- | | |
|---------|--------------|
| 1993/94 | 140.13 (FTE) |
| 1994/95 | 140.82 |
| 1995/96 | 131.05 |
| 1996/97 | 135.41 |
| 1997/98 | 141.90 |
- (7) As the budget allocation process between the Metropolitan Health Services Board and individual hospitals is not yet complete, this information is not available.
- (8)
- | | |
|----------------------------------|--------------|
| Nursing | 186.30 (FTE) |
| Medical | 20.10 |
| Medical support | 49.60 |
| Administration/technical support | 52.20 |
| Hotel Services | 76.00 |
| Maintenance | 13.70 |
- (9) As the budget allocation process between the Metropolitan Health Services Board and individual hospitals is not yet complete, this information is not available.
- (10) 31 - From 01/01/98 to 31/08/98.
- (11) 255 - From 01/01/98 to 30/08/98. Deferral mainly due to industrial action.
- (12) 4877 (including gastroscopies). As yet, no estimate of surgical operations has been determined 1998/99 for Osborne Park Hospital.
- (13) Accounting systems available at Osborne Park Hospital do not allow the identification of funds allocated or spent on elective surgery. As yet, no estimate of elective surgical operations has been determined for 1998/99 at Osborne Park Hospital.

OSBORNE PARK HOSPITAL

301. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

I refer to the answer to question on notice number 1738 as recorded in *Hansard* of Tuesday, June 9, 1998 which stated that "Originally \$2.7 million was allocated from Osborne Park Hospital (to the Joondalup Health Campus). However, the full amount was reinstated to Osborne Park Hospital to deal with patients from teaching hospital waiting lists." -

- (1) Was the cost of dealing with patients from teaching hospital waiting lists included in the 1997/98 Osborne Park Hospital Budget?
- (2) If not, in what areas of the 1997/98 Osborne Park Hospital Budget were the cuts made to provide for the unbudgeted extra cost of dealing with patients from teaching hospital waiting lists?

Hon MAX EVANS replied:

- (1) Not initially. The funding was provided as part of the States' Waiting List Reduction Program to have services provided at local hospitals and closer to where patients live.
- (2) Osborne Park Hospital did not have to reduce its surgical operations as it substituted patients from its own waiting list and that of teaching hospitals for the patient activity that was transferred to the Joondalup Health Campus.

SALARY PACKAGING

314. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Public Sector Management:

With proposed tax changes requiring employers to include details of fringe benefits on group certificates with the Australian Taxation Office, including these benefits in its calculation of a taxpayer's assessable income -

- (1) What will be the impact on salary packaging arrangements for employees in the 40 public sector agencies that have taken up salary packaging schemes?
- (2) What impact will the proposed changes have on workplace agreements and will these need to be rewritten in light of their reduced benefit to public sector workers?
- (3) Will the 3 200 state public servants currently benefiting from salary packaging be given a choice about returning to the award system without incurring penalties?
- (4) If so, what is the likely cost implication of this?

Hon MAX EVANS replied:

- (1) An assessment of the Commonwealth Government's proposed changes to the tax system on salary packaging in the public sector requires an examination of information about how the tax package will be applied. Federal agencies have been unable to supply this information during the election caretaker period.
- (2)-(4) I refer the Honourable Member to the answer given in Parliament to Question Without Notice 77 on Wednesday 19 August 1998.

QUESTIONS WITHOUT NOTICE

BUS PURCHASE, MERCEDES BENZ CONTRACT

223. Hon TOM STEPHENS to the Minister for Transport:

In reference to the Government's decision to enter into a 12-year contract to purchase 848 buses from Mercedes Benz, of which at least 128 of the first 133 will be diesel-fuelled, I ask -

- (1) Has the formal contract to supply those buses yet been signed?
- (2) If yes, when?
- (3) If not, why not?
- (4) When will the first 133 buses be received?

Hon M.J. CRIDDLE replied:

- (1)-(4) On a couple of those issues I am not able to give a definitive answer, but we intend to have the first of the buses here by the end of the year.

REGIONAL FORESTS AGREEMENT, SUBMISSION

224. Hon TOM STEPHENS to the minister representing the Minister for the Environment:

- (1) Did the Department of Environmental Protection make a submission on the Regional Forests Agreement consultation paper?
- (2) Will the minister table the submission?
- (3) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) I now seek leave to table the submission.
Leave granted. [See paper No 175.]
- (3) Not applicable.

