



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
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2000

LEGISLATIVE COUNCIL

Wednesday, 10 May 2000

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

FINANCE BROKING INDUSTRY IN WESTERN AUSTRALIA - APPOINTMENT OF SELECT COMMITTEE

Motion

Resumed from 4 May on the following motion moved by Hon Ken Travers -

That -

- (1) A select committee of three members shall be appointed.
- (2) The committee be appointed to inquire into and report on reasons for losses associated with the finance broking industry in Western Australia, including but not limited to:
 - (a) the statutory responsibilities relating to the finance broking industry;
 - (b) avenues for legal redress for investors;
 - (c) consideration of the adequacy of existing legislation to prevent a recurrence of the events which led to the loss by investors who relied on finance brokers.
- (3) The committee have power to send for persons, papers and records and to move from place to place.
- (4) The committee report to the House not later than 31 October 2000, and if the House do then stand adjourned the committee do deliver its report to the President who shall cause the same to be printed by authority of this order.

HON RAY HALLIGAN (North Metropolitan) [4.03 pm]: When I last spoke on this motion I was explaining that there were any number of factors involved, particularly in valuations. Although a valuation is more of an art than a science, from a borrower's and a lender's point of view everything depends on the value of the security being offered for the moneys borrowed being fair and reasonable. I was explaining that no-one can say exactly what value a property should have until such time as a willing buyer is found - one might say a willing, prudent buyer. There will on occasion be people who will offer an inflated price for a property, possibly to cause other properties in the immediate vicinity to also be considered to be worth more than other buyers might be prepared to pay. We need prudent lenders as well as prudent borrowers. According to the *Pocket Oxford Dictionary*, prudent means "careful to avoid undesired circumstances" or "being cautious". We have unfortunately had any number of people go to a certain few - "few" being the operative word - finance brokers who have done the wrong thing in a number of instances. Unfortunately, the people who have been taken in by these finance brokers have not shown the type of prudence that one would like to see somebody in their circumstances display.

Hon N.D. Griffiths: Are you blaming the victims?

Hon RAY HALLIGAN: No, I am saying that we had a situation in which the victims were certainly gullible. They were taken in by people who have obviously done the wrong thing and should be taken to court, and if found guilty should suffer the consequences of the law. Unfortunately, this sort of thing happens far too often.

Hon Bob Thomas: Do you believe any criminal activity may have taken place in this incident? Could those people have been the victims of criminal activity?

Hon RAY HALLIGAN: I am not trying to act as a court of law. Hon Bob Thomas may, if he wishes, operate his kangaroo courts. However, I will wait on the report from the Gunning inquiry to see what it has been able to ascertain - not what I think and not what the member thinks.

Hon G.T. Giffard: You just said that they were gullible.

Hon RAY HALLIGAN: By their own admission. Even in the newspaper this morning an article reports that when they were asked whether they had checked what the person taking their money was doing with it and what form of security they had, they said they just trusted the person. In that way I believe they were gullible.

Hon Bob Thomas: Perhaps you should not have made this speech. I think you will get egg on your face very soon.

Hon RAY HALLIGAN: I will wait for the Gunning inquiry.

Hon Bob Thomas: We will not.

Hon RAY HALLIGAN: That is fine. Hon Bob Thomas has his crystal ball. He loves kangaroo courts. He would hang someone before even taking him to trial. That is the way members opposite do things. We are holding an inquiry - not into this particular board but into any number of boards for a variety of reasons. That is because some of these other boards are known to do these things very well.

Hon Bob Thomas interjected.

The PRESIDENT: Hon Bob Thomas will come to order. If he wants to speak, he can be the next person to stand up and I will call him.

Hon RAY HALLIGAN: We do not need what is being espoused by members on the other side of the House. We need the type of inquiry that is taking place as that will enable the facts to be found that will enable a position to be taken where, if a prosecution is warranted, it will be undertaken. I am sure Hon Nick Griffiths would agree that we need to have evidence before we can prosecute - not just the words of someone like Hon Bob Thomas.

Hon N.D. Griffiths: The words of someone like Hon Bob Thomas would be very strong evidence.

Hon RAY HALLIGAN: The member jests, obviously.

Hon N.D. Griffiths: Certainly not.

Hon RAY HALLIGAN: Many variables are associated with investing, whether borrowing or lending. What happens quite often, as we have seen in this instance, is that people believe they can earn more for their money by not taking the more prudent path of investing in what is known as gilt-edged securities. We are fully aware that when people leave their money with a bank, the rate of return is not great. It would have been particularly handy had some of these people gone to their friendly bank manager - had there been a bank branch in their suburb; but that is a debate for another time. Bank managers are people to whom some of these investors could have gone, and I expect a great number did, because at this time I do not think the finger is being pointed at too many bank managers as having done the wrong thing by their investors.

Last time I spoke, I mentioned the percentage of lending. In many instances, the loser is not only the lender but also the borrower. If people seek a much higher return on their investment than gilt-edged securities can provide, it should be blatantly obvious to everyone that a far greater risk is involved, and for that reason, if for no other, it is necessary to be far more prudent and to make sure that the individual who is promoting that investment is checked out. If a person is investing in shares, particularly with a new company, where a prospectus is presented that suggests that the company has new technology or a new product and will make an enormous amount of money and be able to pay large dividends, a prudent investor will look not just at the idea, the market, the product or service and the projections but at whether the directors can provide what they suggest they can provide.

Hon Ken Travers: There are many people in this industry who are reputable people with a long history in the business.

Hon RAY HALLIGAN: Where does reputable come in? How does the member define reputable?

Hon Ken Travers: You are making that judgment.

Hon RAY HALLIGAN: The member is making the judgment. I am suggesting that people check them out; and that does not mean by just looking someone in the eye.

Hon Ken Travers interjected.

Hon RAY HALLIGAN: The member may need to say that outside the House and see where it takes him. It is not just a matter of looking someone in the eye.

Hon N.D. Griffiths: It does not hurt, though.

Hon RAY HALLIGAN: It did hurt some of the electors of Western Australia when they looked members opposite in the eye and put them in government, and we then had WA Inc.

Hon N.D. Griffiths: They have not put me in government yet, but I am looking forward to it.

Hon RAY HALLIGAN: They looked people on the member's side of the House in the eye and they ended up with WA Inc. I am suggesting that investors check out a number of people via certain sources with which they are totally comfortable. It is no good looking in the newspaper and reading that some person, group or company is reliable. If the member wanted to put all his savings into that type of investment, I suggest he would be gullible and naive.

Hon N.D. Griffiths: You are getting a bit personal!

Hon RAY HALLIGAN: Which member am I looking in the eye now?

Hon N.D. Griffiths: Your eyes keep wandering!

Hon RAY HALLIGAN: I have plenty of members to look at. This is the type of situation that we have.

Hon Ken Travers: I wish I had savings to invest.

Hon RAY HALLIGAN: In the past, in many instances first, second, third and even fourth mortgages have been placed on a property. Admittedly, that is when a valuation has been done that people can accept as being a fair market value. One would hope that a person would not lend money on a fourth mortgage unless he believed that sufficient moneys would be left over should the first three mortgagees need to receive their moneys. This has been going on for hundreds of years, in the main in a manner that does not cause a great deal of concern. However, we now have a situation where it is alleged that two companies - and I believe there is a third - have done the wrong thing. If they have done the wrong thing, the law should come down particularly hard on them.

Hon Ken Travers: I think you will find it is broader than that.

Hon RAY HALLIGAN: We have heard that interest has not been paid on the moneys that have been lent. The servicing of a loan is all important. All members know that a person who borrows money to buy a house needs to be able to service that loan, and if a person cannot do that, it is highly likely that the lender will foreclose, sell the property and give the borrower back any residue; and obviously if the valuation of the property is too low, the borrower may still owe the lender some moneys. That is why I suggest that people go to banks, which have been in this business for some considerable time and have some idea of what they are doing. Fortunately, banks will normally tell people how much they are prepared to lend, and people will then be in a position to know whether they can service that loan. It is usually a win-win situation for the borrower and the lender.

Hon Ken Travers: You must remember to serve on the committee.

Hon RAY HALLIGAN: I will ask Hon Ken Travers for his credentials to chair it.

The situation here is that the valuations may not have been what they should have been. Hon Bob Thomas rightly asked last time whether these valuers are registered. In this day and age, they are registered, and also licensed. They go through a university course -

Hon Bob Thomas: Not all of them.

Hon RAY HALLIGAN: The member may be right. I will not argue that point. The point is that they are normally trusted professionals, as are lawyers, doctors, accountants and the like. However, periodically we hear that there are some bad apples. There are people out there who unfortunately do the wrong thing and bring the profession into disrepute.

That is the situation at this time. The problem may be due to a combination of the valuations and some of the finance brokers. We certainly need to establish what has occurred. The only way we can do that is through an inquiry. An inquiry is proceeding particularly well now, and comprises well qualified people.

However, I suggest that present technology may cause us all considerable heartache in the future. More and more people are doing business on the Internet. The opportunity to invest funds through finance brokers will be available to more and more people through the Internet. We have heard of gambling on the Internet and we are trying to bring in legislation that may curb people's inclination to gamble to excess. How can we stop people from doing the wrong thing by themselves?

We are told that people are spending about \$1b a month on credit that must be repaid at some stage. Some people have reached the point where they cannot service their debt. People are talking about the behaviour of the banks, but is anyone talking about legislation, inquiries, select committees or royal commissions into banks, which encourage people to take up these credit cards and to increase their limits?

Hon Kim Chance: We had one in 1947.

Hon RAY HALLIGAN: We are not doing it now. To some extent, the situation with banks is no different from that to which this motion refers. In one instance people are losing their life savings. In another they are creating debt to a degree that they will be unable to save for the rest of their lives because they will be forever paying off that debt. It is an issue that unfortunately will not go away and I do not think any amount of legislation will change that.

People can make purchases via the Internet using a credit card. Unfortunately they can gamble on the Internet. Even stockbrokers and money lenders can be contacted through the Internet. Unfortunately people will find themselves in very difficult positions and will ask whatever Government is in power at the time for assistance. It will not be easy to find solutions to those problems.

As I said at the outset, I hope a bipartisan approach is taken to this problem so that we can work together to assist those unfortunate people who have lost their money. I do not believe political points should be gained from this issue. It is important we work together. I sincerely hope that will be the case. As I said before, the Gunning inquiry is proceeding and is manned by well-qualified people. It will report on or around 1 September. I cannot see any purpose whatsoever in establishing a select committee that will not have the same resources, and which is suggested should report at the end of October. I can see no reason for not waiting for the Gunning inquiry to report, at which point we will have far more information and be able to consider how we might go forward.

HON DEXTER DAVIES (Agricultural) [4.24 pm]: As many speakers have noted, an inquiry has already been established which is manned by very well-qualified personnel.

Political implications can be drawn from this motion. A select committee of this Parliament could detract from the opportunity for people who have invested money to recoup some of it. I do not think anyone on either side of this Chamber has suggested anyone should cover up any wrong activities or that anyone who has committed anything wrong should be excused for it. Obviously people have invested money in good faith. However, as circumstances have unfolded it has become obvious that proper procedures have not been followed, so an inquiry has been established. The members of that inquiry have been given clear instructions to explore every possibility.

Hon Ken Travers: Their terms of reference do not allow them to do that. They can only investigate matters related to the Public Service.

Hon DEXTER DAVIES: Clearly the inquiry can investigate widely. If another committee were established that had the

capacity to cross over the Gunning inquiry's activities, such as calling for witnesses, that could easily interfere with that committee's processes and, in an endeavour to do the right thing, impinge on the ability of investors to recoup some of their money. I am sure that is not the intention of Hon Ken Travers or anyone else in this Chamber. However, in carrying out its functions a select committee could prove to be a hindrance to the Gunning inquiry.

Hon Ken Travers: How?

Hon DEXTER DAVIES: Investigators and supervisors are trying to establish how those people can recoup their money as soon as possible. That is my first concern.

Hon Ken Travers: Will the Gunning inquiry stop them getting their money back when it calls for witnesses?

Hon DEXTER DAVIES: Would it improve the efficiency of the investigators if a select committee called for papers and witnesses and interrupted the examination of those papers by the Gunning inquiry? Would it improve the situation if investigations were carried out twice?

Hon Ken Travers: Why not have a full judicial inquiry?

Hon DEXTER DAVIES: An inquiry is in place now that has been established to find the most efficient way of retrieving the investors' money. That should be everybody's prime concern. Some time after 1 September, when the Gunning inquiry has reported, would be the best time to instigate a select committee, rather than try to interfere with the processes of the present inquiry.

Hon Ken Travers: Are you recommending a select committee after 1 September?

Hon DEXTER DAVIES: If Hon Ken Travers allows me to finish my speech as I allowed him to finish his, he will hear my conclusion. The real concern should be for the people who have lost money. Attempts to score political points have not assisted people who are planning to invest money with other mortgage brokers because their decision to invest depends to a great extent on their confidence in brokers, which has been shaken.

Hon Ken Travers: What would you have done if people came to you with their problems about finance brokers?

Hon DEXTER DAVIES: I would have sought to establish the process in place now. If that did not work, I might have considered establishing a select committee. We would not have tried to think of different ways to do that simply because an approach was made. We would have consulted with the people concerned - the supervisors. It is clear the process the Government put in place will not attempt to cover up the situation. The Gunning inquiry will determine the processes that did not work, identify where they were at fault and recommend how they can be rectified. It will do all the things members have mentioned during this debate. The people undertaking the inquiry are eminently qualified. No-one suggests anyone here would be more qualified or better able to do that job. The people undertaking the inquiry have the capacity and are funded very well by the Government. Their integrity means they will not try to cover anything up. Every avenue will be investigated to attempt to uncover the processes that did not take place and to determine what should have occurred. The investors were confident that they were given advice by people with integrity. The brokers guaranteed a fantastic 12 per cent return. They exposed people looking for a higher return because it was what they were used to. The Gunning inquiry will cover that. There are people in all industries who are not committed to the good delivery of those services, human nature being what it is. That does not mean every finance broker is totally corrupt. Many good businesses have provided a good service to many people for a long time. Confidence in good finance brokers has been shaken by the way the issue has been paraded and accusations have been made in Parliament. I do not think that has been to the advantage of the investors.

Hon Ken Travers: The Government sat on its backside for two years and you try to blame it on us. That is outrageous.

Hon DEXTER DAVIES: Politics should be left out of this issue. We should be concerned for the people who have lost money. Everybody in this Chamber is concerned about them. I would be worried if that were not the real concern.

Hon Ken Travers: We have been concerned for two years.

Hon DEXTER DAVIES: The process is in place now. The Gunning inquiry is addressing those concerns.

Hon Ken Travers: What happens when the first broker goes to court, saying that the inquiry does not have the terms of reference to look into the internal operation of his company? The inquiry will be stuffed.

Hon DEXTER DAVIES: The Gunning inquiry is operating now. Hon Ken Travers knows that charges have already been laid.

Hon Ken Travers: Not related to dodgy finance brokers.

Hon DEXTER DAVIES: I dispute that. The processes are well and truly in place. The Gunning inquiry has been set up.

Hon Ken Travers: The process is in place but no-one has been charged yet.

Hon DEXTER DAVIES: We should concern ourselves with allowing the process already in place to continue. A bipartisan approach should be taken to try to resolve the issues for the unfortunate people who have been affected. As Hon Greg Smith says, action was taken in July 1999. Supervisors were put in place and finance provided for investigations to be carried out. I fail to see how a select committee of the upper House of Parliament will serve the people who lost money

through finance brokers. After the report of the Gunning inquiry is assessed, a select committee could be established to investigate what was not done. That has some efficiencies, but I fail to see the benefit of duplicating resources. If two inquiries were running, people would be requesting the same information, confusing each other and trying to see who is the most important. However, I can see the efficiency in allowing one inquiry to be completed and then making an assessment, in the clear light of day, whether to hold another.

Hon Ken Travers: The best option would be a judicial inquiry with wide-ranging terms of reference.

Hon DEXTER DAVIES: Hon Ken Travers assumes the Gunning inquiry will not serve its purpose. I feel there will be little need for a further inquiry when the Gunning inquiry is completed. Other people may make other judgments. Assuming the worst outcome, 1 September is the time to decide to hold a select committee inquiry. I fail to see how efficiency would be improved when one inquiry overlaps the other and confuses the issue. The process in place provides the best opportunity to return some - maybe all - dividends to the affected people. There has been no implication that anybody who has done any wrong will be excused or covered for. The Gunning inquiry has clearly explained that anybody who has done the wrong thing will be exposed, charged and subjected to the due process of the law. Everybody accepts that is how it should be. I am trying to establish how that outcome could be improved by duplicating the system and wasting resources by shifting them away from the inquiry and frustrating that process. Police officers, fraud squads, investigators and supervisors are already involved. I fail to see how introducing something else into the system halfway through the process will improve efficiency and help those who lost money and were wronged by the finance brokers. The people undertaking the inquiry are eminently qualified. They understand the processes and have appointed assisting counsel. Enormous resources have been provided to try to achieve, in an efficient manner, the sorts of things members opposite have suggested. The inquiry will be concluded by 1 September. Its outcome will be assessed and that will be the time to suggest that a select committee inquiry be held. My qualifications allow me to have some understanding of the processes that need to be followed. Members must be wary in their endeavour to do the right thing. I do not doubt for one minute that they want to do the right thing. However, in that endeavour, we could well frustrate the process. That will not serve anyone.

Amendment to Motion

Hon DEXTER DAVIES: I move -

To delete all words after "That" and insert -

the House notes the appointment and operation of the Gunning Committee of Inquiry into Fair Trading Boards and Committees and resolves to allow that committee to conclude its inquiries before giving further consideration to the appointment of a select committee to inquire into matters related to the finance broking industry.

Point of Order

Hon KEN TRAVERS: I believe that the amendment is contrary to the intent of the original motion. Mr President, I seek your ruling on whether it is an amendment or a foreshadowed motion.

Ruling by the President

The PRESIDENT: I have read the amendment, and that thought crossed my mind when the member moved it. However, it does not contradict the original motion; it contemplates that Hon Ken Travers' proposal be given further consideration after a particular event; that is, the operation of the Gunning Committee of Inquiry into Fair Trading Boards and Committees. The amendment proposes that Hon Ken Travers' proposal be considered after another event.

Hon KEN TRAVERS: That is fair enough.

Debate (on Amendment to Motion) Resumed

HON DERRICK TOMLINSON (East Metropolitan) [4.43 pm]: I support the amendment. The matter raised by the Opposition in its motion to establish a select committee is very serious. I do not take lightly the proposition that this House of Parliament should look very seriously and very deeply into this matter. It is appropriate that select committees of this Parliament undertake such tasks. Nor do I suggest that the matter the motion calls attention to is not serious. Even if it were only at the level of the investors whose money has been stolen, it would be a matter of considerable import and it would be an appropriate matter for this House to consider. However, it goes beyond that; it is about a government agency that has responsibility for the oversight of persons licensed to undertake financial transactions that may or may not have taken appropriate action in its supervision of those persons. It is without doubt a matter of serious import.

Hon Ken Travers by interjection when Hon Dexter Davies was speaking raised a question that is similarly worthy of consideration: Why did it take so long? I do not know why and I do not know that it did. However, it is a question that must be considered.

A pattern evolved over a number of years. In 1996, 50 complaints were received about 40 different firms. Hon Norm Kelly raised that point and asked about the pattern that might have been emerging. We had an almost random distribution of complaints. It may have been the commencement of a pattern, but no reasonable person could discern a pattern from a single year involving 50 complaints about 40 different firms. However, in 1997, a trend may have been emerging - there were 45 complaints about 28 firms. A pattern emerged in 1998 with one particular firm. Why was action not taken? If

we ask that, we must ask the complementary question: Why was action not taken by the appropriate authority? Which was the appropriate authority? There are two: First, the state agency and, secondly, the Australian Securities and Investments Commission. If we ask why the state agency did not act when there appeared to be a pattern in 1998, why did ASIC likewise not respond? They are legitimate questions that a committee of this House might properly pursue.

Hon Ken Travers: Could Gunning pursue them?

Hon DERRICK TOMLINSON: What Hon Dexter Davies is proposing and I am supporting is that until the Gunning inquiry has completed its inquisition and reported, this House should not initiate its own inquisition.

I now turn to the very good question asked by Hon Ken Travers; that is, whether the Gunning inquiry could ask which agency should have acted and why the appropriate agencies - if more than one agency was empowered to act - did not act?