GOODS AND SERVICES TAX, LOTTERY PRODUCTS

225. Hon N.D. GRIFFITHS to the Minister for Racing and Gaming:

I refer to the fact that under the current arrangements in Western Australia agents' fees for selling lotto and instant lottery tickets are paid by the Lotteries Commission, and in other States agents' fees are added to the price of tickets and hence paid directly by consumers, and ask -

- (1) How will the goods and services tax be applied to lottery products in Western Australia?
- (2) What will be the effect of a uniform 10 per cent GST on the price of Western Australian lotto tickets and lottery products?
- (3) Will the minister provide a guarantee that the price of lotto and lottery products will not rise under a GST in Western Australia?

Hon MAX EVANS replied:

- (1)-(3) That is a most interesting question. The member should get his facts straight. For Ozlotto and Powerball the commission is added on; they are in the Australian lotto bloc. For the weekend lotto, it is included in the price. We do two-thirds of what the eastern States do and one-third is done differently.

Hon N.D. Griffiths: That which is Western Australian.

Hon MAX EVANS: That is Western Australia. The member was wrong. Two of our products are treated in the same way as those in the eastern States, but Saturday lotto is treated differently from the situation in the eastern States. As I said yesterday - the member might not have understood - gaming tax in respect of the Totalisator Agency Board and bookmakers is levied on the profit from gambling. Profit from the lotteries is 40 per cent of \$400m; in other words, we return 60 per cent in prizes, and 40 per cent is the profit on gambling. That is \$160m. The amount of GST is one-eleventh of \$160m, which is about \$18m. That would be paid by the Lotteries Commission and will have no effect on a person buying lottery tickets or the agents selling them.

The Government will have to face up to the payment of \$18m and the effect it will have on community funding. A question was asked on this matter the other day, but the member did not seem to understand the position. Under the Act we must pay only 5 per cent to the community - that is, \$20m - whereas we are paying about \$45m at present. That is well over the required amount. I have indicated how GST will be worked out on lotteries. It is one-eleventh of the profit from gambling and nothing else.

EAST ROCKINGHAM INDUSTRIAL AREA, NOISE MONITORING

226. Hon J.A. SCOTT to the minister representing the Minister for the Environment:

- (1) Has the Department of Environmental Protection received the results of noise monitoring studies carried out at the east Rockingham industrial area in August 1998?
- (2) If so, did those studies show that appropriate noise levels had been exceeded at any time or for any area, and if so can the minister provide details?

- (3) By how much is the proposed iron ore loading facility at Kwinana expected to add to noise levels in that area?
- (4) What level of increase in noise levels will be acceptable to the EPA and at what hours will the proposed ore loading be operating?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Yes. Noise levels up to 47dB(A) were recorded at night at the northern end of Kent Street, East Rockingham.
- (3) The increase in noise levels in the Rockingham area due to the proposed facility will be much less than 1dB(A) above current levels.
- (4) The EPA will allow noise levels to increase only within the limits set by the Environmental Protection (Noise) Regulations 1997. The proposed ore loading can occur at any hour of the day.

HILLIGER FOREST BLOCK, DIEBACK MAPS

227. Hon NORM KELLY to the minister representing the Minister for the Environment:

In answer to question without notice 155, the minister stated that a dieback interpretation map of Hilliger block, showing dieback affected areas, would be tabled "as soon as possible".

- (1) Is the minister now in a position to table that map?
- (2) If not, is this an acceptable delay, given the vast resources of the Department of Conservation and Land Management and the importance of such a map?
- (3) Will the minister ensure that this map is tabled prior to the signing of a Regional Forests Agreement?
- (4) When does the minister expect an RFA to be signed?

The PRESIDENT: Order! Before I call the Minister for Finance, perhaps Hon Norm Kelly did not quite describe question (2) in the way he intended, because if he had said it in that way, it would have been out of order.

Hon MAX EVANS replied:

I thank the member for some notice of this question. I will ignore parts (2) and (3) of the answer, so it does not matter.

- (1) I seek leave to table two dieback maps of Hilliger forest block. Map 1 is the map of dieback occurrence for the whole of Hilliger forest block as depicted in the data used for the comprehensive regional assessment. This data set was closed off in December 1997 and data sets which contributed to it were closed off at various periods prior to that. Subsequently, further mapping of dieback occurrence was undertaken ahead of timber harvesting in the southern portion of Hilliger forest block. Map 2 is the map of dieback occurrence from that more recent evaluation.

[See paper No 176.]

- (2)-(3) Not applicable.
- (4) As soon as possible.

ECONOMIC GROWTH FORECASTS

228. Hon TOM HELM to the Minister for Finance:

- (1) Is the minister aware of reports in yesterday's edition of *The Australian Financial Review* that federal Treasury will

be forced into a savage downgrading of its official economic growth estimates within three months of the 3 October election, according to leading analysts?

- (2) The ANZ's chief economist, Saul Eslake, has said -

It's hard not to come to the view that . . . 1998 and 1999 will be the worst years for the global economy since 1982.

The Governor of the Reserve Bank of Australia, Ian Macfarlane, in Perth on Tuesday said that Australia currently has -

The threat of an external shock hanging over us.

There are various reports that we could be in global difficulties. Is the minister aware of those statements?

- (3) What steps is the Government taking to review its own growth forecasts?
- (4) When can we expect the result of any analysis to be released?

The PRESIDENT: Order! I do not want to be pedantic, but under Standing Order No 140 the first and last parts of that question would be in order, but the quotes and so on that are no more than inferences, imputations or unnecessary epithets would be out of order. However, as they do not add anything to the question, I call the Minister for Finance.

Hon MAX EVANS replied:

- (1)-(4) I wish I could table a paper I presented the other day to a financial conference. The Western Australian economy is acting differently from the Australian economy. Last year our exports were 18 per cent more than we expected. Many new markets have been found. We are not heavily into manufacturing in this State, which is the big problem in the other States. There will be problems with the price of minerals and so on. These reports are written from a national perspective. I could get a copy of the report, or the member could put the question on notice.

The Government has scaled back the growth rate by 0.5 per cent, but that adjustment is not as great as that made to the Australian economy projections - it was not necessary in this State's case. Most things are going well. We know that the fruit and vegetable markets have been affected, but they are picking up.

Hon Tom Helm: What about capital investment?

Hon MAX EVANS: We are still anticipating \$9.9b in capital investment in this State this year, which is far ahead of the projections for the other States.

Hon Tom Helm: That is a downgrade.

Hon MAX EVANS: We still have possibilities in the pipeline amounting to \$55b. No-one knows whether it will take off. The member would know that the best time to invest in the mining industry is when the prices are low - they will always go up.

The paper presented the other day was very well put together; it summarised the situation very well and I agree with the points made in it.

MINISTRY OF JUSTICE - MR JACOBY, MR McNAUGHTON

229. Hon HELEN HODGSON to the Minister for Justice:

I refer to the minister's responses to questions without notice 169, answered on 10 September 1998, and 198, answered on 15 September 1998, and ask -

- (1) Is Mr Jack Jacoby, or the Jacoby Consulting Group Pty Ltd, currently engaged by the Ministry of Justice in any capacity?

- (2) Has the minister met with Mr Jacoby or Mr Jock McNaughton in respect of any project, review or other work being undertaken by the Ministry of Justice?
- (3) Has the minister been briefed on the progress or findings of Mr Jack Jacoby or Mr Jock McNaughton in respect of any project or review in respect of the offender management division in which these consultants have been engaged?
- (4) Has the minister or the acting director general received any written report in respect of the offender management division from either Mr Jack Jacoby or Mr Jock McNaughton and, if so, will the minister table that report?
- (5) What is the expected completion date of the review of the emergency support group and the prisons improvement project?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Yes, I have met with Mr Jacoby. I have not met with Mr Jock McNaughton.
- (3) In respect of Mr Jacoby's findings, yes. Mr Jock McNaughton is not a consultant. He is the manager of the offender management division's internal investigations unit and information analysis branch. In this capacity his reports are either forwarded to the Police Service or used internally for the good order and security of the prison system and are confidential.
- (4) In respect of Mr Jacoby, he has documented his recommendations and they are with the Ministry of Justice. I had previously agreed to table the report when the ministry had completed its assessment and consideration of the recommendations. I now seek leave to table this document. [See paper No 177.]