The terms of reference of the Gunning inquiry are instructive. It is to hold a special inquiry into the operation of the boards and committees of the Fair Trading portfolio set out in a schedule. The terms of reference then direct -

In particular the inquiry shall review and report on the effectiveness and efficiency of the:

- Functions;
- Powers;
- Structure;
- Procedures (including operational procedures);
- Resourcing; and
- Operational Costs;

That term of reference is clearly to look at the boards and committees of the Fair Trading portfolio - in other words, the inquiry is confined to agencies of a state government department - and to review particular things: Functions, power, structure, procedures, resourcing and operational costs. In those terms of reference, is the Gunning committee empowered to ask the question: Should the Australian Securities and Investments Commission have operated? If we are going to look at the powers of a state agency, we must consider the powers of that state agency in terms of the Act under which it works. The Act under which it works is similarly impinged upon by, and impinges on, other legislation; in this instance, commonwealth legislation. If we are going to look at the powers, we can properly address them only by considering the whole range of Acts which may restrict the power of the state agency, particularly if there is a question of commonwealth versus state authority involved. As we all know, a constitutional provision says that when the Commonwealth and the States have legislated on the same topic, the commonwealth law will prevail. If the powers of any of those agencies under investigation by the Gunning inquiry involve areas of federal government legislation, likewise the Gunning inquiry must consider the powers and authorities as they directly affect the powers and authorities of a state agency. In terms of the question raised, the answer to Hon "not Ed Dermer" is of course that not only can the Gunning inquiry look into these matters, but also it should look into these matters.

Hon Ken Travers: And you are definitely not Hon Peter Foss.

Hon DERRICK TOMLINSON: Does the member want to see my underpants? They match.

The PRESIDENT: Order, members! I am not sure whether that is relevant.

Hon DERRICK TOMLINSON: I do apologise for lapsing into levity. Were it not for the levity my pants would fall down.

Members should compare those terms of reference of the Gunning inquiry with the terms of reference of the proposed select committee. I ask members to consider the parallels and similarities as well as anticipate the differences. I quote from the motion for a select committee -

The committee be appointed to inquire into and report on reasons for losses associated with the finance broking industry in Western Australia, -

Phew! The "reasons for losses associated with the finance broking industry"! I wonder where that term of reference stops? It is such a broad term of reference. I think the inference we are invited to draw is that the terms of reference are to look at a state government agency. The term goes on to say "including but not limited to". That is most important, and I cannot emphasise this point enough with many wags of the finger.

Hon J.A. Cowdell: Television was regressive for some people!

Hon DERRICK TOMLINSON: It continues -

including, but not limited to:

- (a) the statutory responsibilities relating to the finance broking industry;

Compare that with the Gunning inquiry's reference to functions, powers, structures, procedures, resourcing and operations. It is the same thing, but I think the Gunning terms of reference have it better.

As to the avenues for legal redress for investors, the terms of reference for the Gunning inquiry state that it is to -

. . . recommend any administrative or legislative changes considered necessary or desirable to improve the administration and enforcement of legislation within the portfolio of the Minister of Fair Trading.

There is quite a difference there as the proposed select committee is to inquire why the money was lost and what are the statutory responsibilities of the agency for oversight of the finance broking industry. Having done that the select committee is to look for avenues of legal redress for investors.

I think Hon Nick Griffiths, as an experienced and well-qualified lawyer - I think "officer of the court" is the term used - and as a barrister, could answer that question without a select committee. However, it is a question that the select committee would be asked to look at. A further term of reference for the proposed select committee is -

consideration of the adequacy of existing legislation to prevent a recurrence of the events which led to the loss by investors who relied on finance brokers.

Fewer words but the same requirement as the Gunning inquiry's "recommend any administrative changes . . . considered necessary or desirable to improve the administration and enforcement of legislation within the portfolio of the Minister of Fair Trading". The same, that is, with the exception of three things. The first is that the select committee is to consider the whole range of questions that arise from the first question: "Why were there financial losses?" The second requirement is that the select committee look at only one set of agencies, and that set of agencies is the set directly associated with the finance broking industry in Western Australia, whereas the Gunning terms of reference relate to all boards and committees of the Fair Trading portfolio and is therefore a much more restricted term of reference in that respect than that proposed for the select committee.

Hon Ken Travers: It is not true.

Hon DERRICK TOMLINSON: It is not true? Does the member want the select committee to look at all the agencies? If so, I suggest that when we finish dealing with this amendment, the member move another amendment so that the select committee can look at not only all the losses, but also at all the agencies, because at the moment paragraph (a) of the terms of reference is -

the statutory responsibilities relating to the finance broking industry;

"Relating to the finance broking industry" has nothing to do with the Builders Registration Board or the Painters Registration Board, but the Gunning inquiry is looking into those two as well. If the member wants his select committee to look into those agencies, the terms of reference must be changed. I put it to the member that the motion at the moment is restricted in that it asks that the House approve a select committee to look at agencies which have statutory responsibility relating to the finance broking industry.

When it comes to the third matter, recommendations for change, there is no difference between the terms of reference.

Hon J.A. Cowdell: The member is getting carried away.

Hon DERRICK TOMLINSON: Not at all, I am simply analysing what is in the motion. I am not getting carried away. I am enthusiastic because it is a very important issue.

Several members interjected.

Hon Ljiljana Ravlich: You don't need a microphone - it's a waste of a resource.

Hon DERRICK TOMLINSON: The member has been here two and a half years and it has taken her all that time to figure that out. I had been in this House one day when Hon Phil Lockyer told me I did not need a microphone! Two and a half years! Is the member a slow learner?

Hon N.D. Griffiths: Hon Phil Lockyer asked you to tone down your remarks.

Hon DERRICK TOMLINSON: Not at all; he referred to the volume.

The third fundamental question that the select committee is being asked to look into is essentially the same fundamental question that the Gunning inquiry is being asked to look into. Each of them is a legitimate investigation. The question we need to ask is whether these two legitimate investigations by two different agencies with two different sets of authority should operate concurrently. Hon Dexter Davies has moved an amendment to the effect that the select committee should be considered after the Gunning inquiry has completed its investigation and reported.

Debate adjourned, pursuant to standing orders.

[Questions without notice taken.]

HEATHCOTE METROPOLITAN REGION SCHEME AMENDMENT

Statement by Attorney General

HON PETER FOSS (East Metropolitan - Attorney General) [5.34 pm]: The Heathcote metropolitan region scheme amendment deals with the site at location 8792 Duncraig Road, Applecross, in the City of Melville. It is a crown reserve

vested in the Minister for Works. The western portion contains the decommissioned Heathcote Hospital buildings while the eastern area is vacant. The entire site is reserved for public purposes - hospital - in the metropolitan region scheme.

The Western Australian Planning Commission was requested to amend the MRS reservation of the site to facilitate an agreement between the State Government and the city. This involved the refurbishment of the former hospital buildings by the city to allow for a variety of community-orientated land uses. The State Government initially agreed to reimburse the cost of the refurbishment through funding generated by selling most of the eastern portion of the site for residential purposes.

The changes to the MRS were supported by the WAPC and the amendment was advertised from 30 March to 2 July last year. Twelve submissions were received - seven supported the amendment or raised no objections and five objected. The primary source of objection concerned the urban zone for the eastern portion and the desire that it be reserved for parks and recreation. On advice, the WAPC resolved to dismiss the objecting submissions.

However, some time later the State Government and the city came to a new set of arrangements over the site involving the proposed eastern portion of the urban zone and avenues for funding the former hospital buildings' refurbishment costs. The new funding measures included the sale of Duncraig House, the creation and sale of two residential lots, the transfer of a portion of the scout hall site to be sold as residential and the sale of unrelated city properties.

The modifications involved deleting the proposed eastern portion of the urban zone and the portion of the proposed parks and recreation reserve adjoining the south east boundary of the scout hall site, so that both areas remain public purpose - hospital - in the MRS. It was not considered necessary to readvertise for the modifications. However, a second amendment will be required to rationalise the MRS classifications to further reflect the new agreement, which will be subject to a separate submission.

The WAPC has recommended that the amendment proceed in the modified form to reflect the new agreement between the State Government and the City of Melville.

VOLUNTARY EUTHANASIA BILL 2000

Introduction and First Reading

Bill introduced, on motion by Hon Norm Kelly, and read a first time.

Second Reading

HON NORM KELLY (East Metropolitan) [5.36 pm]: I move -

That the Bill be now read a second time.

I am introducing voluntary euthanasia legislation, for the third time, in response to the widespread community support for a legalised form of voluntary euthanasia to replace current illegal and unregulated practices. The purpose of this Bill is to put in place a consistent legal and medical framework whereby persons in specific circumstances can legally request the means to end their lives. Those circumstances are that the persons be mentally competent adults who are suffering from a medical illness or condition that will most likely lead to death, and who, due to the pain and suffering or debilitation associated with the progress of the illness or condition, have no desire to continue living.

The word euthanasia means "good death" from the Greek "eu" for good and "thanatos" for death. The issue has become the subject of much public debate in Western Australia and the wider Australian community. Numerous surveys, polls and reports have all indicated that there is a demand for this type of legislation in the Australian community and that this support is increasing over time. Voluntary euthanasia inherently centres on the individual and the individual's right to self-determination over his or her own body. It is a right that should extend to choosing the timing and circumstances of one's own death, should the pain and suffering of living with a terminal illness or condition become intolerable. As elected members of Parliament, we need to take into account that we represent a diverse community, made up of individuals and groups with different and often competing viewpoints and belief systems. This Bill does not impose the principle or practice of voluntary euthanasia on anyone. It simply facilitates choice.

The Australian Democrats and organisations such as the Western Australian Voluntary Euthanasia Society strongly support the need for better quality palliative care programs, increased funding, additional support for carers and extra respite options. The Australian Democrats also recognise that for a large number of patients, good quality palliative care is effective and fully addresses their needs. However, as acknowledged by Palliative Care Australia, there are times when palliative care services and life-sustaining technologies, no matter how advanced or how accessible, cannot always address an individual's suffering to the satisfaction of that individual. Marcia Angell, the Executive Editor of the *New England Journal of Medicine*, has stated -

dying can be slow and agonising, and some people simply want to get it over with. Good palliative care usually can help, but not always, and often not enough. The problem is not just pain, although that can be devastating. Other symptoms, such as breathlessness and nausea, can be worse and even harder to relieve. And there are no good treatments for weakness, immobility and helplessness - probably the most important reasons for despair in those dying slowly, along with the knowledge that the condition is irreversible.

According to the federal Senate Legal and Constitutional Legislation Committee's inquiry into the Euthanasia Laws Bill

1996, which was tabled in March 1997, 672 Australians over the age of 75 years committed suicide during a five-year period in the early 1990s. That is more than 134 elderly suicides each year. It is not necessary to detail the appalling ways that many of those aged persons chose to commit suicide, many of whom were very likely driven by the dread of an unbearable and painful death.

We should not be forcing adults with a terminal illness into a position in which they feel compelled to take their own lives, using whatever means they have available, as a way of escaping unbearable pain. In a mature and humane society, we should be offering a more merciful and dignified option for those who desire it. The prospect of the future provision of life-ending drugs not only eases stress and fear but also is life lengthening and dramatically improves the quality of life for many.

The Senate committee's report openly recognised that voluntary euthanasia is already widely practised in Australia. The report referred to a number of surveys that have been undertaken to measure the practices and attitudes of Australian medical practitioners to voluntary euthanasia.

A 1993 survey of 1 268 doctors in New South Wales and the Australian Capital Territory, conducted by Professors Peter Baume and Emma O'Malley, found that nearly 50 per cent of respondents had been asked by a patient to hasten his or her death, nearly 30 per cent had taken active steps to bring about the death of a patient, and of these doctors, over 80 per cent had done so more than once. Nearly 60 per cent of the respondents felt that the law should be changed to permit active voluntary euthanasia.

Another recent survey worthy of mention was conducted by Professors Helga Kuhse, Peter Singer and Peter Baume, and was published in 1997 in the *Medical Journal of Australia*. This survey also looked into the nature and frequency of voluntary euthanasia and other doctor-assisted deaths in Australia. The study found that almost 2 per cent of all deaths in 1995 and 1996 were the result of active voluntary euthanasia. That equates to over 2 000 acts of active voluntary euthanasia in Australia each year. On a population basis, this equates to approximately 200 acts of active voluntary euthanasia in Western Australia each year. It is interesting to note that, based on these figures, over 500 people have died from active voluntary euthanasia since I first introduced voluntary euthanasia legislation in 1997. It is extremely disappointing that since first introducing voluntary euthanasia legislation into this Parliament, the Government has determined that the deaths of these estimated 500 people is not an issue worthy of debate.

My research into voluntary euthanasia, which included a random survey of 100 medical practitioners in the East Metropolitan Region, verified that national statistics were consistent with the experiences of Western Australian doctors. The results from my survey showed that more than 50 per cent of respondents had been asked by a patient to hasten his or her death, 30 per cent had taken active steps to assist with the death of a patient, and of these doctors, many had done so more than once. However, a study published in the *Medical Journal of Australia* in 1996 found that Australian doctors do not make consistent decisions in the treatment of severely and terminally ill patients. The absence of clear criteria to guide doctors in managing very real euthanasia-related clinical scenarios does not assist consistency in caring and does not ensure that patients receive equivalent levels of access to all treatment options.

As shown in the Senate committee report, it is obvious that many people now die in hospitals as a result of the withdrawal or refusal of life-sustaining treatment, the administration of life-shortening pain and symptom control, euthanasia - both active and involuntary - and assisted suicide. Dr Robert Marr, representing the Doctors Reform Society, told the Senate committee that every doctor in Australia knows that "secret euthanasia" is practised. He recommended that we bring it out into the open and stop sticking our heads in the sand and saying this is not going on. It is irresponsible to maintain this discrepancy between the law and accepted medical practices.

The purpose of this Bill is to formalise and decriminalise current procedures so that the practice of voluntary euthanasia in this State can be subject to formal controls and proper scrutiny. Doctors must be held accountable for their actions and those who work within controls and stringent safeguards should be afforded legal security for their actions.

Currently, the law does not take into account the humanitarian motive behind acts of voluntary euthanasia, which is to give effect to the autonomous wishes of patients seeking release from pain and death with dignity. The presence of consent is similarly ignored. Consequently, acts of voluntary euthanasia can attract the disproportionate charge of wilful murder, which carries a mandatory penalty of life imprisonment upon successful prosecution. The Sentencing Act provides that a minimum custodial sentence of 15 years be served. Likewise, doctors who assist their patients to commit suicide face serious criminal liability under legislation prohibiting the aiding of suicide.

The criminalisation of voluntary euthanasia is increasingly at odds with our libertarian society's definition of morally wrong behaviour based upon the presence of harm to others. Such disharmony between social morality and legislative provisions brings the legal system into disrepute. At present in Australia there is no definitive case law specifically relating to voluntary euthanasia. However, the case history in similar jurisdictions reveals that the criminal justice system is unpredictable and inconsistent in its response to the application of inappropriate legislative provisions to these instances.

Hazel Biggs, lecturer in law at Kent College of Law, has illustrated that although clinicians, like Nigel Cox, who openly end their patients' lives out of compassion are convicted - in *R v Cox*, 1992 - euthanasia, through the subterfuge of selective non-treatment and double effect, whereby beneficial medication is given in the certain knowledge that death will occur as a side effect, has been permitted under Justice Devlin's contention in the case of *R v Adams* in 1957 that -

if the first purpose of medicine, the restoration of health, can no longer be achieved there is still much for a doctor

to do, and he is entitled to do all that is proper and necessary to relieve pain and suffering, even if the measures he takes may incidentally shorten human life.

The Legislative Council's Report of the Constitutional Affairs Committee in Relation to Petitions Regarding Voluntary Euthanasia referred to a submission made to the Northern Territory's Select Committee on Euthanasia by a specialist in palliative care who claimed that this distinction was no more than a semantic sleight of hand. It stated -

"If a member of a health care team claims the intention of administering 'pharmacological oblivion' was purely to relieve the patients pain and distress, then it is regarded as good palliative care and there is no legal problem. If another member of the team admitted doing so with an intention of hastening the patients demise . . . then the clinician would be charged with murder. Two ludicrously different outcomes, for these two members of the same team administering the same treatment to the same patient, simply because of different expressions of intention."

The protection of the right of patients to demand that their treatment be withdrawn under the common law is consistent with the removal of the criminal offence of suicide in all Australian jurisdictions. The current law is incommensurate with not only the provision of justice but also the delivery of best medical practice, which requires that patients do not experience unnecessary and unwelcome suffering.

I will now outline the main provisions in this Bill. The purpose of this Bill is to put into place legislation to govern the administration of voluntary euthanasia in this State. This Bill establishes administrative structures which can be enacted only by mentally competent adults suffering a medically diagnosed illness or condition that, as it progresses, will most likely cause the death of the applicant. There is also the requirement that the patient have no desire to continue living, due to the pain, suffering or debilitation associated with the illness or condition. A patient seeking voluntary euthanasia must either sign a request or, if unable to write, have a witness sign a request on the applicant's behalf.

The Bill contains strong safeguards, including the following requirements. Two doctors must separately examine the patient and certify that the applicant is mentally competent, has a medical illness or condition that will most likely cause death, is not suffering from treatable depression, and has made an independent request. The patient must be made aware of available treatments, including palliative care; the risks, side effects and likely outcomes of continuing treatment of the illness or condition; and the availability of, and access to, appropriate counselling.

Other safeguards contained in the Bill ensure that a request for voluntary euthanasia must be made in the presence of two adult witnesses, of whom one cannot be a friend or relative; a witness, when signing on behalf of the patient, must forfeit any financial gain or advantage which that witness would otherwise gain from the applicant's death; a request can be revoked by the applicant at any time or in any manner; and when a patient becomes mentally incompetent after making a request, but before all the administrative conditions have been met, the request automatically lapses.

Under the safeguards contained in the Bill, only a medical practitioner can administer voluntary euthanasia or assist in its self-administration; a person requesting voluntary euthanasia must wait at least 48 hours between the time of completing all the requirements of the Bill in relation to the request and its administration; and voluntary euthanasia can be administered only through the use of drugs or by the withdrawing or withholding of treatment. A doctor is entitled to refuse a request on personal grounds. However, in such a case, the doctor is required to make reasonable efforts to refer the patient to another doctor willing to accept the applicant's request. Whenever a death by voluntary euthanasia occurs, the medical practitioner involved must inform the State Coroner within 48 hours, and provide a copy of the request and death certificate. A medical practitioner who administers voluntary euthanasia in accordance with the Bill incurs no civil or criminal liability.

Advances made in medicine this century have provided the medical profession with the tools to prolong life. What must be asked by members of the community, and members of this Parliament, is whether the ability to prolong life amounts to an improvement in our quality of life. Our response to this question must be mindful of the diverse moral sensibilities that constitute the wider community. There is an urgent need for legislation to keep pace with medical technologies. With advances in technology and the ease with which information can now be disseminated, life-ending drugs are becoming more readily available. Development and distribution of the infamous "death pill" is closer on the horizon. It is far better that such drugs be administered under medical supervision, so that the patient is fully informed of all options and possible outcomes.

Voluntary euthanasia is a personal decision that can be made only by the individual, in accordance with the individual's own conscience. Professor Ronald Dworkin stated that making someone die in a way that others approve of, but he believes contradicts his own dignity, is a serious, unjustified, unnecessary form of tyranny. As the title of the Bill clearly states, this Bill is about having a voluntary choice. I commend the Bill to the House.

Debate adjourned, on motion by Hon Muriel Patterson.

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

Transport Co-ordination Bill 1998, Extension of Time to Report

Hon Mark Nevill reported that the Standing Committee on Estimates and Financial Operations had resolved that the time in which it had to report on the Transport Co-ordination Bill 1998 be extended from 11 May 2000 to 29 June 2000, and on his motion it was resolved -

That the report be laid upon the Table and be adopted and agreed to.

[See paper No 944.]

RAIL FREIGHT SYSTEM BILL 1999*Third Reading*

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [5.54 pm]: I move -

That the Bill be now read a third time.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [5.55 pm]: The Labor Opposition continues to oppose this legislation. It has opposed this legislation vigorously to this point and will continue to put to the House the need for this legislation to be defeated. If this legislation is passed by this Parliament, it will become a rallying call to the people of the area from which this minister comes for why they should drive that minister and his Government from office. The Government cannot be trusted with authority over the legislative program, because it has embarked upon a program of getting rid of assets that need to be managed on behalf of all of the people of Western Australia.

The fact that this legislation is still before the Parliament is an indictment of this Government. One would hope that even at this late point the Government would have finally absorbed the information that the community of Western Australia is giving to it - to desist from these policies of privatisation, of which the sale that is proposed by this Bill is part. It might have been different if the Government had embarked upon an honest and open program of telling the people of Western Australia about its privatisation agenda prior to the last state election; but it did not. That reality becomes a grim reminder to the people of Western Australia to be cautious in the lead-up to the next state election. Regardless of what the Government says or does, it cannot be trusted. The coalition parties should not be trusted with a return to the Treasury benches because, no matter what the Government says, who knows what will be next on the privatisation agenda of this Government.

We already have inklings of what might be on offer. Regrettably, the Government seems to have its sights well set upon other prize assets of the community which could be sold, not least of which would be the Water Corporation, for which we have already seen and received inklings of information that would suggest that strategies have been embarked upon to show that is absolutely the case.

Hon N.F. Moore: Rubbish; you are a scandalmonger. You don't know what you are talking about.

Hon TOM STEPHENS: One need only read the legislative program in the other place. A schedule that is attached to legislation deliberately refers to the Water Corporation and AlintaGas. The reasons given by officers for the inclusion of those bodies in the schedule is that they are on the privatisation agenda of this Government.

Point of Order

Hon N.F. MOORE: I do not think that the future of the Water Corporation has the slightest thing to do with the third reading of the Rail Freight System Bill. I ask that the member confine his remarks to what is traditionally required in the third reading, which is to argue for or against the passage.

The PRESIDENT: The third reading gives members an opportunity to support or not support the Bill in the form that it has come out of the Committee of the House. I find some difficulty in reconciling the relevancy of the Water Corporation to the Bill that is currently before the House. The Leader of the House is correct in his point of order, and the Leader of the Opposition should confine himself to those matters that are relevant to the third reading.

Debate Resumed

Hon TOM STEPHENS: It is important to put an end to the privatisation agenda of the Government in the interests of the Western Australian community. We should put an end to the Government's agenda, including the privatisation of Westrail, by the defeat of this Bill. There would then be the chance to say to this Government, "Stop, go back! Do not continue with any more of this damaging attack upon the public assets of the Western Australian community that need to be managed properly by this Government".

My colleague Hon Kim Chance, joined by other members of the Labor Opposition in this place, have time and again highlighted all of the reasons this legislation should not be advanced. There are unanswered questions. The minister has not provided adequate information to justify the passage of this Bill. For instance, I am still puzzled completely by the announcements made by this minister in February and March this year that indicate that Westrail will spend \$80m to upgrade the lines between Leonora and Kalgoorlie and Kalgoorlie and Esperance without any indication during this debate, prior to the debate or in those public announcements about where those funds will be sourced. I ask the minister now in this third reading debate from where will those funds come?

[Continued below.]

Sitting suspended from 6.00 to 7.30 pm

**EAST PERTH REDEVELOPMENT AUTHORITY, EXTENSION OF REDEVELOPMENT AREA
REGULATIONS 1999**

Order of the Day - Request for Ruling by President

HON GIZ WATSON (North Metropolitan) [7.31 pm]: I seek a ruling, Mr President, in relation to the disallowance motion which is currently Order of the Day No 1 on the Notice Paper. I seek your ruling on whether the regulations are out of

order. I have examined all the requirements under the East Perth Redevelopment Act 1991 in connection with extensions or changes to the Act, and the East Perth Redevelopment (Extension of Redevelopment Area) Regulations 1999, which I seek to disallow, state that changes must be made by the Governor in Executive Council under sections 4 and 57 of the East Perth Redevelopment Act. Section 4(3) states -

When regulations made under subsection (2) that add an area to the redevelopment area are laid before each House of Parliament under section 42 of the Interpretation Act 1984 they shall be accompanied by an explanatory memorandum showing how and why it is intended to amend the redevelopment scheme in respect of the area that is added.

It is my understanding that the explanatory memorandum has not been tabled in this place and, therefore, I suggest that the regulations are out of order.

HON PETER FOSS (East Metropolitan - Attorney General) [7.33 pm]: Assuming the facts are correct, this House has no particular role to play and, in particular, you, Mr President, do not have a role to play. The decision on whether regulations are valid is a matter of law to be determined by the courts. If the member believes the regulations are invalid, she does not need to proceed with her motion to disallow because there is nothing to disallow. If she thinks the regulations are valid, she should proceed with her motion to disallow. In either event you, Mr President, cannot determine whether it is or is not valid; it can be determined only by a court of law. It is up to the member to decide what she wants to do and someone else will decide the legal consequences.

THE PRESIDENT (Hon George Cash): For the sake of convenience, I do not intend to proceed with the matter at this stage. I have heard from Hon Giz Watson and the Attorney General. I will ask Hansard to provide a copy of the comments of both Hon Giz Watson and the Attorney General as soon as is convenient. It is my intention to resume debate on Order of the Day No 7 to give me an opportunity to continue the sitting of the House. At the first opportunity I will give some consideration to the matters raised by Hon Giz Watson. My preliminary view is that the issues raised are a matter for the Supreme Court and not for this House. However, that is a preliminary view and I will need more time to consider the matter.

RAIL FREIGHT SYSTEM BILL 1999

Third Reading

Resumed from an earlier stage.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [7.36 pm]: The Labor Opposition is opposed to the privatisation of Westrail which is provided for in this legislation. We believe that debate on this Bill is an appropriate time at which to draw the line under the privatisation agenda that has been going on for too long in this State. Certainly, it has been accelerated in the period in which this Government has been in office.

It strikes me as odd that at the very time the privatisation agenda for Westrail is being advanced, in February and March of this year the Government announced it would spend \$80m on upgrading the lines between Leonora-Kalgoorlie and Kalgoorlie-Esperance.

Hon M.J. Criddle: That is not right.

Hon TOM STEPHENS: Which detail is wrong?

Hon M.J. Criddle: You said Leonora-Kalgoorlie, and it is the Jaurdi-Bonnie Vale line.

Hon TOM STEPHENS: With reference to those upgrades, apparently the combined expenditure being embarked upon is of the order of \$80m. I am concerned, and the House should be, that funds are being spent by the State Government on those upgrades that will, in effect, be gifted to a new private operator without any real return to the people of Western Australia. Will the minister tell me by way of quick response what is the source of the funds for the upgrade previously announced?

Hon M.J. Criddle: Normal government expenditure, both federal and state, and the upgrades have been planned over a long period on the east-west line. We had those discussions for hours when we went through the committee stage.

Hon Peter Foss: It is not being gifted. You do not understand how it is working.

Hon M.J. Criddle: It is a requirement for the track to be up to standard and we are doing it because we need a reasonable rail system. That is the reason for this privatisation - because we cannot continue to fund it.

Hon TOM STEPHENS: I thank the minister for his reply and for his courtesy. I appreciate the response in which the minister has indicated that the funds will come from normal government expenditure. I understand it is a combination of normal government expenditure from both the State Government and the Federal Government. I am still in the dark about whether the state government expenditure comes wholly and solely through Westrail. Did it involve additional funds from the Government outside the Westrail budget? Is the minister in a position to indicate -

Hon M.J. Criddle: I have made the comments that I intend to make. We had plenty of time to discuss this at the committee stage.

The PRESIDENT: If the minister wants to make a response in due course, he will be given that opportunity, but this is not question and answer time.

Hon TOM STEPHENS: Before this Bill is read a third time, there is a need for all of the information to be out in the open. An additional reason that this Bill should not be read a third time is that all of the information on the economic impact of this sale on the State has not been released. I am specifically interested in the process upon which the Government has embarked that has indicated that \$80m will be spent on the lines between Leonora-Kalgoorlie and Kalgoorlie-Esperance. The minister has said that those specific line connections are not the precise extent of the upgrades. In the minister's announcement in February reference was made to Koolyanobbing-Kalgoorlie. I do not have the March media release in which the minister announced further funds. I would be wrong if I did not ensure that the Government provided to the public of Western Australia all of the information to which it is entitled before this privatisation is finally embarked upon. Once this Bill is through the House, I fear there is little chance that Western Australians will have any other mechanism for extracting information on this privatisation from this Government.

It is opportune for the House to call a halt to the privatisation of this utility. If Westrail is relying on anything other than borrowings - that is, if there has been any contribution to this upgrade other than Westrail's borrowings - the taxpayer, through state government expenditure, will be upgrading a line which will be wholly owned by a private operator, and perhaps a foreign operator, without having the full benefit of it. Those are legitimate questions to which answers must be given.

The Minister for Transport has made it clear in his response by way of interjection that he does not intend to say anything more now. That shows the minister has caught the same disease his Government has suffered from for some time; that is, the arrogance it has displayed for seven years during its occupation of the Treasury benches. The Government is of the view that whenever it has the numbers it can do what it likes. On this occasion it has the numbers to ram this unpopular privatisation through the House, and therefore no more answers will be given to the Parliament or the people of Western Australia about the way in which the Government is using or misusing taxpayers' funds for Westrail's operations. I would be interested to know if the minister were prepared even now to entertain answering the question - whether the sums that were announced as being involved in this upgrade of these lines were included in the 1999-2000 Westrail budget or whether they came through some additional allocation. If they were not included in that Westrail budget, when was the decision made to spend the money? I hope the Minister for Transport will recognise his duty and answer these legitimately put questions. If the minister chooses not to answer, I hope the majority on the floor of this House chooses to say that it is not an adequate response on his part and that he cannot fob off questions from the shadow Minister for Transport, who is of the view that the Labor Opposition would not be doing its job if it did not ensure that information is available to the Parliament and through it to the people of Western Australia before this House agrees to the final stage of the passage of this privatisation message.

For all those reasons I hope that the minister will give an adequate response. In the absence of that adequate response, I would hope that for the many reasons members should vote against this third reading, we would yet find on this side of the House a majority for whom it should be a natural obligation by virtue of their election to oppose the passage of this Bill. We must keep in mind the basis on which members on this side of the House have been elected to this place. Twelve members of the Labor Opposition were elected at the last election. A clear mandate was given to them for their opposition to further privatisation of government agencies. The clear campaign of the Opposition was transferred into 12 Labor members in this House being elected. A clear, conscientious role is left for them, which is to reflect the demands and expectations of their party and the community that chose to vote for them at the last election and to treat it as a covenant that those elected members had between the party and the people who voted for the party at the last state election.

The PRESIDENT: Order! The third reading is not a time to express views on covenants or other matters that affect Labor Party members. We are talking about the Bill as it has emerged from the committee stage.

Hon TOM STEPHENS: Allow me to help you, Mr President, with an appreciation of the argument I was apparently inadequately putting before the House, but I will put forward in true conformity with the standing orders of this place; that is, there are many reasons that this Bill should not be given a third reading. A clear obligation rests on the shoulders of members who were elected as part of the Labor team at the last election. All 12 elected members have an obligation to vote against this Bill.

Hon N.F. Moore: Sit down and give them a chance to do it.

Hon TOM STEPHENS: The Leader of the House might not like what I have to say, but as Presiding Officers who have cherished the rights of the individuals in this place have said over the years, no matter what he might think -

The PRESIDENT: Order! The Leader of the Opposition is, first, meant to be addressing the Chair, and, secondly, I can hear him quite clearly. If he addresses his comments to me and the Leader of the House ceases interjecting, I will be able to hear what is being said.

Hon TOM STEPHENS: It is important for us in this House to take seriously the responsibilities that are entrusted to us by the people who vote for us. We on this side of the House are entrusted with obligations given to us by the Labor-voting population of this State, which is growing dramatically in the face of the Government's privatisation agenda, of which this Bill is part. I call upon members on this side of the House, particularly those elected under the Labor banner, to participate in that obligation and vote down the privatisation agenda of this Government.

Several members interjected.

Hon TOM STEPHENS: There is some good humour in this debate; however, we are dealing with serious obligations. I

will not be more personal, direct or aggressive than to remind members on this side of the House, especially those elected under the Labor banner, that obligations were entrusted to them and they should now rise up and fulfil those obligations. The members on this side of the House elected under that banner can look in the eye the constituents who voted for them as Labor Party members and know they have fulfilled their commitments and obligations to the people who voted for them.

HON MARK NEVILL (Mining and Pastoral) [7.51 pm]: The Leader of the Opposition was both unpersuasive and ill-informed in his address to the House. Despite six months of debate on this issue and the fact that the majority of rail he is talking about is in his own electorate, he is still confused as to whether it is the Kalgoorlie-Leonora line, the Esperance-Kalgoorlie line or the Kalgoorlie line towards Southern Cross that is being upgraded. It would have been more appropriate for Hon Kim Chance to have spoken on the third reading of this Bill as he would at least have had the facts. The Leader of the Opposition does not even know the rudiments of expenditure. The details of the expenditure on this matter have been public knowledge for about 12 months. The Commonwealth is matching state funds, with the State spending in the order of \$17m to \$20m.

Hon M.J. Criddle: It is \$18m.

Hon Tom Stephens: Is it \$17m, \$18m or \$20m?

Hon MARK NEVILL: I am not a walking encyclopaedia like the Leader of the Opposition but at least I am in the ball park, not on another planet.

Hon Tom Stephens: Give us the figure.

Hon MARK NEVILL: The Minister for Transport kindly assisted me with the figure, which is \$18m. I was \$1m out, not 200 or 300 kilometres out. The Leader of the Opposition referred also to the rail being gifted or wholly owned by a private company. Fundamental to this debate is the fact that the railway line and the rail corridor are not being sold but, rather, being leased; that is the basic tenet of the whole Bill.

Hon Tom Stephens: With control of that lease for 49 years.

Hon MARK NEVILL: Two options are involved in that. If the agreement is breached, the rail can return to the State. The Leader of the Opposition suggested that the buyer would obtain the whole benefit of that. At the end of 49 years, if it goes that long, the track must be returned by the lessee to the State in the condition it was given. The Leader of the Opposition did not know what the money was being spent on and the amount being spent although the rail is in his electorate.

Hon Tom Stephens: You tell me now where it is all being spent.

Hon MARK NEVILL: I am telling the Leader of the Opposition if he will just listen. It is being spent on the Esperance-Kalgoorlie line and on the Jaurdi-Bonnie Vale section of the east-west line. Does that mean anything to the Leader of the Opposition? It is in his electorate.

Hon Tom Stephens: Are those the lines between Leonora and Kalgoorlie?

Hon MARK NEVILL: No, they are not. The Leader of the Opposition has been representing that area for 20 years.

Several members interjected.

The PRESIDENT: The Leader of the Opposition will come to order! I do not need interjections and private question-and-answer sessions around the Chamber. Hon Mark Nevill has the call and he should address the Chair on the third reading.

Hon MARK NEVILL: I will do that, Mr President. I do not intend to speak for very long. I was surprised and disappointed that the Labor Opposition voted against the upgrades of those two major lines. I have come to only one conclusion: The Opposition is opposed to those two major upgrades and believes the money is being locked in there when it could have been expended in extending the metropolitan rail to the north and south. I can only come to that conclusion and can think of no other reason for its opposition to it. I got the surprise of my life when it voted against the amendment to upgrade the Kalgoorlie-Esperance line and the line west of Kalgoorlie and then divided on the issue. I could not understand why the Opposition would want to exclude the Federal Government's own rail track operator from being able to bid for this line. All the ALP's press statements and its discussion paper referred to taking out the east-west line and keeping it separate from the rest of the railway line. I allowed for that and the ALP voted against it. It has shown no consistency; only opportunism and populism. There was no such thing as members being elected on an anti-privatisation platform. The Labor Party, as I said before, supported the privatisation of the Dampier to Bunbury gas pipeline and insisted on 100 per cent privatisation when the Government was toying with the idea of 50 per cent privatisation. I could read out ad infinitum comments of the Leader of the Opposition in the other place about the privatisation of the SGIO and about how micro-economic reform was needed. I have the comments in my hands if members of the Opposition would like to refresh themselves of their own rhetoric. Only a few years ago when he was a minister the Leader of the Opposition in the other place led the charge with the rhetoric on privatisation. To try to throw mud at me and label me as someone who was elected on an anti-privatisation platform is nonsense. The aspect I do not like about either of the major parties is they say one thing in opposition and do just the opposite in government.

HON J.A. SCOTT (South Metropolitan) [7.59 pm]: I am concerned about the passing of the Bill in its amended form far more than I would have been at the passing of the original Bill. Hon Mark Nevill's statement about the possibility of the rail coming back into state hands in 50 years is a nonsense. In fact, with the combination of the rail access regime and the

splitting up of the ownership of the track into more than one track owner, we are bound to find that there will be a multiplicity of freight services and of track ownership which will then make it much harder for any State Government to ever become the owner of that rail system again. In order to get Hon Mark Nevill's vote on this issue, the Government has misled the people of Western Australia by telling them that it is a possibility, as it is now amended. It is not; it is not possible that it will ever occur. The reality is that it is to be privatised and it will stay privatised and there will never be an opportunity for the State to own a rail line unless it builds a new one. I oppose the third reading.

HON KIM CHANCE (Agricultural) [8.01 pm]: I gave an undertaking to the Minister for Transport that I would not speak for long on this matter and I do not intend to. An issue has arisen since we reached the committee stage of this Bill that needs to be referred to. The President will recall that the Committee of the Whole made a decision, on which I do not intend to reflect, on amendments proposed by the Opposition, which dealt with the transfer arrangements for current employees of Westrail to the new employer. I note that since then - this is the event that has happened since that time - another Bill has come into this place, to which standing orders prevent me from referring. I note that in respect of that Bill, which we will begin debate on shortly, a clear and definite set of arrangements is made for the transfer of the employees from the formerly publicly-owned company to the new privately-owned company. While I applaud that in respect of the latter legislation, I ask why were Westrail workers not given the same consideration and courtesy by the Government?

HON NORM KELLY (East Metropolitan) [8.02 pm]: The Australian Democrats seriously considered whether the sale of Westrail freight would be in the best interests of Western Australians. That is why we have done so much work on trying to determine the intricacies of such a sale. We have determined that, in its current state, by the provision of this Bill, it is impossible to determine whether such a sale would be in the best interests of Western Australians. We believe that the form of vertical integration that is being proposed will ensure that it is impossible to get full and fair competition on the freight network in Western Australia and it is only on a wish and desire from the Government to get fair competition that we can hope, because there is not enough in the legislation to give that certainty.

We accept that what is now in the Bill is a different form of integration than was originally proposed and we believe that it does not go far enough. This was one of the main sticking points at the end of last year when we were negotiating whether to support this Bill. The argument about vertical integration versus separation was one of the main sticking points. We believe that the Bill has been improved with some amendments. We welcome the fact that the Bill now contains standards for the upgrading of the sections of the standard gauge network. That can only be beneficial for the State. At the same time, a new owner and operator having to spend money to upgrade that network will have an effect on the sale price. It is important to look at the cost of the guarantees that have been included in the Bill to see whether it is the best return for the State.

No estimate of sale price was given by the Government in the second reading debate. The work that I have done indicates that it would be fair to expect a sale price in the vicinity of \$800m, give or take \$100m. I think that would be a fair price although it would only pay off the debt that has accrued since the State Government came into office seven years ago.

Hon Kim Chance: Sheer incompetence.

Hon NORM KELLY: I forget what the level of debt was -

Hon Kim Chance: It was \$260m when they took over and it is nearly \$700m now. It is an absolute disgrace.

Hon NORM KELLY: During this period of increasing debt for the freight network, one has only to read the Westrail annual reports to see that the Westrail management was under the impression that it would be getting legislation which would allow it to expand into other States to compete for, and hopefully win, lucrative contracts such as the Hunter Valley coal contracts so that it could expand its business and keep the management expertise of Westrail in Western Australia and build a solid organisation. Instead, at the same time the debt was being accrued, the Government had this other plan which is, I believe, an abrogation of its duty by selling out the Western Australian people instead of making the hard decisions about how to properly finance and restructure the debt if Westrail were to remain in government hands.

Hon M.J. Criddle: What would you do?

Hon NORM KELLY: We do not and have never professed to have all the answers. We do not expect to be in government after the next election and it would be a waste of our resources to come up with the answers. At the same time, I have not heard any viable solution coming from the ALP Opposition either. Therefore, I have some doubts about what would happen if it remained in government hands but with a different Government in power.

At the same time I believe that the rail sales task force will be doing its best to get the best possible return from the sale. Over the past two years, since this debate started, the task force officers have been very committed and working towards the best solution. However, the fact that there is no requirement in this Bill for the Auditor General to look at the sale process and review the sale means that Western Australians will not have any certainty of ever knowing whether such a sale was done in the best interests of the State. It is absolutely appalling that any member voted against that accountability clause that would have made the Government justify or provide a report on why it is in the best interests of Western Australia. It is something that the Government agreed to previously, as in the Dampier to Bunbury pipeline sale and in the AlintaGas sale, yet for some reason the Government ignores that basic accountability mechanism without even offering a reasonable excuse for voting against it.

The PRESIDENT: I have given Hon Norm Kelly a reasonable amount of latitude to touch on the point. However, it is not proper to reflect upon a vote of the House.

Hon NORM KELLY: Thank you, Mr President. The only other point I wanted to make was that I am disappointed for the current employees of Westrail who will be left with a large degree of insecurity. They have talked about that insecurity over the past couple of years because the Government has failed to adequately inform them of the progress of the sale talks. The Government is still failing to provide adequate information to those employees, and the Bill contains no guarantees to give them any sense of security or any indication that it has their welfare in mind. The Government has totally abrogated its responsibility to those, in many cases, long-serving employees and has left them to the perils of negotiating with the private sector. For those reasons, the Australian Democrats believe that this proposed sale, in its current legislative form, is wrong for this State. Accordingly, we will vote against the third reading.