In respect of Mr McNaughton, this question is not applicable. I will not table any of Mr McNaughton's reports.
- (5) The review of the emergency support group is expected to be completed by 18 September 1998. The prisons improvement project has an anticipated lifespan of approximately two years.

CRIME RATES AND DRUGS

230. Hon CHRISTINE SHARP to the Attorney General representing the Minister for Police:

In respect of escalating crime rates, such as for armed robbery, break and enter, robbery with violence, bag snatching, which are often attributed to drug addicts seeking funds to feed their habits -

- (1) What is the estimated per annum value of the illegal drug industry in Western Australia?
- (2) What is the principal known source of illegal drugs entering Australia; for example, by air, sea and land?
- (3) What level of drug trade dealers in the hierarchy of the illegal drug trade industry are arrested?
- (4) In view of the fact that much crime committed has drugs as the cause, has the level of state policing activity with the primary aim of catching drug dealers increased concomitantly in the past year? If not, why not?

Hon PETER FOSS replied:

- (1) This figure is unable to be estimated. The extent of the illegal drug industry in Western Australia cannot be estimated because the only indicators available are drug seizures. Drug seizures do not give a true indication of the extent of the drug industry as they can be influenced by a number of factors, including drug availability, law enforcement tactics, funding of law enforcement bodies, and/or demand fluctuations.

The Australian Institute of Criminology has attempted to estimate the financial and economic costs of crime to

society. In its 1996 assessment, drug offences represented 10.2 per cent of the total cost of crime in Australia, or \$2b.

- (2) In order to provide the member with suitable advice, the Western Australia Police Service requests that this question be put on notice.
- (3) All levels of drug dealers are arrested by law enforcement agencies. The organised crime operations of the WAPS, through its core functions, specifically targets major suppliers. Each drug has different target areas; for example, amphetamine manufacturers are a high priority to the WAPS as they are the beginning of the supply chain or source. Heroin is primarily imported, and interception at the barrier by customs is the most effective way to reduce supply to and throughout Western Australia. The supplier may not necessarily be high in the drug dealers' hierarchy; however, targeting these suppliers proves to be more effective in reducing supply.
- (4) The WAPS organised crime operations proactively targets the upper echelon of drug dealers. These operations are based on intelligence and are influenced by current trends and issues, such as drug overdoses, criminal group activities or the emergence of new drugs in the WA marketplace. All activities of the WAPS organised crime operations are proportionate to these identified trends and issues.

It should also be noted that the state-level activities of the WAPS are often carried out in consultation and cooperation with the Australian Federal Police, the National Crime Authority and the Australian Customs Service. Joint operations between these agencies and the WAPS have been successfully conducted in Western Australia over the past 12 to 18 months.

Concurrent with the efforts of the WAPS organised crime operations, district detective officers and uniformed staff are responsible for dealing with the activities of drug users and street-level dealers or those dealers who do not operate in upper level criminal enterprise. Through the use of district intelligence support centres, each of the WAPS districts has access to and can proactively target criminal activity specific to their local community.

FLETCHER INTERNATIONAL EXPORT PTY LTD

231. Hon KIM CHANCE to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Did the minister have discussions with representatives of the Fletcher group prior to the company's receiving government assistance of \$5.7m for an abattoir in Narrikup?
- (2) When did the discussions take place?
- (3) Did he give Fletcher International Export Pty Ltd any assurance regarding government assistance prior to the matter going to Cabinet in January this year?
- (4) Has the minister ever visited a Fletcher-owned abattoir in another State?
- (5) If yes, where and when?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The minister has had discussions with Fletchers.
- (2) On a number of occasions, but most recently during an on-site visit to the company's Dubbo meatworks in January 1998.
- (3) No.
- (4) Yes.
- (5) Dubbo, New South Wales, in January 1998.

DEPARTMENT OF TRANSPORT - MEDIA RELATION CONSULTANTS

232. Hon TOM STEPHENS to the Minister for Transport:

- (1) Has the Department of Transport engaged media relations consultants in the past six months?
- (2) Who has it engaged?
- (3) When were they engaged?
- (4) What has been the total cost?
- (5) What is the justification for the cost?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2)
 - (a) The Rowland Company.
 - (b) The Rowland Company.
- (3)
 - (a) January to June 1998.
 - (b) March 1998.
- (4)
 - (a) \$4 900.
 - (b) \$4 805.