Question put and a division taken with the following result -

Ayes (15)

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

Hon Peter Foss
Hon Ray Halligan
Hon Barry House
Hon N.F. Moore

Hon Mark Nevill
Hon M.D. Nixon
Hon B.M. Scott
Hon Greg Smith

Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson
(Teller)

Noes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon E.R.J. Dermer

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

Hon J.A. Scott
Hon Christine Sharp
Hon Tom Stephens

Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (Teller)

Pairs

Hon Murray Montgomery
Hon Simon O'Brien

Hon Ljiljanna Ravlich
Hon G.T. Giffard

Question thus passed.

Bill read a third time and returned to the Assembly with amendments.

PROSTITUTION BILL 1999

Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos 1, 2, 9, 12, 22, 26 and 29; had disagreed to amendments Nos 3, 4, 7, 8, 11, 15, 17 to 21, 24, 25 and 27; and had disagreed to and substituted new amendments for amendments Nos 10, 13, 16 and 23, as set forth in the schedule annexed, and agreed to amendments Nos 5, 6, 14, 28 and 30 with further amendments as set forth in the schedule annexed, now further considered.

Committee

Resumed from 9 May. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Progress was reported after Hon Peter Foss had moved the following -

That in reply to Legislative Assembly Message 49 on the Prostitution Bill 1999, the Legislative Council acquaints the Legislative Assembly that it -

- (a) in accordance with its rules, has inserted a new clause as follows -

Page 44 - To insert after line 13 a new clause 66 -

66. Expiry of Act

This Act expires on the second anniversary of the day on which it comes into operation.

in which amendment the Legislative Council requests the concurrence of the Legislative Assembly;

Hon NORM KELLY: During my opening remarks last night on this proposed clause, the Attorney General made some comments about the effect of the repeal of this legislation in two years, which this proposed clause seeks to do. I refer to section 37 of the Interpretation Act, which I think gives the powers to which the Attorney General was referring. When offences have occurred and charges have been laid but people are going through the process and have not been convicted, is it simply the commission of the offence which stipulates further action?

Hon Peter Foss: And the charge.

Hon NORM KELLY: I want clarification from the Attorney General. If a person committed an offence before the expiry

of this legislation but had not been charged, would the powers allow for the investigation to continue and for charges to be laid after the expiry of the legislation?

Hon PETER FOSS: No. The person would have to be charged.

Hon NORM KELLY: I wonder where that appears, because that seems to contradict section 37(1) of the Interpretation Act, which refers to any such investigation, legal proceeding, etc. I would like further clarification of that.

Hon PETER FOSS: Section 37(1)(e) of the Interpretation Act states -

subject to section 11 of *The Criminal Code* and section 10 of the *Sentencing Act 1995*, . . .

Section 11 of the Criminal Code states -

A person cannot be punished for doing or omitting to do an act, unless the act or omission constituted an offence under the law in force when it occurred, nor unless doing or omitting to do the act under the same circumstances would constitute an offence under the law in force at the time when he is charged with the offence.

It does not have to be the same offence. If there were another offence, a person could be charged, but the situation would have to be that at the time of the act and at the time the person was charged there was an offence - not necessarily the same offence. However, the act would have to constitute an offence; otherwise it could not be proceeded with.

Hon NORM KELLY: If, for instance, these laws were repealed but were substituted with slightly different offences, could those new offences apply to the action that took place before the repeal?

Hon PETER FOSS: No; if a person committed an offence at a particular time and the offence was replaced by another offence, the person who committed an offence would be charged under the old provision, not the new provision. If we completely abolished it and the act ceased to be a criminal act, unless the person had been charged he could not be charged. If he had been charged, he could be convicted of it, notwithstanding that the Act had since been repealed.

Hon NORM KELLY: My reading of the Interpretation Act on a conviction and a penalty is that the penalties in force at the time of the offence being committed would apply. Or would the penalties apply when the charge was made?

Hon PETER FOSS: That is also covered. Section 10 of the Sentencing Act provides that if the statutory penalty for an offence changes between the time the offender commits it and the time the offender is sentenced for it, the lesser statutory penalty applies for the purposes of sentencing the offender. That occurs either way. However, if it had been abolished and the penalty had not been changed, the penalty would be that which was in place. There are a number of scenarios: A person commits an offence, he is not charged and the Act expires - he cannot be charged; a person commits an offence, he is charged, the Act expires, the charge can continue to conviction and the penalty imposed is the penalty at the time the Act expired; and a person commits an offence, he is charged, the penalty is lowered, and the maximum penalty is the lower of the two penalties. If the penalty increased, it would still be the lower of the two; that is, the one that applied at the time.

Hon NORM KELLY: I appreciate that being clarified. In the light of the genesis of this proposed clause, I refer to a media release issued on 4 April by Michelle Roberts, the Labor spokesperson for Police, in which she lists the demands of the Australian Labor Party regarding support for this Bill. She states that Labor will vote to pass the Bill subject to the Government agreeing to insertion of a two-year sunset clause for the legislation, which would ensure the review of the controversial police powers in the Bill. She said that a sunset clause would require a future Government to review the legislation and prove it was having the desired effect before it could be renewed.

We heard last night that there was no requirement for review of the legislation. The Attorney General said legislation will be before Parliament asking for the powers to be extended. I hope the ALP will respond to this, as it issued the demand for a review of the legislation. However, it appears that it will support this legislation without that review. In response to the media release by the member for Midland, the Minister for Police said that he would agree to a two-year review clause "in the form attached". I would like a response from either the Attorney General or Hon Nick Griffiths as to why we are moving away from the review.

Hon PETER FOSS: One of the big difficulties I find with the Democrats and the way they seek to legislate in this House is they want to include large quantities of total garbage that is not required in legislation. We seem to be getting more and more prescriptive provisions.

Hon Mark Nevill: It is red tape.

Hon PETER FOSS: Yes, which I think is inapplicable in legislation.

Hon N.D. Griffiths: What colour are the Democrats in this spectrum?

Hon PETER FOSS: I would say they are bright red. The important thing is that Mrs Roberts said that an expiry clause would require review of the legislation in order to justify the extension.

Hon Norm Kelly: You said that last night.

Hon PETER FOSS: The Democrats seem to think we must write in the legislation that a review is required. I understood

that she meant that such a clause would require a sunset clause, otherwise it would not be reviewed. It does not have to be written in the legislation that we will review it.

Hon Ken Travers: Labor will have a review of the legislation when it gets into government; there is no doubt about that.

Hon PETER FOSS: By that time it would long have expired! I am very glad that interjection was made, because it illustrates that we do not have to write into the legislation that a review will occur in order for one to occur. As Mrs Roberts plainly said, the fact that there is a sunset clause will require the Government to review it. I find the literalness of the Democrat's interpretation bizarre, in the same way as I find bizarre that they must write everything into legislation as if it will not otherwise occur.

Hon Norm Kelly: Sometimes it doesn't happen.

Hon PETER FOSS: The expiry will force the review. When we extend this we will have to come back to the Chamber and say we want to extend it. The first thing people will ask is what has occurred so far.

Hon Norm Kelly: People will say it is too early to tell.

Hon PETER FOSS: If that is the case it will not be helped by writing a review clause in the Act.

Hon Mark Nevill: When you said "extend the Act" I thought you said it would be replaced before it expired. I hope you will not extend this junk, but will replace it with something better.

Hon PETER FOSS: I am not going to postulate whether another Bill will be passed. I will bet that this will not expire; although it will probably be extended. It may be replaced; I do not know. Within two years some other proposition will come forward.

If the Democrats want to write in a review clause that is their prerogative, but I do not think it is necessary. Half the amendments the Democrats make are not necessary.

Hon NORM KELLY: I raised it because, as the Attorney General said in previous debate, two years is too short a period to review legislation, especially with police powers and offences having to go through the traditional system. It is widely accepted, including by me, that we need a longer period than that so that we can see a history of charges being laid, of charges being progressed through the court system and of convictions to determine how to best fix those laws. That is why to suggest a review be conducted, whether it be formal or informal, in sufficient time prior to a two-year expiry to properly debate possible extension of powers, would be ludicrous, and as such would perpetuate bad law.

Hon MARK NEVILL: I move -

To delete all words after "the" and substitute "31 December 2000."

Two years is far too long for these sorts of powers to be on the statute book. I say that with some seriousness because I believe we will see the fallout from these sorts of powers being on the statute book in Anti-Corruption Commission inquiries, which are absolutely inevitable, flowing from this sort of bad law and the alleged abuses of these police powers, which will occur. It will keep them busy for quite a few years after this Bill has expired. The least possible time that the Bill is in this form, the better.

I also want to ask the Attorney General a question relating to the amendment, but indirectly. Is prostitution still illegal in Western Australia?

Hon Peter Foss: No; it never has been.

Hon MARK NEVILL: Keeping a bawdy house is.

Hon Peter Foss: And living off the earnings of prostitution.

Hon MARK NEVILL: It follows that with these powers of entry, there is absolutely no reason that every bawdy house in Western Australia should not be closed within a week of this Bill becoming law. The police could not wish for any more powers than they are being given in this Bill. I expect to see this law enforced fully.

Hon Peter Foss: You are wrong.

Hon MARK NEVILL: I might be wrong, and I would appreciate the Attorney General responding to my proposition.

Hon PETER FOSS: The provisions relating to police specifically refer to the word "offence", meaning an offence under this Bill, not any general offence. This specifically deals with street soliciting, kerb crawling, child prostitution and sex slavery.

Hon N.D. Griffiths: What about promoting employment in the prostitution industry?

Hon PETER FOSS: In other words, advertising.

Hon N.D. Griffiths: Are you going to rely on a voluntary code?

The CHAIRMAN: Order, members! It is not question time.

Hon PETER FOSS: It is already limited by the Bill itself, but there is a further amendment on the Supplementary Notice Paper which will limit it to certain offences within this. It is limited purely to offences under this Act. They are principally the ones I have mentioned which deal with street offences, child prostitution, sex slavery and procuring.

Hon N.D. Griffiths: And promoting employment. Will you crack down on the advertisers of prostitution in the personal columns as well, or will you rely on containment by a voluntary code?

Hon Mark Nevill: The women you find in certain houses are promoting it.

Hon PETER FOSS: I leave it to members to work out what they think are the appropriate -

Hon N.D. Griffiths: We know what will happen - containment as always.

Hon Mark Nevill: I am disappointed that this is bad law.

Hon PETER FOSS: It is not bad law.

Hon N.D. Griffiths: You are encouraging corruption.

The CHAIRMAN: Order!

Hon PETER FOSS: We appear to be getting a little heated about this. In answer to Hon Mark Nevill, that is not correct. Some offences currently exist. They are public nuisance offences. They are not morality offences. They are not offences under this Bill. The powers referred to in this Bill do not apply to them.

Hon NORM KELLY: When considering either the original proposed new clause or Hon Mark Nevill's amendment, we must determine whether these proposed police powers are worthy of being supported for any length of time. I believe they are not. Obviously, the Democrat's preferred position is to defeat the police powers. However, having an expiry date on 31 December this year is far better than the Attorney General's proposal.

Hon Peter Foss: I thought you were suggesting that we have a longer expiry date.

Hon NORM KELLY: The Attorney General is not willing to consider a review either.

Hon Peter Foss: You are not prepared to agree to the amendments, so we have no choice.

Hon NORM KELLY: I appreciate how the ALP has conveniently organised it so that we deal with this proposed amendment in the first instance without being able to fully debate all the proposals within the Bill, such as the various police powers. The expiry of an Act is determinant on what is contained within it, and we are yet to determine what will be contained in this Bill. Perhaps it is worth deferring debate on this proposed clause until we have dealt with what will be contained in the entire Bill. It seems silly to talk about the expiry of something which we have not yet determined. I move -

That further consideration of this proposed new clause be deferred until after consideration of the rest of the message.

Question put and a division taken with the following result -

Ayes (6)

Hon Helen Hodgson
Hon Norm Kelly

Hon Mark Nevill
Hon J.A. Scott

Hon Giz Watson
Hon Christine Sharp

(Teller)

Noes (24)

Hon Kim Chance
Hon J.A. Cowdell
Hon M.J. Criddle
Hon Cheryl Davenport
Hon Dexter Davies
Hon E.R.J. Dermer
Hon B.K. Donaldson

Hon Max Evans
Hon Peter Foss
Hon G.T. Giffard
Hon N.D. Griffiths
Hon Ray Halligan
Hon Tom Helm

Hon Barry House
Hon N.F. Moore
Hon M.D. Nixon
Hon Ljiljanna Ravlich
Hon B.M. Scott
Hon Tom Stephens

Hon W.N. Stretch
Hon Bob Thomas
Hon Derrick Tomlinson
Hon Ken Travers
Hon Muriel Patterson
(Teller)

Question (deferral of debate) thus negatived.

Hon NORM KELLY: Given that we are in the dark about what powers will be included in the legislation and when they will expire, the Australian Democrats supports Hon Mark Nevill's amendment.

Hon MARK NEVILL: I suggested the Act expire at the end of this year. I could have been less serious and proposed an earlier date. The amendment will give the Government and the Opposition until the end of the year to put their minds together to come up with a workable piece of legislation addressing the problem of streetwalkers. My private member's Bill is a basis for that process, although I do not suggest it is the answer. I have thought of some amendments since I introduced it into the Chamber. However, it provides a basis for controlling this problem without filling the prison system. The Government, Opposition and other members of the Chamber, if they have the opportunity to contribute, must be able to come to a consensus on how to deal with this situation without giving the police powers that are not available for them

to tackle the most serious criminals in this State. Those powers are not needed in this legislation. It is probably a forlorn request to ask members to consider an early expiry date for this piece of legislation. However, if the amendment is not passed, many complaints about the misuse of the powers will be received over the next two years, resulting in more inquiries by the Anti-Corruption Commission. The Government will be in a difficult situation because the Police Service will have powers to use against illegal activities relating to prostitution. Women within a brothel, or bawdy house as the Criminal Code describes it, will be captured by the provisions of this Bill because they offer prostitution. There is no doubt about that. Hon Nick Griffiths is correct and the Attorney General's interpretation of the Bill is wrong. The Government would be obliged to use the powers contained in the legislation to shut down those bawdy houses, which are illegal under the Criminal Code. I urge members to not allow themselves to get into strife with this Bill, which will happen, not just in the next two years, but for many years to come.

Hon GIZ WATSON: Faced with a poor set of choices, the Greens (WA) agrees that if these police powers are to be introduced, it is better if they are in for as short a time as possible. Therefore, we support Hon Mark Nevill's amendment.

Amendment put and a division taken with the following result -

Ayes (6)

Hon Helen Hodgson
Hon Norm Kelly

Hon Mark Nevill
Hon Christine Sharp

Hon Giz Watson

Hon J.A. Scott
(Teller)

Noes (23)

Hon Kim Chance
Hon J.A. Cowdell
Hon M.J. Criddle
Hon Cheryl Davenport
Hon Dexter Davies
Hon E.R.J. Dermer

Hon B.K. Donaldson
Hon Max Evans
Hon Peter Foss
Hon G.T. Giffard
Hon N.D. Griffiths
Hon Ray Halligan

Hon Barry House
Hon N.F. Moore
Hon M.D. Nixon
Hon Ljiljanna Ravlich
Hon B.M. Scott
Hon Tom Stephens

Hon W.N. Stretch
Hon Bob Thomas
Hon Derrick Tomlinson
Hon Ken Travers
Hon Muriel Patterson
(Teller)

Amendment thus negated.

Hon NORM KELLY: When does the Government expect this Bill to be proclaimed?

Hon PETER FOSS: That is an interesting question to ask me. I do not know when we will finish the debate.

Hon Norm Kelly: How long after we have finished it will the legislation be enacted?

Hon PETER FOSS: It is very hard to do preparatory work when one does not know what the final form will be. I gave an indication when we were going through the first stage of the debate. It was a short period. I am struggling to remember the advice I was given, but I think the instructing officer indicated that it would be about a month. I would hate to predict the date it will come into operation because I do not know when we will complete the debate.

Hon MARK NEVILL: Is it possible to proclaim this Bill retrospectively by about 18 months?

Question (new clause 66) put and passed.

Hon PETER FOSS: I move -

That amendments Nos 15 and 17 to 21 made by the Council be not insisted on.

Hon NORM KELLY: Amendment No 15 refers to the deletion of clause 27 of the Bill, which relates to detention, search and seizure without a warrant. I highlight the broad-ranging nature of these powers. This clause allows a police officer to stop, detain and search anyone whom that officer suspects on reasonable grounds to be committing an offence or carrying anything that will afford evidence as to the commission of an offence. It also allows an officer to stop, detain and search any conveyance if the officer suspects on reasonable grounds that a person is committing an offence and so on. What is the definition of "on reasonable grounds" and how will that be determined?

In the light of the success of the recent police crackdown in the East Perth area, which resulted in the laying of many charges, why is this clause necessary? It appears that police officers have sufficient powers under existing legislation, particularly section 49 of the Police Act and regulation 109 of the vehicle standards legislation, which empowers the police to examine and to test drive a vehicle and requires a driver not to obstruct the examination or test. Police officers are using these powers in their apparently successful crackdown on prostitution.

Hon PETER FOSS: I will correct a misapprehension that there has been a successful crackdown on prostitution in East Perth - there has not. Although 219 charges have been laid, fewer than 10 relate to prostitution. The member has asked a number of questions, the answers to which he has misinterpreted. He has suggested that police officers should be using these existing powers to crack down on prostitution. The answers I have provided have made it clear that police officers will use the powers they have only for the purpose they were designed.

I remember the member's suggesting that those powers had been used in that way. I disagree with and disavow that. I am horrified that Hon Norm Kelly, of all members, has suggested that police officers should be using a power related to the examination of vehicles or stolen goods to deal with prostitution.

Hon Norm Kelly: I did not suggest that.

Hon PETER FOSS: The member asked why we need these powers when police officers can already do this. They cannot; they have no powers in relation to prostitution. The powers available at the moment relate in one case to stolen goods. Unless police officers believe a vehicle contains stolen goods, they cannot search it. The same applies to the inquiry about the condition of a vehicle. A police officer cannot carry out an inspection unless he or she believes something should be inspected on the vehicle. Police officers do not want to crack down on prostitution using the two powers the member referred to and they have not done so.

It is incorrect to believe that a huge number of charges have been laid relating to prostitution.

Hon Norm Kelly: So it is merely harassment.

Hon PETER FOSS: No; 219 charges have been laid in respect of the things they can do. I was driving my bus on one occasion and came across a police trap at which my vehicle was given a safety inspection. I do not believe that the officers were looking for prostitutes.

Hon Derrick Tomlinson: But did they find any?

Hon PETER FOSS: No, not in my bus.

Hon Mark Nevill: At least not any female prostitutes.

Hon PETER FOSS: That is a bit rough!

It is appropriate that from time to time the police exercise their powers in a particular area. However, I do not see it as appropriate that they rely on the powers the member has cited. They will not rely on the powers the member has cited and it is incorrect and inappropriate to suggest that they should. They have not done so and they have not successfully cracked down on prostitution. Everything the member has said is wrong.

Police officers need these powers to deal with kerb crawlers. All members have agreed that the appropriate way in which to deal with street prostitution is not to crack down on the prostitutes but on the demand from the kerb crawlers for two reasons: First, they are the greatest public nuisance. The theory behind prostitution laws is dealing with public nuisance. Secondly, it would be futile to continue to crack down on soliciting prostitutes because they will simply move elsewhere.

The member's remarks must have been tongue in cheek, because I cannot believe he thinks that is appropriate. If he believes that the police crackdown on prostitution was successful, he is wrong.

Hon Norm Kelly: So, it was a crackdown to lessen the impact of kerb crawling in the area.

Hon PETER FOSS: There is no doubt that there would be an incidental benefit in that kerb crawlers might not want to go there in case their vehicle's tyres were checked. It is not an appropriate use of police powers to continue to check tyres in that area because it will dissuade kerb crawlers. Police officers can check tyres to the extent that it is logical and reasonable to do so. However, once they have done that, they cannot go back and do the same thing in the same area every night.

Hon NORM KELLY: The point I am getting at is that the powers under the Road Traffic Act and Police Act were used to deter kerb crawlers in that area.

Hon Peter Foss: They were used legitimately and they had the side effect for that period of time of discouraging kerb crawlers.

Hon NORM KELLY: I am not questioning whether the powers were used legitimately. However, the primary motivation for using those powers was the side effect.

Hon Peter Foss: I do not think that is correct either.

Hon NORM KELLY: It was clearly put forward by the Government at the time that because the powers in the Prostitution Bill were not available, other statutes would have to be used to minimise the public nuisance about which residents in that area had expressed concern. When the powers contained in the Police Act and the Road Traffic Act are used as deterrents in matters related to prostitution, we must look carefully at the powers contained in the Prostitution Bill and consider how they may be used in future to give police powers which they may find convenient to use for other aspects of their policing work. There is no way the Attorney General can say those powers will not be used in that way. The Road Traffic Act is already being used to minimise the problems of streetwalkers in East Perth. At least we agree on that. I am concerned that these powers have the potential for abuse, and they are very strong powers. I will refer to this later when dealing with other powers which are more dangerous. The Attorney General has not responded to my earlier questions about the term "reasonable grounds".

Hon PETER FOSS: I reject any suggestion that the powers used in East Perth have been abused. They were properly used, and they happened to have another effect. This can be done in many ways. When using a legitimate power, if it is decided that extra benefits in policing can be gained it is perfectly proper to locate the exercise in that place.

Hon N.D. Griffiths: Why was the law not enforced before?

Hon PETER FOSS: Which law?

Hon N.D. Griffiths: The law to prevent the activity occurring, which this Bill is about. Why was the law not enforced?

Hon PETER FOSS: There is no law against kerb crawling at the moment, and there is no such law to be enforced.

Hon N.D. Griffiths: There is a law against soliciting and it has not been enforced.

Hon PETER FOSS: It has been. We are going over the whole debate again. We know there are two reasons it has been very difficult for the police to enforce the law against soliciting. The first is that the courts' interpretation of the law makes it almost impossible for an officer to gain a conviction unless he engages in activities which would be against standing orders and corrupt. They cannot gain a conviction, even if a prostitute does not use the manoeuvres which they now know are effective because they know of the magistrates' decisions and what is in the standing orders. Even if prostitutes allow themselves to be caught by not following the available ruses, the penalty is so small that it is not an effective deterrent. The penalty is less than they would earn from one solicitation. Where is the deterrent? It is less than the income tax they pay. For two reasons the law is ineffective; first, officers cannot get a conviction and, second, even if they do the penalty is so minor that it is no deterrent. That is why we have come to this Parliament. I explained that in the beginning.

The powers under the Road Traffic Act have not been abused and I stoutly reject that implication. They were used for the purpose for which they were given. The police can choose to do that wherever they like. I was stopped when travelling along the Great Northern Highway in my bus. There are a number of reasons that certain places are chosen for this exercise, and it is legitimate to do it in areas where there will be many cars. Secondly, it may dissuade the kerb crawlers about whom people have been complaining because of the many cars in the street. That is perfectly legitimate; however, the power cannot continue to be used for that purpose, and it will not be. If people abuse powers, there are remedies. Any police power can be abused.

On the question of the definition of "reasonable", I will not tell the member what it means. It has been considered by the courts millions of times and I will not add one jot or tittle to that meaning. The courts know what it means, and were I to try to explain it I would only complicate the matter by taking away from the large body of law which knows what reasonable means.

Hon NORM KELLY: Clause 27 allows a police officer to stop a vehicle and detain and search a person. What evidence, in relation to clause 6, would they be looking for from a kerb crawler that would relate to their seeking a prostitute as a client? Would the police be looking for money or condoms? Surely they would not take condoms from kerb crawlers or streetwalkers. What other evidence would they be looking for when they stop a conveyance or detain a person?

Hon PETER FOSS: It varies of course. Substantial quantities of money are usually indications that some business transaction has taken place. It might be sexual paraphernalia of an unusual nature, or mobile telephones -

Hon N.D. Griffiths: I have heard yours ring often in this House.

Hon PETER FOSS: The member should wait until I finish the sentence. Mobile phones which have been used to call a well-known pimp often provide useful information. The pimps are probably the most important people on whom the police would like a lead. Address books would provide a link, particularly to people such as pimps.

Hon MARK NEVILL: That is of concern because I had a telephone conversation the other day with Mary-Anne Kenworthy in relation to this legislation and nothing else.

Hon NORM KELLY: I refer to the comments of the Attorney General with regard to the use of the powers in the Road Traffic Act and Police Act. He referred to the crackdown that has recently taken place in East Perth and has resulted in charges being laid. He said that the reduction in the number of kerb crawlers in that area was incidental to that crackdown. The Attorney General appears to be the only person who wants to run the line that it is only incidental. Everybody else has agreed with the reasoning. I am not even suggesting that the powers were abused. The Attorney General should at least admit that the intention of the use of those powers was to deter kerb crawling. There is no other reason a crackdown of that scale would be used in that area and not in other areas. The Attorney General did not help the debate by saying that the police operation happened to have a side effect of lessening kerb crawling. I wanted to get that on the record. As much as I did not like those powers being used, I appreciated that the police felt compelled to use those powers because of problems existing in that area. It is unhealthy if the Government says that was not the intent of that operation.

Hon PETER FOSS: I made the point that it is perfectly legitimate to consider what the incidental effect of the exercise of a power will be. I did not say it was not considered. I said that was one of the matters they could legitimately be taken into account. However, the principal reason must be that they are looking for those offences, otherwise they cannot use that section. Nobody has suggested that it was improper. The reason they may have had to do it was the delay in passing this legislation. I hope they will never have to do it again. If we can get quickly on and pass this legislation, they will have the proper powers to deal with prostitution.

Progress reported and leave granted to sit again, on motion by Hon Peter Foss (Attorney General).

EAST PERTH REDEVELOPMENT AUTHORITY, EXTENSION OF REDEVELOPMENT AREA REGULATIONS 1999

Order of the Day - Ruling by the President

THE PRESIDENT (Hon George Cash): Earlier this evening, Hon Giz Watson sought my ruling on a matter affecting Order of the Day No 1, the disallowance of the extension of redevelopment area regulations. The point of order raised in

connection with these regulations is whether their validity is affected by a failure to comply with the provisions of section 4(3) of the East Perth Redevelopment Act 1991 which provides -

When regulations made under subsection (2) that add an area to the redevelopment area are laid before each House of Parliament under section 42 of the *Interpretation Act 1984* they shall be accompanied by an explanatory memorandum showing how and why it is intended to amend the redevelopment scheme in respect of the area that is added.

The regulations that were tabled in this House on 15 December last year were not accompanied by the explanatory memorandum required by the provisions to which I have referred. Nothing in the Act or the Interpretation Act deals with a failure to comply with a statutory duty. It would be different had the regulations not been tabled within the six sitting days of gazettal provided for in section 42 of the 1984 Act. That obligation was met. The fact that a separate document - that is, the explanatory memorandum - was not tabled at the same time does not in my opinion affect the regulations' validity. Moreover, that is a question for the Supreme Court. At this late stage, the question for disallowance must be resolved before the House rises tonight. All that I can do is request the minister to ensure that the authority is reminded of its statutory duty.

It is a matter for regret that a public statutory body appears to have but a superficial knowledge of its own enactment and that no administrative procedure is in place to ensure that it complies with its statutory obligations. For the future, I advise that similar regulations lodged with the procedure office for tabling will not be processed if the explanatory memorandum is not provided. If this results in disallowance of the regulations for failure to table within the prescribed time, the responsibility will lie solely with the authority.

Motion for Disallowance

Pursuant to Standing Order No 152(b), the following motion by Hon Giz Watson was moved pro forma on 21 March -

That the Extension of Redevelopment Area Regulations 1999, published in the *Gazette* on 7 December 1999, and tabled in the Legislative Council on 15 December 1999 under the East Perth Redevelopment Act 1991, be and are hereby disallowed.

HON GIZ WATSON (North Metropolitan) [9.16 pm]: Mr President, thank you for your ruling. The fact that the requirement for the tabling of an explanatory memorandum was not adhered to is indicative of the East Perth Redevelopment Authority not taking seriously its obligations. It also highlights the concerns I wish to raise in this disallowance motion. I moved the motion because a number of people in my constituency of the North Metropolitan Region have raised concerns about the rolling powers of the East Perth Redevelopment Authority, and with the seeking of a further extension of the area of influence of the authority they wanted a number of matters raised.

A number of the concerns about the East Perth Redevelopment Act are being perpetuated by allowing the authority to subsume another area into its control. One of the most obvious concerns is that the authority is not a democratically elected organisation. People are raising concerns that it is one thing for a redevelopment authority to operate in commercially derelict land, where it is appropriate to provide the impetus for redevelopment. However, it is another thing for the authority to move into established urban areas which have a sense of community identity and a genuine sense of being represented by their local council with that authority having a major influence on decisions about a redevelopment in that area.

As much as I have concerns that section 4 of the East Perth Redevelopment Act was not adhered to with the tabling of these regulations, I am concerned that section 4(2) was also not adhered to in that it is a requirement that when amendments are made to the Act or regulations, the minister shall consult with the community and the City of Perth. I am not saying that the City of Perth has not been consulted, but I have seen no indication of any community consultation about the extension of the influence of the East Perth Redevelopment Authority. I seek some evidence that community consultation has occurred. One of the issues that has been raised relating to the authority is that it has an autocratic style and does not consult.

I will keep my comments brief because I am aware that we have limited time tonight, but I will raise one matter that was brought to my attention by one of the councillors of the City of Perth relating to the proposal to redevelop the area of Arden Street in East Perth. The community there clearly stated that it wanted the area to remain as public open space. Despite that, the authority decided that it would go ahead and develop the area for housing. In the final paragraph of his letter, Councillor Laurence Goodman JP wrote to Mr Tony Morgan, who is the Acting Chief Executive Officer of the East Perth Redevelopment Authority -

I am also concerned that EPRA is obstinately pursuing the development and using its powers in the face of popular opinion, which I believe is a misuse of power not intended for this purpose. It is time to let the community grow democratically and be involved in the evolution of its neighbourhood.

Similar sentiments have been expressed to me by people in the area which is now about to be subsumed by the East Perth Redevelopment Authority. There are also concerns that this authority is accountable only to the minister and is not accountable in the same way as a local council. Concern has also been raised that the extension of the East Perth Redevelopment Authority's influence into Northbridge will come at the expense of some heritage buildings. I refer members to an article in the *Voice News* of Friday 17 December 1999 expressing the concerns of the Northbridge Business and Community Association, which has identified at least 30 buildings with identified heritage values above the Northbridge tunnel that are likely to be demolished. I am concerned that under the requirements of the Act the authority

must have regard to heritage values, but I am getting indications from many quarters that they do not believe that the authority will adequately protect those heritage buildings. The authority was clearly established for a limited time to operate over a limited area. I am concerned that this is the sixth amendment to this Act, and each time an amendment extends the influence of the authority.

Another matter I raise is that of the chairman of the authority, the former planning minister Mr Lewis. The question raised with me is whether this is a permanent job for Mr Lewis. An article in the community newspaper, the *Guardian Express*, refers to consultation. There has now been a move to establish a Northbridge tunnel steering committee, which will allow a direct focus for community involvement in the redevelopment of this area. I welcome this shift. I wonder whether the fact that there was an impending disallowance of this regulation spurred the authority to take more seriously its obligations for community consultation. That is certainly an area to which the authority had not paid attention because the Northbridge community was saying to me that it had the feeling it was not being consulted by the authority.

Despite the fact that the disallowance motion had not been debated and resolved in this place, the minister made the decision to extend the powers, take the land and proceed with the gazettal of the regulation on 11 April 2000. That is again an indication that the Government will continue with the extension of the East Perth Redevelopment Authority's area of influence despite the fact that this place has not resolved whether we support it.

I encourage other members to consider supporting this disallowance. We need to be careful about the incremental shift with these authorities having some very particular powers which do not make them accountable to the community in the same way as local councils. I argue that it is inappropriate to have the East Perth Redevelopment Authority muscle into the area of Northbridge, which has a very strong sense of its own identity and community,. I encourage members to lend their support to this disallowance.

HON J.A. COWDELL (South West) [9.29 pm]: The Opposition notes the Government's arguments for the extension of the East Perth Redevelopment Authority's area of control to the Northbridge tunnel area; its reference to the desire of the Northbridge community to have the land over the tunnel effectively redeveloped as a seamless extension of the surrounding area; its reference to the authority's skills and management expertise that have been developed over the years; its reference to the involvement of the authority in the first stage of the tunnel - that is, the upgrade of St Brigids forecourt and streetscaping at the intersection of Fitzgerald and Aberdeen Streets; and the expectation that the authority could continue to provide services as it has done in the past. The Opposition also notes the Government's argument that the performance of the East Perth Redevelopment Authority is recognised nationally as a model of urban renewal that has taken place in its existing area. The Opposition also notes that in the period for public submissions to the scheme, there have been no formal public objections to date.

I took note of the comments of Hon Giz Watson when she moved this disallowance. It is an unnecessary criterion for an effective redevelopment authority that it be democratically elected. I note the claim of the close involvement of local government authorities and that they can do the job better as they are closer to the local population. Given that the City of Perth is the authority for 90 per cent of the area, I am not convinced at all by that argument. I will refrain from commenting on the 10 per cent applicable to the Town of Vincent.

The Opposition would obviously expect the authority to maintain diversity in the new area and it seeks assurances in that regard. The area has a current diversity and a great deal of low-income housing, which must be maintained. The Government's statement refers to liaison with community service agencies such as Homeswest and indicates that such agency's needs will be accommodated. We must be assured in that regard. To some degree East Perth has a very nice model urban village but with some sterility in the uniform \$200 000 to \$300 000-plus price tag of the units. It is a facility that cost the Commonwealth Government millions of dollars in providing a lifestyle to one class of residents. That is not to say that it is not a nice model village. However, whether that amount of taxpayers' funds should have been put into effectively providing a subsidy for those residences is another matter.

Hon Derrick Tomlinson: The Homeswest residents of that region would not object.

Hon J.A. COWDELL: They are not there any more to object.

Hon Derrick Tomlinson: Yes, they are.

Hon J.A. COWDELL: Not a great many of them and no provision for them was made that I have seen in the accommodation.

Hon Derrick Tomlinson: You should have a look, because they are there.

Hon J.A. COWDELL: The Opposition seeks assurances of adequate involvement of the local community. I note that the Northbridge urban renewal committee was abolished when the EPRA was extended. Two other committees were brought into existence - a government liaison committee for the Northbridge project and a community consultative committee. The City of Perth is formally represented on one and informally represented on the other; whereas there is no representation on the community consultative committee by the Town of Vincent. Given the real concerns of the Town of Vincent about the change in density rating from R80 to R160 in the Vincent portion of this area, that particular opinion must be considered in any community consultation. The Australian Labor Party looks forward to some representation of the interests of the Town of Vincent through its designated representatives; I mean more than representation on the government liaison committee, which is essentially an interdepartmental committee.

The Opposition, subject to satisfactory assurances from the Government on these matters, will not support this disallowance. It believes that the East Perth Redevelopment Authority provides the most effective vehicle for this redevelopment, it is extant and contiguous in terms of the legislation; it is an appropriate vehicle. The Opposition seeks assurances that the Government will act appropriately in those areas of concern, as I have just stated.

HON NORM KELLY (East Metropolitan) [9.36 pm]: The issues raised by Hon Giz Watson are most worthy of consideration. In particular, section 4 of the East Perth Redevelopment Act requires the regulations to be accompanied by an explanatory memorandum. The fact that this has not occurred is a serious concern. Your ruling, Mr President, gave an indication that this matter could be pursued through Supreme Court action, which makes me think that perhaps this Chamber could save people a great deal of money by disallowing these regulations now and allowing the redevelopment.

Hon Peter Foss: I am not suggesting they should do that; it is the only way in which they can do it.

Hon NORM KELLY: Yes. However, there would be a way for the East Perth Redevelopment Authority to readily realise that it has not complied with the statute which enables its existence and that it is required to better understand its own Act. The need for an explanatory memorandum, which was required, is best shown in the concept plan which was released a number of weeks after the regulations were gazetted. The concept plan shows what could be a very vibrant community with the regeneration of this area, which has been devastated by the incursion of the tunnel construction through Northbridge. The restoration of a genuine sense of community in that area is imperative. It is somewhat different from what the authority has already done in the East Perth area. The sterility referred to by Hon John Cowdell is an unfortunate but necessary part of a residential development. That same sterility occurs in new developments in the northern and southern suburbs of Perth. It takes time to bring about a sense of community by the interaction of that community in its natural development.

Hon Giz Watson also referred to the possible lack of community consultation in the authority's actions. The concept plan package contains a number of leaflets on various aspects of the plan. Part of one leaflet entitled "Community Consultation" states -

The members of the Community Consultation Committee will represent a broad range of community and business interests in the Northbridge area and include key representatives of the various special interest groups.

It may not, because of the nature of this area, be readily able to set up a democratic process to elect members to such a committee, but I think it is imperative that the authority take strong action to ensure that it truly does consult the community and make sure that it has the broadest possible range of views represented on the consultation committee. Embracing a diversity of views will minimise possible problems and protests against what the authority may seek to do.

As Hon J.A. Cowdell mentioned in regard to the proposed density of residential areas in the new area, the authority is proposing the higher density rate of R160 throughout the entire area rather than the lesser density of R80-100, which currently exists in the Town of Vincent's portion of the area.

In regard to whether the authority has been carrying out proper consultations, I was informed that when calls for submissions were made about the extension of the area, that there were only seven submissions made by government agencies and none by the local community. This was put across as proof that there were no problems with this extension as nobody had complained. I think it important to consider whether the community was suitably notified about the possibility of lodging submissions. One would need to have a closer look at the advertising processes to ensure that the community has been properly notified.

Concerns have been expressed about empire building within the East Perth Redevelopment Authority, but I do believe in specific cases, as we have with other redevelopment authorities such as the Subiaco Redevelopment Authority and the Midland Redevelopment Authority, which is in its initial stages of being established, that there is a good argument to take a specific area and have an authority able to fast-track development of the area. The sooner the tunnel part of Northbridge is redeveloped the better. As long as it is redeveloped with consideration of the existing Northbridge community, the rift that has occurred because of the construction of the tunnel will be rectified sooner and the Northbridge community can come together again as a whole.

HON PETER FOSS (East Metropolitan - Attorney General) [9.43 pm]: I thank all members for their very helpful contributions to this debate; Hon Giz Watson raised some very interesting points. I think the final matter in this is to look at what has been achieved by redevelopment authorities and, in particular, the way in which the Midland Redevelopment Authority has been sought by the local government as a way of carrying out this form of urban renewal. It does appear to be the most effective way of doing it, not only in terms of time but also in terms of purpose. It is a good way of getting something which implements a particular idea.

I was interested in the remark that the East Perth area is sterile. If it was not sterile beforehand, I think it was only in the sense that it was not very hygienic. I used to ride my bicycle through there and across Claise Brook. One would look down into it and see every form of detritus that anyone could find to throw into it. There are other areas around there owned by AlintaGas and Western Power which were also extremely unhygienic - therefore not sterile - and when one considers what a beautiful part of the river it is, it was a place that was not very desirable to go to. I quite like the development there. I think one of the important things about it is that they have not made it little boxes of tacky-tacky, all looking the same, but they have insisted on quite different styles and the need for people to put a little bit of ingenuity into it.

Hon Ken Travers: It is not like Milton Keynes.

Hon PETER FOSS: I was going to mention Houston, Texas, because it has lots of little boxes made out of ticky-tacky. I did not get a chance to look at Milton Keynes; I spent my time in the prison. However, when flying in and out of Houston, I was immediately reminded of that song which says that they all live in little boxes, little boxes made of ticky-tacky and they all look just the same.

I think the good thing about East Perth is that it has a lot of character. In time, it will lose its newness, and it will be a good addition to the metropolitan area. As was picked up by Hon Norm Kelly particularly, this area through which the tunnel has gone naturally lends itself to urban renewal. It is an unusual shape, and it makes a lot of sense for it to be handled by the authority. I am keen to see that. I think there has been the lack of an ability to push that ahead. I would like to have seen that done much earlier, because the method of construction of the tunnel would have allowed development to take place there, and I think this is the way to make sure that it happens.

Hon John Cowdell mentioned the need for consultation with the Town of Vincent as well as with the City of Perth. The assurance has been given by the minister that the Town of Vincent will be represented on the community consultative committee. That is in response to the request that has been made by the Opposition to ensure that both local government authorities are appropriately represented and will be able to have input at the appropriate level.

I will deal with the point made by Hon Giz Watson about the document not having been tabled. I have taken note of what the President said about the fact that there should be a process to make sure that happens, and that in future any regulation appearing without such an explanatory memorandum will not be processed by the House. I have asked for that to be communicated urgently to the minister and at some later stage to be formally put in writing. I have also asked that the document be tabled. I know that it is a bit late for the House, but I think it would be helpful to at least have one such document tabled so that, for historical purposes, people will have something to look at.

Hon Norm Kelly: I believe your concept plan would probably now be the equivalent of -

Hon PETER FOSS: It probably would. However, for the purposes of this House, I think we should ask for something to be tabled which can be put with the rest of our records so that anybody who wishes to research the matter in years to come and who is writing about the 100-year anniversary of the tunnel town will be able to do so without looking for some other document. I think it is appropriate that something be tabled, so I have also asked for that to be done. However, I believe that other documents have been made public which would serve that purpose. Even though it has not been done, to a large extent the public has been given the benefit of what it would have been entitled to under the Act, even if it was not done in accordance with the Act. Although the Act cannot now be complied with, we will at least seek to go through the motions of what would have been done had it been done at the right time.

I am pleased to hear that the Opposition and the Australian Democrats will not support this disallowance. The capacity and the ability shown by the East Perth Redevelopment Authority justifies this extension and will justify a good development along that area for the benefit of the people of Western Australia.