Total \$9 705.
- (5)
 - (a) Coordination-communications for the enhanced traffic enhancement project.
 - (b) Communications of the driver training and licensing project.

GOODS AND SERVICES TAX - LOTTERIES COMMISSION

233. Hon CHERYL DAVENPORT to the Minister for Racing and Gaming:

I draw the minister's attention to the fact that, based on its 1997 trading surplus, the Lotteries Commission will be required to pay approximately \$16m to the Commonwealth Government as a result of the proposed GST.

- (1) Will the minister give an assurance that the commission will be fully compensated for this loss in revenue by the State Government so that those many community groups that rely on this source of funding to function will not be disadvantaged?
- (2) If not, what action will the minister take to protect these groups from this regrettable consequence of introducing a GST?

Hon MAX EVANS replied:

- (1)-(2) It is a different income ratio. The Lotteries Commission does not pay federal or state taxes on the \$16m or \$18m. This is all part of negotiations with the Federal Government. It has asked us to forgo gambling taxes as part of the GST package. The figures we released show a total loss of gambling revenue of \$70m. Our revenue from the Burswood International Resort Casino is 16 per cent. Under the Federal Government's proposal 10 per cent will go to the GST and we will receive 6 per cent, which is about \$35m, plus \$18m from the Totalisator Agency Board. At present we envisage that we will be compensated for that loss, and we will then work out some deal with the Lotteries Commission on exactly what will happen. Until we know the full formula of the GST I would not like to guarantee one thing or the other. We could complain, hell! However, the turnover will go up and up. Members opposite can make any story they like out of it, but we will get all the facts.

Hon Kim Chance: How can the Premier say that it is a good thing for Western Australia? How can the Premier know that from the minister's advice?

Hon MAX EVANS: There are a lot of good things in it. We will make up that difference in profits this year, so it does not matter.

LEARMONTH AIRBASE UPGRADE

234. Hon GIZ WATSON to the Minister for Transport:

In regard to the \$70m upgrade of Learmonth airbase situated 35 kilometres south of Exmouth -

- (1) Will the minister indicate the intended extent of military presence to be located at the Learmonth airbase once the upgrade is completed in March 1999?
- (2) What is the minister's understanding of the impact an increase of population and military activity may have on the surrounding economy and environment?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) The \$70m upgrade of the Learmonth base is being undertaken on behalf of the Department of Defence and thus is a matter solely under the jurisdiction of the Commonwealth Government. The member may wish to raise the query with the commonwealth authorities.

ELLE MACPHERSON ADVERTISEMENTS

235. Hon LJILJANNA RAVLICH to the Minister for Tourism:

In relation to the proposed new Elle advertisements -

- (1) Has the WA Tourism Commission's board of commissioners approved the proposed new advertisements?
- (2) If yes, when did they discuss and approve them?
- (3) If not, when will they do so?

Hon N.F. MOORE replied:

I thank Hon Ljiljanna Ravlich for some notice of this question, and also Hon John Halden for notice of a similar question and two other questions of the same nature asked by two other members. Obviously the Opposition's system is breaking down.

- (1) Yes.
- (2) At the WATC board of commissioner's meeting of 28 May 1998, approval was given to progress the concept of additional television commercials featuring Elle Macpherson; and on 28 August 1998 at the WATC board of commissioner's meeting the final advertising concepts were approved.
- (3) Not applicable.

WATER RESTRICTIONS

236. Hon KEN TRAVERS to the minister representing the Minister for Water Resources:

- (1) Has the Water Corporation had any discussion to develop a strategy to prepare the people of Perth for water restrictions this summer?

- (2) Has the minister been involved in these discussions and will he table any documents that have been developed as a result of these discussions?
- (3) Is the article in this morning's *The West Australian* blaming household overconsumption a part of the strategy to prepare people for water restrictions?
- (4) When will the minister announce the level of increased water restrictions which will apply to Perth households this summer?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes. An information campaign has been in place for a month warning metropolitan residents of the need to cut back on water consumption. This campaign will continue during October and will ask water users to cut consumption by 10 per cent.
- (2) There have been ongoing discussions during the course of the past month on the necessity for an information campaign and its direction. The minister has been involved in these discussion. The resulting television, radio and print advertisements have been in the public arena for four weeks.
- (3) No. The article was the result of a media inquiry to the Water Corporation.
- (4) The possibility of summer water restrictions will be discussed again in November unless a significant reduction in water consumption and/or heavy rainfall make it unnecessary.