HON J.A. SCOTT (South Metropolitan) [9.49 pm]: I will add a few matters that have not been raised in the debate to this point.

Hon Peter Foss: I will not be able to reply to them, I am sorry.

Hon J.A. SCOTT: I will quickly raise these points because I realise time is moving on. Hon John Cowdell briefly touched on the status, I suppose, of the East Perth redevelopment area. I recall clearly when the proposal was first mooted that it was claimed that the redevelopment would be of great benefit to residents already living in the area, but no real effort was made to cater for the needs of those people to ensure that reasonable low-cost housing was left in the area.

I have also had communication from the Community Housing Association suggesting that what occurred in East Perth might occur at Subiaco because the component of community housing that was supposed to be included in these projects did not eventuate. When Governments claim that they will provide those levels of community housing, they should do so rather than focusing on how to extract the most dollars out of the areas. I appreciate that the Government has handed those responsibilities over to the East Perth Redevelopment Authority and therefore the only accountability is via the reporting mechanism. That lack of accountability concerns me.

I also draw the attention of the House to the fact that the area proposed to be added to the East Perth Redevelopment Authority area houses quite a few students and young people who attend the various educational institutions around Perth. I am aware of that because in a previous occupation I met quite a few of them. I am concerned about accommodation for those people when this kind of redevelopment occurs. It seems that promises are made before these redevelopments occur, but they are not kept. People with less money are being forced out to the outer suburbs rather than an attempt being made to create a mix throughout our urban area. Part of the blandness to which Hon John Cowdell referred arises from not only the nature of the buildings but also the failure to have a mix of population.

Hon Peter Foss: Are you suggesting it would be improved by a slum?

Hon J.A. SCOTT: I was not suggesting that. I do not think young students want to live in slums; they want to live somewhere that is affordable. When a rundown area is redeveloped the price of the accommodation is altered. Government should make some attempt to cater for those people if it wants to act responsibly.

A great deal of concerns have been referred to me about the management of the East Perth Redevelopment Authority. However, I will not raise them now. I will ask a number of questions of the responsible minister about them because they

are of great concern to me even though a number of members said they believed the redevelopment had been carried out in a proper way. I hope to get some answers to those concerns later. I support the motion moved by Hon Giz Watson.

Question put and negatived.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.54 pm]: I move -

That the House do now adjourn.

Northern Suburbs Railway - Adjournment Debate

HON KEN TRAVERS (North Metropolitan) [9.54 pm]: Tonight I bring to the House an issue which I have followed for some time now. It concerns the northern suburbs railway and the lack of commitment by the State Government to meet its previous promises to the people of the northern suburbs about that railway line. Prior to the last election in November 1996, the Premier of the day made a commitment to extend the railway line to Clarkson. I add at this stage that he made it very clear that the Government's commitment was very different from the Labor Party's commitment, because it had included provision for the extra rolling stock that would be required to extend the line. In June 1998, the Minister for Transport announced that the master plan for the northern suburbs railway line was about to commence. Again, the minister issued a press release on it. I also add, for the information of members, that a pamphlet titled "We promised. We delivered", which was put out by the Liberal Party in the northern suburbs, referred to the \$40m railway extension going through to Clarkson.

It became a concern to me some time ago that the Government did not appear to be meeting its commitments on the master plan and to be getting on with the project. I have constantly asked a number of questions. Last year during the estimates committee, I asked a number of questions of the Minister for Transport. He ended up agreeing that it would be difficult for the Government to meet its election commitment. Members may recall that that was when the member for Wanneroo went into the northern suburbs and publicly advised his constituents that the minister was a boofhead and did not know what he was talking about. I also raised that in the House at the time. We then had an argument from the member for Wanneroo and the Premier telling people in the northern suburbs that the railway line would be built in time and in accordance with its election commitment before the next election.

Since that time, I have continually asked questions of the minister about when the master plan would be completed. In October 1999, I was told that it would be about a month before it would be completed and he would be able to make announcements. On 30 March, I was again told by the Minister for Transport that he expected to make an announcement in the next month about the master plan, because it had been completed. When the Premier announced the Clarkson development during a recent visit by Cabinet to the northern suburbs, he again said that it was expected that an announcement would soon be made about proceeding with the railway line.

We are now reaching the point at which it is clear that the Government cannot meet its election commitments. However, I have not yet seen the press release from the Government advising the people of the northern suburbs to that effect. In fact, I was pleased that one of my colleagues from the northern suburbs, Hon Helen Hodgson, also joined the bandwagon and started to ask questions. Yesterday she asked the minister when the railway extension to Clarkson was expected to commence. The Minister for Transport advised the House that he was looking at funding issues which would determine construction timing. That concerned me, and, as shadow Minister for Housing, I got hold of a document which has been produced by the Landstart branch of the Ministry of Housing. That document is being given to potential joint venture developers in the northern suburbs of its Clarkson block of land. The interesting thing about that document is that it contains a number of references to the northern suburbs railway, and it includes dates. Page 305 of that document refers to the timing of the opening of the transit station being in December 2001. Elsewhere in the document it refers to the timing being in October 2001.

In other sections, the document clearly explains that profits can be maximised by timing the development of the Clarkson land to coincide with the opening of the Clarkson transit station. Another document from 1998 states that the earliest construction would go ahead is three years, with the more likely timetable being five to 10 years. That is now a historical document from 1998. I am concerned that, although the Minister for Transport still has not provided a clear answer, another arm of the Government trying to enter into a commercial venture with private developers has given a commitment about when the northern suburbs railway line extensions are expected to open. I hope the minister can respond, either tonight or at a future stage, and tell us what is happening. I think that the earliest the project will go ahead is October or December. I am concerned that Landstart is misleading potential joint venturers about when the project will go ahead, particularly as the minister said in this House that the Government had not yet made a commitment. However, it is clear that the earliest we can expect the extensions to begin is October or December 2001. The Government has been hiding that fact from the people of the northern suburbs. Although it has been asked many times in this place, the Government has refused to let the people know what is happening. If the Government still has not decided when the project will go ahead, what will it do to ensure that Homeswest and Landstart do not mislead potential investors? Is the Government waiting for the appropriate opportunity to bury the fact the railway line has been delayed?

This is not the only issue in which the Government has failed to meet its commitment to the northern suburbs railway line. Government press releases have said on a number of occasions that a new railway station will be built at Greenwood. It was to be completed by August 1999 and was extended to May 2000. It is now May 2000; I drive on the Mitchell Freeway

and there is certainly no railway station. The Greenwood station is needed to provide 660 extra parking bays for users of the northern suburbs lines. The shortage of parking at the Warwick and Whitfords stations is the real reason it is to be built. I agree with the member for Hillarys that a better solution would be to build a multistorey car park at the existing stations. The minister announced in the House a couple of days ago that additional parking will be provided at the Whitfords station; however, I do not think that will go anywhere near providing the 660 car park bays that are planned for the Greenwood station, which still has not been delivered by this Government.

The northern suburbs railway line is unique because its users contribute quite significantly to the cost of running it. It is not subsidised to the degree of other parts of the public transport system in this State. I am sure that the latest round of increases in public transport fares imposed on the people of the northern suburbs by this State Government means they will contribute even more to the ongoing cost of running the service, yet this Government continually fails to provide the necessary infrastructure. We heard that the Graham Farmer Freeway was on time, on budget and toll-free; we have not seen an advertising campaign telling the people of the northern suburbs that the two promised improvements to the line are not on time, on budget and are definitely not toll-free because fares have gone up. What is happening? Is Landstart correct in telling people that October or December 2001 is the earliest date for the extensions? Its documents are trying to entice people to enter into a joint venture. The timing of such a project will be important if people are to make a profit. If those documents are not correct, will the Minister for Transport take action to ensure the Ministry of Housing does not mislead potential developers and will he reveal to the House the true time line for these extensions?

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [10.05 pm]: A few issues need to be put on the record. Yesterday I indicated that the Government has produced the south west rail master plan, which is a public document. A document has also been finalised for the northern extension of the Clarkson line. I indicated that the Government will make arrangements with regard to funding before any announcement is made. It is only responsible that we look at the funding options, and we will do that in the near future.

Hon Ken Travers: The Premier said it was budgeted for in 1996.

Hon M.J. CRIDDLE: I am telling the member the current situation.

Hon Ken Travers: The Premier lied.

Hon M.J. CRIDDLE: No, I am detailing the situation today. That is the point the member raised, and I am dealing with it.

We must have a coordinated effort. We have the master plan, and the Greenwood station needs to be coordinated. A number of railcars must be available to service the infrastructure that we put in place. The whole thing needs to fall into place and financial arrangements must be organised to complement that. The Government is doing that and an announcement will be made at a suitable time to deliver -

Hon Ken Travers: So HomeStart is misleading people.

Hon M.J. CRIDDLE: I am explaining that we will not mislead people; arrangements will be in place. The project will be put together and an announcement will be made about its commencement.

Question put and passed.

House adjourned at 10.06 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

720. Hon E.R.J. DERMER to the Minister for Transport:

I refer to the Auditor General's December 1998 report on Audit Results 1997/98 as that report relates to the preparedness of Government agencies to address the Year 2000 computer problem. Of the Government agencies for which the Minister for Transport has ministerial responsibility -

- (1) Which agencies have their mission critical systems Year 2000 computer problem compliant?
- (2) Which agencies do not have their mission critical systems Year 2000 computer problem compliant and by what date is it estimated that each of these agencies will have their mission critical systems Year 2000 computer problem compliant?
- (3) Which agencies have completed inventories of systems and equipment?
- (4) Which agencies have not completed inventories of systems and equipment and by what date is it estimated that each of these agencies will have completed these inventories?
- (5) Which agencies have indicated that their current funding is sufficient for addressing the Year 2000 computer problem?
- (6) Which agencies have indicated that their current funding is insufficient for addressing the Year 2000 computer problem and for each of these agencies what action is being taken to address the funding insufficiency?
- (7) Which agencies have developed appropriate contingency plans for dealing with the Year 2000 computer problem?
- (8) Which agencies have not developed appropriate contingency plans for dealing with the Year 2000 computer problem and by what date is it estimated that each of these agencies will have developed appropriate contingency plans?

Hon M.J. CRIDDLE replied:

- (1)-(8) Please refer to the answer given to question on notice 732 of 14/10/99.

REGIONAL FOREST AGREEMENT, STRUCTURAL ADJUSTMENT PACKAGE

1320. Hon CHRISTINE SHARP to the Attorney General representing the Minister for Forest Products:

- (1) Have funds been allocated under the Regional Forest Agreement's Structural Adjustment Package to the timber industry?
- (2) If so -
 - (a) how much;
 - (b) for what purpose;
 - (c) to whom; and
 - (d) when?

Hon PETER FOSS replied:

- (1)-(2) Provision has been made in the 2000-2001 budget for funds to service the West Australian Forest Industry Structural Adjustment Program. The program will provide funds for industry development assistance, business exit and worker assistance. The papers will be tabled in the House on 11 May 2000.

ROAD FREIGHT TRUCKS AND TRAINS, CHANGES TO REGULATIONS

1326. Hon CHRISTINE SHARP to the Minister for Transport:

Can the Minister please identify all the changes which have taken place to the regulation of road freight trucks/trains, since 1993, through the gazettal of exemptions to the *Transport Coordination Act* -

- (a) on the size; and
- (b) on access to various roads and regions?

The answer was tabled. [See paper No 943.]

TIMBER RAILWAY SLEEPERS, COUNTRIES SUPPLIED

1328. Hon CHRISTINE SHARP to the Attorney General representing the Minister for the Environment:

- (1) Does Western Australia supply timber railway sleepers harvested from native forests to overseas countries?

- (2) If yes -
- (a) to which countries;
 - (b) in what quantities;
 - (c) what grade and type of timber are they; and
 - (d) what is the duration of the contract(s)?

Hon PETER FOSS replied:

- (1) Yes.
- (2) (a) CALM's Forest Products Division does not collect data on exports of forest products. The Australian Bureau of Statistics collects data, which are published by the Australian Bureau of Agricultural and Resource Economics (ABARE).
- (b) ABARE's 'Australian Forest Products Statistics September quarter 1999' quotes Western Australia exports of railway sleepers in 1998-1999 as 9090 cubic metres, but does not separate interstate from overseas exports.
- (c) ABARE does not publish information on species. The purchaser specifies the grade required.
- (d) ABARE would not receive this information, only the volumes of sleepers exported from each State in each quarter of the financial year.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

1395. Hon LJILJANNA RAVLICH to the Minister for Transport:

In an effort to reduce leave liability, Circular to Ministers No 5/98 required all agencies to reduce their leave liability by 10 percent by no later than June 30 1999.

- (1) Can the Minister advise whether each department and agency within his portfolio responsibilities has been able to meet this reduction in leave liability?
- (2) If not, why not?

Hon M.J. CRIDDLE replied:

MetroBus

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

Geraldton Port Authority

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

Fremantle Port Authority

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

Bunbury Port Authority

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

Port of Broome

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

Main Roads Western Australia

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

Westrail

- (1) Westrail's leave liability reduced by 3.3 per cent for the corresponding period.
- (2) Westrail has been unable to reduce its leave liability further because of the heavy work load mainly associated with a large capital works program, the proposed sale of its freight business and preparation for the commencement of the Goods and Services Tax.

Esperance Port Authority

- (1) Annual leave liability has been reduced by 9.2 per cent. Long Service Leave liability has increased by 6.8 per cent.
- (2) Long Service Leave cannot be taken or paid out until it is accrued. The 6.8 per cent increase is in accrued leave that will be reduced when the employees take leave.

Eastern Goldfields Transport Board

- (1) Annual leave liability reduced by 66 per cent. Long Service Leave liability increased by 14 per cent.
- (2) Not applicable.

Department of Transport

- (1) No.
- (2) The operational requirements of Transport did not allow this target reduction to be met.

Dampier Port Authority

- (1) No.
- (2) A newly appointed staff member had a significant amount of accrued leave which was transferred to this agency.

Port Hedland Port Authority

- (1) No.
- (2) For port operational reasons no reduction was possible. A substantial reduction is expected over the next two financial years.

Albany Port Authority

- (1) No.
- (2) The Albany Port Authority has a policy of leave to be taken when it is due and therefore, no such reduction was necessary.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1420. Hon LJILJANNA RAVLICH to the Minister for Tourism:

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

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

Hon N.F. MOORE replied:

Western Australian Tourism Commission

- | | | |
|-----|------------------|-------|
| (1) | Level 1 | 7 |
| | Level 2 | 43.2 |
| | Level 3 | 13 |
| | Level 4 | 20 |
| | Level 5 | 20 |
| | Level 6 | 19 |
| | Level 7 | 6 |
| | Level 8 | 1 |
| | Level 9 | 4 |
| | Class 1 | 1 |
| | Special 2 | 1 |
| | Other (Overseas) | 11 |
| | Total | 146.2 |
| (2) | 84.2 | |
| (3) | 62 | |
| (4) | 9 | |
| (5) | 21 | |
| (6) | 4 | |

Rottnest Island Authority

- | | | |
|-----|---------|----|
| (1) | Level 1 | 29 |
| | Level 2 | 16 |
| | Level 3 | 15 |
| | Level 4 | 3 |
| | Level 5 | 7 |
| | Level 6 | 2 |
| | Level 7 | 6 |

Level 8	1
Level 9	0
Special 1	1
Other Level 3	
(Municipal Employees RIA EBA)	24
Total	104

- (2) 64
 (3) 40
 (4) 4
 (5) 4
 (6) 4

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF NUMBERS

1450. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Emergency Services:

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

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

Hon PETER FOSS replied:

- (1) Total – 1104

Government Officers:

Level 1	41	Level 7	13
Level 2	44	Level 8	14
Level 2-4	1	Level 9	5
Level 3	33	Class 1	3
Level 4	28	Class 2	1
Level 5	22	Special 3	1
Level 6	19		

Firefighters	
Community Safety Advisors	6
Fire Safety Assistants	3
Superintendents	2
District Officers	37
Station Officers	191
Leading Firefighters	18
Firefighters	590
Trainee Firefighters	8

Technical Services

Trades C11	2
Trades C9	13

Unexploded Ordnance Unit

Level 2	2
Level 3	4
Level 4	3

- (2) 1,063
 (3) 41
 (4) 48
 (5) 18
 (6) 12

BEELIAR REGIONAL PARK, ROAD RESERVE

1515. Hon J.A. SCOTT to the Minister for Transport:

In relation to the Minister's promise to remove the road reserve from within the Beeliar Regional Park -

- (1) What steps have been taken to remove the road reservation from the Metropolitan Region Scheme?
 (2) Will the Minister give an approximate date for the final removal of the road reserve from within the Beeliar Park?
 (3) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) Main Roads is preparing a brief report to form the basis of an amendment to the Metropolitan Region Scheme (MRS). Discussions have also been held with the Ministry for Planning to determine the most appropriate form of amendment.

- (2) It is anticipated that Main Roads will request the Western Australian Planning Commission to initiate an amendment to the MRS in the latter half of 2000. The MRS amendment process is estimated to take a further 12-18 months to complete.
- (3) Not applicable.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1574. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Local Government:

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

Hon M.J. CRIDDLE replied:

DEPARTMENT OF LOCAL GOVERNMENT

- (1) (a) O'Keefe & Gee: Nil
- (b) Picton Press:
- (1) Printing *Comparative Indicators for WA Local Governments 1995/96*
- (c) Frank Daniels: Nil
- (d) Vanguard Press: Nil
- (e) Advance Press:
- (1) Printing *Discussion Paper: Proposals for a Building Act for WA*
 - (2) Printing *Green Bill for a New Animal Welfare Act*
 - (3) Printing *Contemporary Issues in Local Government*
 - (4) Printing *Directory of Financial Assistance 1999*
 - (5) Printing *Dog Act Pamphlet*
 - (6) Printing *Comparative Indicators for WA Local Governments 1996/97*
 - (7) Printing *Community Facilities Grants Program Brochure*
- (f) Muhlings Print: Nil
- (1) Printing *A Candidates Guide to Standing for Council*
- (g) Lamb Print:
- (1) Printing *Monitoring Local Government*
 - (2) Printing *1998 Annual Report*
- (2) Picton Press: Printing *Comparative Indicators for WA Local Governments 1995/96*
Tender Cost - \$6,780
Actual Cost - \$7,850
Award Date - 23 December 1998
Completion Date - 11 January 1999
- Advance Press: Printing *Discussion Paper: Proposals for a Building Act for WA*
Tender Cost - \$4,430
Actual Cost - \$6,255
Award Date - 3 June 1998
Completion Date - 17 September 1998
- Printing *Green Bill for a New Animal Welfare Act*
Tender Cost - \$4,685
Actual Cost - \$4,685
Award Date - 4 November 1998
Completion Date - 14 November 1998
- Printing *Contemporary Issues in Local Government*
Tender Cost - \$4,465
Actual Cost - \$4,465
Award Date - 3 August 1998
Completion Date - 20 August 1998
- Printing *Directory of Financial Assistance 1999*
Tender Cost - \$8,565
Actual Cost - \$8,565
Award Date - 24 December 1998
Completion Date - 13 January 1999

Printing *Dog Act Pamphlet*

Tender Cost - \$3,640
 Actual Cost - \$3,640
 Award Date - 13 October 1998
 Completion Date - 20 October 1998

Printing *Comparative Indicators for WA Local Governments 1996/97*

Tender Cost - \$8,465
 Actual Cost - \$9,405
 Award Date - 10 December 1998
 Completion Date - 11 January 1999

Printing *Community Facilities Grants Program Brochure*

Tender Cost - \$545
 Actual Cost - \$545
 Award Date - 4 June 1998
 Completion Date - 8 June 1999

Muhlings Print: Printing *A Candidates Guide to Standing for Council*

Tender Cost - \$4,565
 Actual Cost - \$4,565
 Award Date - February 1999
 Completion Date - 23 February 1999

Lamb Print: Printing *Monitoring Local Government*

Tender Cost - \$1,059
 Actual Cost - \$1,059
 Award Date - 6 July 1998
 Completion Date - 29 July 1998

Printing *1998 Annual Report*

Tender Cost - \$4,840
 Actual Cost - \$4,840
 Award Date - 16 October 1998
 Completion Date - 11 December 1998

- (3) For each contract quotes were received from 3 companies.

METROPOLITAN CEMETERIES BOARD

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

(c) 2; printing of presentation folders; printing of booklets
 (d)-(g) Nil

- (2) (a) folders - \$1,490; booklets - \$2,850
 (b) folders - \$1,490; booklets - \$2,850
 (c) folders - 20/8/98; booklets - 30/7/98
 (d) folders - 2/9/98; booklets - 3/9/98

- (3) Tenders were not sought for either contract as the work required was of an urgent nature and the provider was already in possession of the relevant templates and bromides.

KEEP AUSTRALIA BEAUTIFUL COUNCIL

- (1) (a)-(g) None.

- (2)-(3) Not applicable.