HEALTH DEPARTMENT - CSC AUSTRALIA PTY LTD

237. Hon E.R.J. DERMER to the minister representing the Minister for Health:

I refer to the minister's advice of 16 September 1998 that a number of systems have been implemented in our metropolitan hospitals by CSC Australia Pty Ltd as part of a six-year contract with the Health Department.

- (1) What was the overall price of this contract?
- (2) What systems were implemented within the terms of this contract?
- (3) The provision of what other goods and services were included within the terms of this contract?
- (4) What are the respective commencement and conclusion dates for the contract?
- (5) Does the minister have information on the cost of specific systems and other goods and services within the terms of this contract?
- (6) If yes, will the minister table this information?
- (7) If the minister will not table this information, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) \$89 733 000 - as varied.
- (2) Clinical care; clinical costing; patient administration; laboratory information system; financial systems; supply and purchasing systems; engineering works management plus full integration of the above.
- (3) Facilities management, provision of infrastructure and equipment for the above systems; and system support and maintenance for the above systems and infrastructure.

(4) 1 January 1993 until 31 December 1998.

(5)-(7) No.

OLD TREASURY BUILDINGS

238. Hon NORM KELLY to the minister representing the Treasurer:

In relation to question without notice 138 -

- (1) On what date did the Treasury Department commence exploring commercial development options for the old Treasury buildings?
- (2) Is it normal for changes to long-standing coalition policy to be made by the Cabinet?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) On 20 April 1998 Cabinet decided that the Government Property Office of the Treasury Department should oversee the lease of the properties and then submit a recommendation on the preferred tenderer to Cabinet for approval.

BUS DRIVERS - SAFETY CONCERNS

239. Hon KIM CHANCE to the Minister for Transport:

I refer to the denial by Transperth director Brett Inchley that there are safety concerns among bus drivers.

- (1) Have any bus drivers raised safety and other concerns with the department, similar to those published in the *Sunday Times* last weekend?
- (2) If so, how many, and what has been the general thrust of those concerns?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) No bus drivers have raised safety issues with the Department of Transport similar to those published in the *Sunday Times* last weekend. Following the publication of the article, the department immediately sought confirmation of the claims from the operator concerned, and neither the department nor the operator has been able to obtain any confirmation that the incidents referred to in the article did occur. Had such complaints been received by the department, corrective action would have been taken immediately.

BUS CONTRACTS WITH MERCEDES BENZ

240. Hon TOM STEPHENS to the Minister for Transport:

- (1) Has the minister, his predecessor, or any of his staff signed any contract with Mercedes Benz, the supplier of the buses?
- (2) If yes, when was it signed and what are the terms of the contract.

The PRESIDENT: The standing orders do not allow the same question to be asked twice. Can the Leader of the Opposition distinguish between the two questions that have been asked?

Hon TOM STEPHENS: The second question asks whether any contract at all has been signed. Effectively, this is a supplementary question, which builds upon the minister's earlier answer, to ascertain the basis upon which we are about to take delivery of some Mercedes Benz buses.

The PRESIDENT: I understand the different wording and context.

Hon M.J. CRIDDLE replied:

I am being asked to speak for myself, the previous minister and any of my staff. That is a difficult thing for me to do, and I ask the Leader of the Opposition to put the question on notice.

WORKERS COMPENSATION MEDICAL PANELS**241. Hon HELEN HODGSON to the Attorney General representing the Minister for Labour Relations:**

I refer to the Attorney General's answer to question 159 asked on 10 September.

- (1) How many cases were heard by medical assessment panels last year?
- (2) What criteria in addition to those detailed under section 145(c) of the Workers' Compensation and Rehabilitation Act are used to select the general practitioner and specialist to be appointed to a medical assessment panel from those registered under section 145(b)?
- (3) Of the 125 doctors appointed to sit on medical assessment panels -
 - (a) What is the highest number of cases heard by a particular registered general practitioner?
 - (b) What is the highest number of cases heard by a particular registered specialist?
 - (c) What is the highest number of cases chaired by a particular registered doctor?