FREMANTLE CEMETERY BOARD

- (1) Nil.

- (2)-(3) Not applicable

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1575. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Primary Industry:

- (1) In 1998/99 what contracts did Government departments and agencies under the Minister for Primary Industry's control award to -

(a) O'Keefe & Gee;
 (b) Picton Press;
 (c) Frank Daniels;
 (d) Vanguard Press;
 (e) Advance Press;
 (f) Muhlings Print; and
 (g) Lamb Print?

- (2) For each contract, what was -

(a) the original tender cost;

- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

(3) For each contract, how many companies tendered for the contract?

Hon M.J. CRIDDLE replied:

Agriculture Western Australia

(1) No formal contracts via the Public Tendering System were awarded to any of the companies listed during the financial year 1998/99. However, 22 orders were issued during the 1998/99 financial year to the following companies.

Company	Orders Issued	Total Value
Advance Press	9	\$42,027
Muhlins	9	\$36,046
Picton Press	4	\$ 5,726
Total	22	\$83,799

- (2) In each case the total amount paid matched the original order value. The award date and completion date is not applicable in these circumstances.
- (3) In each case, quotations were obtained in accordance with Western Australian Government requirements and CAMS Policy and Procedures.

GOVERNMENT CONTRACTS, TENDERS, COSTS AND COMPLETION DATES

1583. Hon KEN TRAVERS to the Attorney General representing the Minister for Emergency Services:

(1) In 1998/99 what contracts did Government departments and agencies under the Minister for Emergency Services' control award to -

- (a) O'Keefe & Gee;
- (b) Picton Press;
- (c) Frank Daniels;
- (d) Vanguard Press;
- (e) Advance Press;
- (f) Muhlins Print; and
- (g) Lamb Print?

(2) For each contract, what was -

- (a) the original tender cost;
- (b) the actual final cost;
- (c) the award date; and
- (d) the completion date?

(3) For each contract, how many companies tendered for the contract?

Hon PETER FOSS replied:

- (1) (a)-(d) Nil.
(e) Printing of *Home Owner's Survival Manual*.
(f)-(g) Nil.

- (2) Advance Press
(a) \$14,010
(b) \$14,060
(c) 9 February 1999
(d) March 1999

(3) Advance Press: This was a repeat order of printing of an existing publication from existing artwork originated before the Fire and Emergency Services Authority was established.

DRINK-DRIVING TELEVISION COMMERCIAL

1672. Hon NORM KELLY to the Minister for Transport:

In reference to the recent drink-driving television commercial depicting two men talking about the consequences of drinking and driving, and using black humour -

- (1) What was the total expenditure on the production, and placement of the commercial?
- (2) Which companies were involved in the production of the commercial?
- (3) How much was each of these companies paid for their work?
- (4) Were any other commercials produced before deciding to put one version to air?

- (5) How many focus groups were consulted on the content of the commercials?
- (6) How many people participated in the focus groups, and what proportion of age groups were represented?
- (7) Will the Minister table any report that was produced, based on the focus group research?
- (8) What were the ages of the two actors in the commercial?
- (9) What was the target age group for the commercial?
- (10) Who made the decision to use black humour in a commercial depicting road trauma?
- (11) Which comedians or comedy writers were involved in producing material for the commercial?
- (12) If no comedians or comedy writers were used, who developed the script for the commercial?
- (13) Has any research been conducted to gauge the effectiveness of the commercial?
- (14) If so, by whom?
- (15) What were the results of research into the effectiveness of the commercial?
- (16) In deciding to produce this commercial, was any consideration given to target the impacts of drink-driving from non-licensed premises, such as home parties?
- (17) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) \$415 174 placement - \$100 000 production. The production cost is an approximation only as three advertisements were made at the same time and costed as one job (as this method is more cost effective).
- (2) 303 Advertising and Cyclops Films.
- (3) 303 Advertising - \$20 000 and Cyclops Films - \$80 000. Approximate costs based on three advertisements being made at the same time and were costed as one job (as this method is more cost effective).
- (4) Three concepts were tested using the Donovan Research ADTEST methodology. ADTEST is a quantitative procedure designed to provide a statistically reliable indicator of an advertisement's performance against specific criteria.
- (5) None. Each concept was tested with 100 individuals. Focus groups were not considered an appropriate methodology for testing these advertisements.
- (6) A total of 300 respondents were included in the research. The primary target respondents for the ADTEST were males aged 17 to 35 years with a secondary target group comprising males aged 36 to 50 years. Each sub-sample had a quota which comprised males aged 17 to 35 years and 25 per cent males aged 36 to 50 years. In addition, the ADTEST samples were further refined by screening out 'compliers' ie, those who are already performing the desirable behaviours that the campaign messages are trying to influence.
- (7) A report of the findings can be made available to the Honourable Member.
- (8) Both actors were between 30 and 35 years of age.
- (9) The primary target group was 17-35 year old males.
- (10) Decision to use the black humour option was as a direct result of the ADTEST.
- (11) No comedians were used.
- (12) Script writer for 303 Advertising.
- (13) Yes.
- (14) Abacus Research.
- (15) The results of the research demonstrated that this advertisement was effective. There was a 57 per cent unprompted and a 98 per cent prompted recognition of the advertisement. These results are comparable to benchmark results from other Road Safety campaigns. Less than six per cent expressed a negative view of the use of 'black humour'. This is comparable to negative opinions of other advertisements developed for Road Safety. More detailed findings can be made available if required.
- (16) Yes. The advertisement addressed both private and home parties. The scene is set with two characters having one or two drinks at a licensed premise and they are discussing the evening ahead including going on to a private party. They then discuss the consequences of drink driving after going home from the private party. Other campaigns have specifically addressed this issue.
- (17) Not applicable.

ROADS, PLANTAGENET SHIRE

1676. Hon BOB THOMAS to the Minister for Transport:

- (1) Is the Minister aware of the number of roads in the Plantagenet Shire which will require upgrading to accommodate woodchip and log trucks associated with the plantation industry?
- (2) What financial assistance will be made available to the shire to ensure that it can provide safe roads which meet the needs of both the local residents and the plantation industry?
- (3) What conditions will be placed on those grants?
- (4) Is the Minister considering ways in which the plantation industry contributes to the cost of roads?

Hon M.J. CRIDDLE replied:

- (1) I am aware of the need for road upgrading to accommodate log and woodchip truck transport associated with the plantation timber industry. Upgrading is required not only to roads within Plantagenet Shire but also the local authorities of Albany, Denmark and Cranbrook as well as a number of local authorities within the South West Region. Main Roads and the Department of Transport have undertaken studies to identify the magnitude of required road infrastructure upgrading as well as the benefits the plantation timber industry will bring to the economy. Within the Great Southern Region around \$30 million of road upgrading needs were identified on local roads alone, with further works required on the state road network.
- (2) Funding options are currently being explored by TIRES (Timber Industry Road Evaluation Strategy) groups established at the state and regional levels (South West and Great Southern Region). Membership of TIRES consists of representatives from industry and local government with support from agencies including Main Roads, Department of Transport, Development Commissions (South West and Great Southern) and the Department of Resources Development. Various options are being pursued including federal and state funding.
- (3) Unknown at this stage, although funding needs will be prioritised to ensure maximum return on any investment in road infrastructure. Main Roads is currently assisting industry and local government to identify and prioritise road upgrading needs.
- (4) In addition to industry contributions through vehicle licensing and fuel taxes, the plantation industry will be required to contribute to the cost of roads particularly on the less frequently used, lightly trafficked parts of the network where upgrading roads to service the timber task is not economic. It is likely that the industry will be required to manage the haulage task on these roads and "make good" any damage to the existing road infrastructure.

MAIN ROADS WA, VEHICLE LEASES

1686. Hon TOM STEPHENS to the Minister for Transport:

According to an answer given in the other House it cost Main Roads WA \$1.147m to lease 549 vehicles in the 1997/98 financial year (question on notice 1326), can the Minister explain why it now costs Main Roads WA \$2.17m to lease 430 vehicles, that is, \$1.023m (89%) more than 1997/98 but 120 (22%) fewer vehicles?

Hon M.J. CRIDDLE replied:

The estimated \$1.023 million increase is due to increased vehicle lease rates over the past three years and can be attributed largely to three influences:

the significant fall in the second-hand car values over the period;

the need to factor into current leases the impact of GST on residual values – most of the present leased fleet will be sold post July 2000; and

increases in the purchase prices of most cars over the period.

These influences have affected all vehicle lessors and are not restricted only to government.

DEPARTMENT OF TRAINING, THIRD HORIZON CONSULTANCY

1687. Hon LJILJANNA RAVLICH to the Parliamentary Secretary representing the Minister for Education:

- (1) Is the Minister for Education aware of considerable disquiet amongst the staff of the Western Australian Department of Training and Employment regarding the "Third Horizon" consultancy and the likely restructure following completion of the project?
- (2) Is the Minister also aware of the particular concerns of staff in the departments Strategic Services Division where all senior positions are vacant and filled in an acting capacity?
- (3) Why have those positions been left vacant for several months and no moves been made to fill them on a substantive basis, other than to facilitate a departmental restructure?

Hon BARRY HOUSE replied:

- (1) I am aware that a strategic review of the Department of Training and Employment is currently being undertaken. This is not a restructure and will not result in any reduction in the number of positions in the Department.
- (2) Of the 14 senior positions in the Division, three are substantively vacant. I am not aware of particular concerns of staff in the Department's Strategic Services Division.
- (3) The review will consider the reorganisation of functional areas within the Department to position the Department for the future. It is normal practice to defer filling of senior positions when such a review is being undertaken.

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1729. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Family and Children's Services:

For each of the Government agencies for which the Minister for Family and Children's Services has Ministerial responsibility -

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

Hon M.J. CRIDDLE replied:

- (1) \$2,449,472
- (2) \$439,654
- (3) \$2,578,000
- (4) \$260,900
- (5) \$2,927,485
- (6) \$1,472,210
- (7) \$4,783,499
- (8) \$351,618

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1731. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Local Government:

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

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

Hon M.J. CRIDDLE replied:

DEPARTMENT OF LOCAL GOVERNMENT

- (1) \$54,845
- (2) \$60,354
- (3) \$82,000
- (4) \$8,619
- (5) \$52,357
- (6) \$63,785
- (7) \$70,219
- (8) \$41,322

FREMANTLE CEMETERY BOARD

- (1) \$14,245
- (2) \$8,594 + 752 = \$9,346
- (3) \$13,000
- (4) Nil
- (5) \$5,204
- (6) 11,075 + 800 + 2,041 = \$13,916
- (7) \$6,000
- (8) \$25,000

METROPOLITAN CEMETERIES BOARD

- (1) \$86,440
- (2) \$92,928
- (3) \$77,549
- (4) Nil
- (5) \$231,186
- (6) \$131,481
- (7) \$162,500
- (8) \$190,000

KEEP AUSTRALIA BEAUTIFUL COUNCIL

- (1) \$12,875
- (2) None
- (3) \$12,000
- (4) \$8,000
- (5) \$3,770
- (6) \$3,940
- (7) \$5,000
- (8) \$6,000

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1732. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Seniors:

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

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

Hon M.J. CRIDDLE replied:

Please refer to Question on Notice 1729

MT CHARLOTTE REWARD AND NORTHERN ORE BODY, NOTICE OF INTENT

1753. Hon TOM HELM to the Minister for Mines:

I refer to a letter signed by Mr D Humphreys, Co-ordinating Environmental Officer of the Department of Minerals and Energy dated September 7 1999 addressed to the Registered Manager Kalgoorlie Consolidated Gold Mines titled "Re - Notice of Intent-Mount Charlotte Reward and Northern orebody open pits and floor pillars" -

- (1) Can the Minister for Mines state what specific "variations exist between the NOI and the environmental review"?
- (2) If not, why not?
- (3) Can the Minister explain "why additional geotechnical information is required to substantiate final pit stability"?
- (4) If not, why not?
- (5) Can the Minister explain for what purpose under the statutory Acts regulated by the Department of Minerals and Energy does the proponent have to "indicate the status of the degazetting of Brownhill and Austral Road and provide copies of other Government authority approvals where applicable"?
- (6) If not, why not?
- (7) Will the Minister ensure that when the proponent submits another Notice of Intent that residents of Williamstown

and Kalgoorlie are most thoroughly protected from any potential fly rock from blasting activities, potential pit wall collapse and failure to the bottom of the hole left as a result when the floor pillars are blasted, and dust generated from mining vehicles to ensure that residents and their homes, with their safety, is in no way compromised?

(8) If not, why not?

Hon N.F. MOORE replied:

- (1) The letter referred to requested a breakdown of the points where variations exist between the two documents. To date no response from Kalgoorlie Consolidated Gold Mines has been received. Kalgoorlie Consolidated Gold Mines has been contacted regarding its response to the letter and it has indicated that it is attending to issues with adjacent residents prior to replying to the letter. No permission to proceed will be granted until a satisfactory response is received by the Department of Minerals and Energy (DME).
- (2) Refer to answer (1).
- (3) Additional geotechnical information was requested as the original document (Notice of Intent) contained limited information of a geotechnical nature.
- (4) Not applicable.
- (5) Approval of a notice of intent by DME does not remove the need for any other necessary approvals from other authorities. However, every effort is made by departmental staff to ensure that other authorities have been informed and their approval or consent has been given prior to DME granting its approval. This assists in ensuring that all regulatory requirements are met prior to approval or work on site commencing.
- (6) Not applicable.
- (7) It is part of DME's function to ensure that safety matters receive appropriate consideration in the approval of mining projects. Every effort is made to ensure that such factors are taken into account during the review process for every mining project and this proposal will be no different. This is demonstrated by DME's request for additional information from the proponent before it is willing to grant an approval.

BEDFORDALE HILL ROAD, COST

1766. Hon TOM STEPHENS to the Minister for Transport:

I refer to answer to question on notice 825 concerning the post completion cost of Bedfordale Hill road expansion and ask -

- (1) In addition to traffic management and pavement repair costs, what was the remainder of the expenditure spent on?
- (2) What has been the total cost of Bedfordale Hill project?

Hon M.J. CRIDDLE replied:

- (1) Planned work included in the contract comprising landscaping, drainage and driveways, and also payment for scheduled work that was done prior to 30 June 1999 but not paid by that date.
- (2) \$28 208 822 up to 31 March 2000. As advised in answer to Question 825 tabled on 16 March 2000, there are contractual matters with respect to some costs which are still the subject of discussions between Main Roads and the Contractor.

DISABILITY SERVICES COMMISSION, BUNBURY

1786. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Disability Services:

In relation to the services provided by the Disability Services Commission in the Bunbury region -

- (1) Can the Minister for Disability Services give an assurance that the Disability Services Commission will continue to provide all their current services to the region?
- (2) If not, who will provide these services?

Hon M.J. CRIDDLE replied:

The Minister for Disability Services has provided the following response.

- (1) Over recent months, when travelling around the state, I have heard concerns about therapy services in rural areas. These include concerns about too much time being spent on assessments rather than treatment, and too much time and money spent on travel by staff or families. I have asked staff at the Commission to investigate ways in which we can provide better therapy services to rural areas. It may well be that we are able to get better services for families within our existing resources, and provide a service that better meets the needs of our clients. I am very concerned about the comments made by a union representative as recently reported in a local newspaper, when he said that specialists would be withdrawn from the south west region. We are definitely not reducing services to this or any other region, and this sort of statement is not only inaccurate but alarms families unnecessarily. In fact, over the last twelve months, we have increased our funding for therapy services in rural areas by \$80,400,

and will shortly be announcing the business plan for the next five years, in which therapy services will be a key area for growth funding. Just increasing funding, however, is not enough. I am currently listening to what families want, and making sure that we are able to respond. To date, no plans have been developed to alter the Commission's Specialist Country Services operations. If at some later stage changes are planned in relation to country therapy services in Bunbury or any other region, timely and appropriate consultations will ensue.

- (2) Not applicable.

NATIVE TITLE, PAYMENTS TO YABURARRA CLAIMANTS

1842. Hon TOM STEPHENS to the Minister for Mines:

I refer to the Minister's previous answers concerning the Yaburarra claimants and media reports that Woodside paid more than \$720 000 and BHP more than \$500 000 to these claimants and ask -

- (1) Were the projects the subject of these payments subject to *Native Title Act* right to negotiate procedures?
- (2) If yes, pursuant to what legislation were the applications for these projects made?
- (3) Were Department of Minerals and Energy officers involved in the negotiations?
- (4) If yes, when and what was the extent of that involvement?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) Land Administration Act (1997).
- (3) No.
- (4) Not applicable.

DISABILITY SERVICES COMMISSION, ACCOMMODATION FEES

1844. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Disability Services:

- (1) How much does the Disability Services Commission charge its own clients for accommodation fees?
- (2) Is this fee based on a percentage of the base pension plus rent assistance?
- (3) Has this amount changed in the last 12 months?
- (4) If so, why and what was it previously?
- (5) What action is the Disability Services Commission taking to ensure the 4 per cent increase in pensions to compensate for the GST is quarantined from any accommodation fees based on a percentage of pensions for both the Government and non-Government facilities?
- (6) Are any instructions to non-Government agencies on this issue enforceable?
- (7) If so, by what means?

Hon M.J. CRIDDLE replied:

- (1) Various rates depending on the level of support provided. The total amount raised for accommodation services is \$3.2m annually.
- (2) Yes.
- (3) No.
- (4) Not applicable.
- (5) The charging policy will be amended so that accommodation fees within the Disability Services Commission (the Commission) are determined from base pension received, excluding the 4% adjustment for the Commission. Non Government Agencies are encouraged to adopt the same approach.
- (6) No.
- (7) Not applicable.

BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND, CONTRACT WITH ELK PTY LTD

1847. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) Can the Minister for Employment and Training advise the value of the software development contract between the BCITF and Elk Pty Ltd?

- (2) Can the Minister also advise why the BCITF Board, at their meeting of May 24 1999, approved the abnormal loss to write off of Elk Pty Ltd software development of \$46 333?
- (3) Was the Minister consulted about this decision?
- (4) If not, why not?

Hon N.F. MOORE replied:

- (1) The original contract sum was \$39 695. This contract price was accepted on 22 May 1997. The estimated cost of completion of the contract at the time of its cancellation was \$104 441.
- (2) The BCITF Board approved the abnormal loss in consequence to actions taken by the previous Board in 1998 and actions by the Chairperson acting in the period during which a Board was not in place. The BCITF Board only approved actions taken by the previous Chairman as a process of ratification.
- (3) No.
- (4) As I understand it, the matter was handled administratively by the then Chairperson on appropriate advice. It was reported in the course of normal business in the BCITF Annual Report for 1998/99.

STATE TRAINING BOARD, MEMBERSHIP AND MEETINGS

1849. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) How many times has the State Training Board met in 2000?
- (2) Who are the members of the State Training Board (STB)?
- (3) When does the term of membership of each member of the STB expire?

Hon N.F. MOORE replied:

- (1) The State Training Board has met on three occasions in 2000 and has a further meeting on 8 May 2000.
- (2)-(3) The current membership of the State Training Board and membership expiry dates are tabled below:

Mr John Rothwell	Chair	Austral Ships	Appointed to
Dr Brian Hewitt	Member	Clough Ltd	31 December 2002
Ms Jennifer Ballantyne	Member	Second Skin	31 December 2000
Ms Diana Forsyth	Member	Hamersley Iron	31 December 2000
Mr Michael Kidd	Member	Burswood International	31 December 2001
		Resort Casino	
Mr Leo Anthony Dunn	Member	Former General Manager	31 December 2001
		Human Resources, Aherns	
Ms Kate Doust	Member	Official, Shop Distributive	21 November 2001
		and Allied Employees' Association	
Ms Allison Gear	Member	Full-time student	21 November 2000

QUESTIONS WITHOUT NOTICE

ART FUNDING

1084. Hon TOM STEPHENS to the Attorney General representing the Minister for the Arts:

- (1) What additional federal funds have been committed to the major Western Australian arts companies as a result of yesterday's federal budget?
- (2) What state funds are being sought as the Western Australian's contribution to implementing the recommendation of the Nugent inquiry, and has agreement been reached with the Federal Government?
- (3) If yes, what will be Western Australia's contribution?
- (4) What will be the impact of the proposals on WA's main performing arts companies, and specifically what local amalgamations will be required?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The Minister for the Arts has advised me that the proposed additional federal funds to be applied to the major WA arts companies, as recommended through the major performing arts inquiry, will be approximately \$4.4m over a four-year period. The final figure is still subject to some negotiation.
- (2) The Minister for the Arts advises me that he will be sending his final response to the Federal Government today.

An application for additional state funding has been lodged and will be the subject of negotiation between Treasury and the Ministry for Culture and the Arts.

- (3) The additional state funding being sought is \$4.258m over a period of four years.
- (4) The impact of the additional federal and state funding on the major performing arts companies will be the provision of appropriate base funding and stabilisation, a reserves fund, additional productions and engagement of artists. The West Australian Ballet Co and the Western Australian Opera will be expected to collaborate in determining a suitable organisational structure under which both companies can operate as separate identities.