Hon PETER FOSS replied:

I thank the member for some notice of this question. Unfortunately that notice was given to the Minister for Finance. A couple of questions came directed to the Minister for Finance representing the Minister for Labour Relations.

Hon Helen Hodgson: Mine says to the Attorney General.

Hon PETER FOSS: This one does not.

- (1) Fifty-four in 1997.
- (2) A range of factors are taken into consideration in addition to those detailed in section 145(c) of the Act, including -
 - (a) The availability of a suitable chairperson within four to five weeks of contact.
 - (b) The nature of the worker's disability as identified from the range of medical reports and documents provided.
 - (c) The availability of the general practitioner or specialist who is required to be able to meet the schedule details by the chairman.
 - (d) A female general practitioner if available when the worker is a female as there are few female specialists.
- (3) In the period March 1994 to September 1998 -
 - (a) 28.
 - (b) 48.
 - (c) 43.

BUS SERVICES - COMPLAINTS**242. Hon KEN TRAVERS to the Minister for Transport:**

I refer to statements by Transperth's director, Brett Inchley, that a settling-in phase had occurred with private buses and ask -

- (1) How many complaints has the department received from passengers in relation to all the privatised services?
- (2) How many complaints did the department receive from passengers about MetroBus in the final year in which it was responsible for all metropolitan bus services?
- (3) Have any of the private bus operators indicated to the department that they consider themselves to be facing unrealistic demands; and, if so, which operators and on how many occasions?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Transperth has recorded 1 280 customer comments through its centralised customer feedback telephone service line since 5 July 1998. These comments have related to service issues, service times, driver behaviour and many other aspects of the Transperth system. A centralised customer feedback telephone line was introduced for the first time on a trial base on 21 June 1998. On conclusion of this successful trial, the introduction of a new facility is to be marketed by Transperth during September 1998. The implementation of this innovative method of monitoring customer satisfaction with all aspects of the Transperth system will complement other measures employed by Transperth to identify areas of customer dissatisfaction in order to continually improvement the quality and level of services offered to the public.
- (2) The level of complaint with regard to MetroBus service cannot be established as MetroBus did not maintain a record of complaints it received, nor did it pass those complaints to the Department of Transport. However, MetroBus routinely failed to operate 625 trips per month or 7 500 per year - that is the total trips. This number may give an indication of how many complaints may have been made. Transperth has corrected this situation through the introduction of a new customer feedback telephone line, which was trialled from 21 June 1998.
- (3) No.

WORKSAFE WA - ADVERSE FINDINGS BY PUBLIC SECTOR STANDARDS COMMISSIONER

243. Hon LJILJANNA RAVLICH to the Attorney General representing Minister for Labour Relations:

- (1) Is the Attorney General aware that the Public Sector Management Act clearly provides that public sector bodies must observe the general principles of official conduct set out in section 9 of that Act?
- (2) Is the Attorney General aware of the findings of the Commissioner for Public Sector Standards that WorkSafe WA has not complied with section 9 of the Public Sector Management Act 1994, the Western Australian public sector code of ethics and WorkSafe's own code of conduct?
- (3) Are the Public Sector Standards Commissioner's findings of breaches against WorkSafe WA to be taken as adverse findings against the members of the commission?
- (4) What evidence is there that the decision to implement the policy of not dealing with unions was one made by the 13 members of the commission?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(2) Yes.
- (3) The question seems to be seeking a legal opinion.
- (4) This question is also probably seeking a legal opinion, but I have -

Hon Ljiljanna Ravlich: You know the answer. You are too ashamed to tell the House.

The PRESIDENT: Order!

Hon PETER FOSS: The fact that people provide answers does not necessarily mean that I should be giving them, but the member should now let me give them.

Hon Ljiljanna Ravlich: Let us waste a bit more of the taxpayers' money.

The PRESIDENT: Order! Hon Ljiljanna Ravlich beat the Leader of the House and got the answer in. Let the minister now get the answer in.

Hon PETER FOSS: Notwithstanding -

Hon Ljiljanna Ravlich interjected.

Hon PETER FOSS: I will now attempt to give the final answer, notwithstanding that it appears to be a request for a legal opinion. The answer is no.