POWER SUPPLIES, RURAL AREAS

1085. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) Will the Minister for Energy take steps to have the State Government, its Office of Energy and Western Power cease their campaign to separate out and marginalise the 22 communities in rural and remote Western Australia which are not connected to an existing power grid?
- (2) Specifically, will the Government cancel the attempts to entice a private power supplier to generate electricity in the Murchison region; and if not, why not?
- (3) Will the minister seek the views of the Meekatharra Shire Council and the Murchison ward of the Country Shire Councils Association before a decision is made on power supplies to the Murchison region?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) There is no campaign to separate out and marginalise rural and remote communities that are not connected to an existing power grid. The Minister for Energy points out that the opposite is occurring. The State Government is developing a connection policy that will remove the uncertainty for those wishing to connect, and ensure that decisions to do so will be undertaken on a fair and equitable basis.
- (2) No. This is part of a regional power procurement process that is seeking to reduce costs in the generation of power in regional areas. Ultimately, such cost reductions will be of benefit to those in the region and will stimulate regional development.
- (3) A consultative process with interested parties in the region has already taken place and is ongoing. The steering committee managing the regional power procurement process is always interested in hearing the views of those who have a genuine interest in the process.

NURSES, RURAL AND REMOTE AREAS

1086. Hon KIM CHANCE to the Attorney General representing the Minister for Health:

- (1) Does the Minister for Health agree with the Australian Nursing Federation that the federal budget ignores the shortages of nurses in rural areas?
- (2) Is the Minister for Health concerned that there is an acute shortage of nurses in rural and remote areas?
- (3) What steps did the Minister for Health take to ensure that federal funding would be provided in this budget to bolster funding programs that can provide for nurses working in remote and rural areas?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The minister welcomes the good news contained in the federal budget for rural Australia and supports the initiatives announced by the Federal Government. The federal budget provides \$49.5m over four years to increase the range of allied health services available to rural and regional communities, including practice nurses, psychologists and podiatrists, and to support general practitioners in caring for their community.
- (2) The minister acknowledges that some health services have difficulty in attracting nurses, particularly in speciality areas such as midwifery. In an effort to bridge this gap, the State Government has committed in the order of \$12m over a period of four years to offer a range of incentives for nurses in rural and remote locations. The incentives include study assistance, improved housing and accommodation, and special gratuity allowances.
- (3) The minister has ensured that the Federal Government is aware of the major issues affecting service delivery in rural areas, and is pleased to note that the budget statement addresses many of those issues, including attraction and retention of health workers in rural areas.

LIQUOR LICENSING ACT, SPECIAL FACILITY LICENCE PROVISIONS

1087. Hon N.D. GRIFFITHS to the Minister for Racing and Gaming:

- (1) With respect to industry proposed amendments to the special facility licence provisions of the Liquor Licensing Act, has the minister informed industry representatives that he will not pursue the issue until after the election?

- (2) Is the minister aware that this is a matter of great concern to the industry?
- (3) Why will the minister not rearrange his priorities to introduce a Bill so that the matter can be promptly and properly considered?

Hon N.F. MOORE replied:

- (1)-(3) I do not recall saying to anybody in industry that this matter has been deferred until after the election. I have indicated to some people in the industry - I cannot recall who - that this was not a high priority for the Government in its legislative program this year. I still want to see for myself what the net effect of special facility licences will be on the liquor industry. I have not made a decision that they should be got rid of, although some in the industry think they should be. Those licences provide an opportunity for some flexibility in the licensing system and there is a need, particularly in the tourism industry, for greater flexibility than there has been in the past to cater for the needs of tourists. That applies especially to facilities to which tourists are attracted. I am in no way convinced yet that we should change the law in respect of special facility licences, and I have not said to the industry that I think they should be changed.

PENGUINS, COCKBURN SOUND

1088. Hon J.A. SCOTT to the Attorney General representing the Minister for the Environment:

I had originally addressed this question to the minister representing the Minister for Fisheries, but it has been redirected to the Attorney General representing the Minister for the Environment.

- (1) Has Fisheries WA instigated or undertaken any studies of the penguin population in Cockburn Sound?
- (2) If so, did this include studies of the penguins' feeding habits or food supply?
- (3) What was the major source of the food supply?
- (4) From what areas did this food originate?
- (5) Is this food supply sufficient to maintain the existing penguin population, and what threats to the food supply did the study identify?
- (6) Will the minister table a copy of this study?

Hon PETER FOSS replied:

I thank the member for some notice of this question. Not only has the question been redirected to me, but also it has been changed. The copy I have asks whether the Department of Conservation and Land Management has instigated any studies.

- (1) The Department of Conservation and Land Management has not undertaken any studies into the penguin population in Cockburn Sound. I do not know whether Fisheries WA conducted any studies.
- (2)-(6) Not applicable.

ROADS, BLACK SPOT PROGRAMS

1089. Hon NORM KELLY to the Minister for Transport:

- (1) What funding has been provided specifically to black spot programs for the financial years -
 - (a) 1996-97;
 - (b) 1997-98;
 - (c) 1998-99; and
 - (d) 1999-2000?
- (2) Does the minister accept that increased funding of black spot programs will have a positive impact on Western Australia's road fatality rate, which is currently the worst in Australia?
- (3) Does the minister agree with the report from the Monash University accident research centre that a five-year, \$170m black spot program would save 76 lives, more than \$150m in health system costs, and \$162m in property damage and other costs?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)
 - (a) \$4m;
 - (b) \$4.094m;
 - (c) \$4.072m; and
 - (d) \$4.173m.

The member may also be interested to know that, in addition to the federal black spots program, Main Roads

Western Australia makes allocations to proposals that have been specifically targeted as road safety or traffic management projects. For example, the Government rapidly responded to calls to upgrade Wanneroo Road following a number of fatalities on that road. Approximately \$10m was re-prioritised to carry out works specifically to make that road safer for motorists.

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

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

Additionally, Transform WA includes \$194m for sealing unsealed rural roads and this also has significant road safety benefits.

- (2) This asks for an opinion. Yes, and the member should note that Western Australia does not have the worst fatality rate in Australia.

Hon Norm Kelly: Could you check that out?

Hon M.J. CRIDDLE: The Northern Territory has far greater numbers.

- (3) I agree with the relative benefits of such an investment. However, I will need to check the accuracy of the details.

HOUSING, MT LOCKYER

1090. Hon MURIEL PATTERSON to the minister representing the Minister for Housing:

Will the minister detail what progress has been made on upgrading the ministry's stock of housing at Mt Lockyer?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

Since the commencement of the Mt Lockyer New Living project in 1993, 13 old homes have been removed from this site, 13 homes have been refurbished and sold and the Ministry of Housing has constructed 116 new units of accommodation for Homeswest tenants. A further 25 units are currently under construction or to be constructed in the 1999-2000 building program. An additional 54 properties have been identified for future refurbishment and sale as part of this project. Eighteen units of accommodation in Mt Lockyer were externally painted during 1998-99 and a further 41 units will be painted in 1999-2000.

The New Living project has significantly improved the appearance and attractiveness of the Mt Lockyer area which had previously experienced problems with high levels of crime and antisocial behaviour and a high turnover of public housing with a number of unlettable properties. The area also had many old properties with poor amenity levels, high maintenance costs and poor street appearance. The project is addressing these problem areas and is working to alter public perceptions of the suburb. Excellent results have been achieved in this regard. A recent survey of residents found less than 10 per cent of those surveyed were not satisfied with the condition of their rental home and 88 per cent of respondents indicated that they liked living in Mt Lockyer.

NORTHBRIDGE TUNNEL, DRAW-DOWN IMPACT MONITORING PROGRAM

1091. Hon J.A. COWDELL to the Minister for Transport:

- (1) Given that the design and construct project deed for the city northern bypass in section 2.4(a) states that the design and construct contractor must comply with the environmental management plan, why did Main Roads Western Australia fail to ensure that the tunnel contractor develop and implement a draw-down impact monitoring program to provide early warning of unacceptable adverse impacts on heritage buildings as required in the 1996 environmental management plan when construction started and in line with the stated heritage objectives in section 2.12.1?
- (2) Given that the 1996 environmental management plan in section 2.8.3(I)(b) required the contractor to identify structures, etc that may be sensitive to draw-down and to use these locations as a basis for the draw-down impact on the monitoring program, why did Main Roads WA fail to ensure that this requirement was undertaken in the Moir Brookman heritage precinct?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The tunnel contractor developed and implemented a program to monitor the impact of the dewatering process. The contractor also undertook dilapidation surveys in line with their stated objective under the environmental management plan to protect buildings of heritage significance within or near the vicinity of the site.
- (2) Monitoring sites were established in accordance with 2.8.3(I)(b) adjacent to dewatering piezometers to assess the

draw-down impact. The Moir Brookman heritage precinct was considered beyond the likely area of influence. However, in response to concerns expressed by local residents, monitoring sites were subsequently established within that precinct.

JURORS' SITTING FEES, IMPACT OF GOODS AND SERVICES TAX

1092. Hon G.T. GIFFARD to the Attorney General:

- (1) Will the Attorney General confirm that the Ministry of Justice has been contacting jurors who have been paid a sitting fee and advising them that they will need to provide an Australian business number once the goods and services tax is introduced to receive payment from the ministry without 48.5 per cent of the payment being withheld?
- (2) Given the important civic duty of jury service fits neither exempt category as a hobby nor recreational pursuit, will the Attorney General contact his federal Liberal counterparts and ask them to correct this anomaly?

Hon PETER FOSS replied:

I ask that the member put that question on notice. I am not aware of them doing that.

Hon Tom Stephens: You should be.

Several members interjected.

Hon PETER FOSS: What a load of garbage. The Opposition expects me to know every conversation that occurs between the Ministry of Justice and jurors. They are a mob of absolute nonsense people. If the member really wanted to know, he would have given at least some notice. All I can assume is that the Opposition has no interest whatsoever.

The PRESIDENT: If there were any question in any member's mind as to whether the Attorney General could invite the question to be put on notice, I can assure that member that it is within standing orders.

REID HIGHWAY EXTENSION, CARINE WETLANDS

1093. Hon GIZ WATSON to the Minister for Transport:

In response to my question on 2 May regarding the Reid Highway extension through the Carine wetlands area, the minister said that an environment plan will be prepared which satisfies the Environmental Protection Authority clearance.

- (1) Will this plan also comply with guidelines from the Water and Rivers Commission for wetland buffers?
- (2) Will the Water and Rivers Commission be invited to comment and advise on the plan?
- (3) If not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Main Roads submitted its proposal for the extension of Reid Highway to the Environmental Protection Authority in May 1992. In May 1999 rezoning of the road alignment was required to make provision for the drainage retention basins and to ensure that Carine swamp did not lie within the road reserve, and a further submission was made to the EPA. In both cases the EPA determined that Main Roads' proposal for the project was environmentally acceptable. It is the responsibility of the EPA to determine if there is a requirement to make a submission to the Water and Rivers Commission. In view of its environmental assessment of the project, the EPA did not make a submission to the Water and Rivers Commission.
- (2)-(3) The Water and Rivers Commission has been consulted by Main Roads about aspects of the project. It has advised that the drainage retention basins meet current best management practice for stormwater quality treatment.

YALGOO POLICE STATION

1094. Hon TOM STEPHENS to the Attorney General representing the Minister for Police:

Given that Commissioner Jack Gregor of the WA Industrial Relations Commission has stated in relation to the single-officer only station at Yalgoo, "It is clear there is a serious duty of care obligation which is not being met by the minister", will the minister detail what steps he is taking to make Yalgoo a safe workplace?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

Commissioner Jack Gregor made that comment on 11 February 2000 when issuing four pages of notes and observations. He concluded that he did not intend to make any suggestions concerning manning of single-officer police stations generally throughout Western Australia, nor did he intend to make any formal recommendations concerning Yalgoo. Mr Gregor suggested that immediate action be taken to improve communications; supply backup be at a greater level than is available at the moment; adequate relief be provided for the officer in charge to have regular leave from the town; and security of

the quarters of the officer in charge be improved. Since then, the officer in charge has transferred out of Yalgoo and the new officer in charge has advised that Yalgoo is a safe workplace.

In addition, communications have been improved and a new satellite phone supplied which will allow the town's police officer to have effective mobile communication; backup support, when needed, is provided in the form of patrols from both Mt Magnet and Mullewa Police Stations; the officer in charge is able to have adequate relief from the town management of his hours, support of backup patrols, and on weekly days the officer is able to leave the town; and new, four-bedroom, two-bathroom transportable quarters are due for delivery on 11 May 2000 and expected to be ready for occupation by the end of May 2000.

The minister adds that the changes suggested by Mr Gregor were planned and at the implementation stage prior to the Industrial Relations Commission conference.

MAIN ROADS, ACCESS ROADS IN ABORIGINAL RESERVES

1095. Hon HELEN HODGSON to the Minister for Transport:

- (1) Does Main Roads have a policy regarding the manner in which it accesses roads it wishes to repair that are located in Aboriginal reserves or communities?
- (2) If so, what is that policy and does it involve obtaining the consent of the relevant Aboriginal community?
- (3) Has Main Roads ever utilised division K of part 2, division 3 of the commonwealth Native Title Act in respect of road reserves located in Aboriginal reserves or communities?
- (4) Has Main Roads ever utilised division K of part 2, division 3 of the commonwealth Native Title Act to access road reserves in Aboriginal reserves to set up accommodation facilities for workers repairing or building roads?
- (5) If yes to (3) or (4), has the Government obtained the formal consent from the native title holders to act in these instances?

Hon M.J. CRIDDLE replied:

I would like to review the answer I have to this question which I ask be placed on notice.

BUSINESS POLICE ACADEMY

1096. Hon B.K. DONALDSON to the Attorney General representing the Minister for Police:

Can the minister detail what the recent business police academy achieved and is there any opportunity for a similar academy to be run in Geraldton?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The WA business police academy was conducted at Albany on 5 and 12 April 2000. The training was for a total of eight hours and involved the delivery of information on police and community subjects to raise the business community's awareness of strategies and practices to deal with crime, security and safety issues. The course was attended by 26 members of the Albany business community, organised by the Albany Chamber of Commerce and Industry and presented by Albany police district personnel. Feedback from course participants was very positive. The course was developed by the Bunbury District Police Office. Geraldton is currently evaluating the feasibility of delivering this program at that location.

ROAD SKILLS AUSTRALIA PROGRAM

1097. Hon BOB THOMAS to the Minister for Transport:

I refer to the successful Road Skills Australia driver education program in the south west.

- (1) Can the minister confirm that this program is offering the kind of training proposed in new legislation to reduce the number of deaths of young motorists?
- (2) What amount of grant is available for driver training and will the program's success qualify for one of those grants?
- (3) Given the success of the program, can the minister guarantee that the program will continue to receive funding when its current funding runs out?
- (4) What government funds are available for this type of program?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) It is my understanding that much of the youth driver development program administered by Road Skills Australia in the south west is undertaken on non-public roads. The proposed legislation requires increased levels of supervised driving experience in a range of driving conditions. Research has demonstrated that on-road driving experience is the most effective way to reduce crashes among young people.

- (2)-(3) Community-based groups are able to apply for grants to a maximum of \$5 000 from local government to improve road safety. Funding for these grants is provided from the road trauma trust fund. Road Skills Australia will be receiving funding from this grants program. It will also receive support from local government through RoadWise. A grants program for community groups that can provide supervised on-road experience is being developed to ensure that young people who might not have access to supervised driving experience are given appropriate support. Funding will be provided to organisations that meet the necessary criteria.
- (4) Formal driving training is generally provided by the private sector. The community grants program administered through local government has a budget of \$120 000 in 1999-2000. This is used to fund a range of activities.

YOUTH AWARDS SHOWCASE

1098. Hon CHERYL DAVENPORT to the minister representing the Minister for Youth:

I refer to the recent WA Youth Awards showcase held at Burswood ballroom and ask -

- (1) What was the total cost of the awards showcase, including room hire, catering, staff and decorations?
- (2) What was the cost of the minister's starring role in the video, including production, editing and helicopter hire?
- (3) What other costs were incurred for the awards showcase, including promotion?
- (4) What was the total cost of this year's awards?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) \$47 482.
- (2) Nil. The video was in fact a *Mission Impossible* trailer provided free and the video editor waived the \$100 edit cost. The parachute jump, which was from a fixed-wing aircraft, not a helicopter - the helicopter came from the film clip - was part of the Cadet Challenge in October 1999 and the minister's jump was complimentary.
- (3) Promotion was nil. Other costs were \$23 145.
- (4) The accounts associated with the WA Youth Awards showcase have yet to be finalised; however, with sponsorship and support - cash and in-kind - of \$645 500, the estimated net cost is \$83 837.

BROKEN HILL PROPRIETARY CO LTD, MANJIMUP MINING TENEMENTS

1099. Hon CHRISTINE SHARP to the Minister for Mines:

- (1) Does Broken Hill Proprietary Co Ltd have any exploration of mining tenements in the vicinity of Manjimup?
- (2) If so, is there any drilling activity occurring in those tenements?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes, BHP Minerals Pty Ltd holds exploration licences 70/2009, 70/2010, 70/2111 and 70/2120 south of Manjimup townsite.
- (2) I am not aware of any drilling activity being undertaken on the licences.

CHEEDITHA ABORIGINAL COMMUNITY

1100. Hon TOM HELM to the minister representing the Minister for Water Resources; Aboriginal Affairs:

After a two-year wait, the Cheeditha Aboriginal community is still waiting for its water and sewerage upgrade under the remote area essential services program to begin, despite \$33 000 of the \$61 744 project management fees being spent by the outsourced successful tenderer. As a result of the close location of sewage ponds to residential properties, community members have been tested for Ross River virus and have been subject to other health problems.

- (1) Can the minister advise when the upgrade at Cheeditha will begin?
- (2) When will the upgrade be completed?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(2) The water and sewerage infrastructure upgrade at the Cheeditha Aboriginal community is an Aboriginal and Torres Strait Islander Commission project under its remote area essential services program. It would be appropriate for the member to direct his inquiry to ATSIC.

RIVERTON, AQUATIC CENTRE

1101. Hon LJILJANNA RAVLICH to the Minister for Sport and Recreation:

- (1) Is there a proposal to establish an aquatic centre in Riverton?
- (2) If yes, what level of support will the State Government provide to assist with the establishment of this facility?
- (3) What facilities are likely to be included as part of this proposal?
- (4) What analysis has been conducted to establish the level of demand in the community for such a facility?
- (5) Is the minister aware of concerns that the establishment of such a facility would duplicate some of the resources of the Willetton sports centre?
- (6) Can the minister provide an undertaking that the Willetton sports centre will not be disadvantaged by the establishment of the proposed Riverton aquatic centre?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes, the City of Canning is proposing to develop an aquatic centre at Riverton.
- (2) The City of Canning has been allocated \$1.3m for the Riverton recreation complex through the community sporting and recreation facilities fund.
- (3) It will be a 50-metre eight-lane heated indoor swimming pool; leisure pool incorporating 25-metre lanes; water slide and deep pool; steam, sauna and spa areas; hydrotherapy pool; fitness gymnasium-aerobics area; change rooms; children's gymnasium; creche; kiosk-party facilities; external play areas; multi-functional hall and activity rooms; reception and administration areas; and spectator and viewing areas.
- (4) Swimming pool needs study - GHD-Dwyer - 1982
Whaleback recreation study - Leisurerec - 1983
Community centre study - Leisurerec - 1989
Swimming pool needs study - Gutteridge Haskins and Davey Pty Ltd - 1989
Community needs study - ERM Mitchell McCotter Pty Ltd - 1998
Riverton recreation project feasibility study - Geof Whyte and Associates Pty Ltd - 1998.
- (5) The Willetton sports centre provides facilities for indoor basketball and outdoor tennis. The Riverton recreation complex will not include any facilities for these sports.
- (6) Yes, to the extent that the information provided by the proponent is correct.

I make the point that this project is an initiative of the City of Canning. It made a submission to the Government for assistance, which it is providing through the community sporting and recreation facilities fund. However, the determination of the needs and the requirements of the community is made by the City of Canning, and any concerns the member has about the project should be directed to it.

OFFENDER LITERACY PROGRAMS

1102. Hon MARK NEVILL to the Attorney General:

Has the Ministry of Justice accessed any of the Commonwealth Government's Australian literacy program money for offender literacy programs?

Hon PETER FOSS replied:

I believe it has. One reason I say that is that I know it did so for the Indonesian prisoners in Broome. To obtain more detail on that matter, it would be better if the member put that question on notice.

DENMARK AGRICULTURAL COLLEGE

1103. Hon E.R.J. DERMER to the Parliamentary Secretary to the Minister for Education:

This question is in the name of Hon Bob Thomas, who unfortunately has been called away on urgent parliamentary business.

- (1) Has the Minister for Education or the Education Department received a request from the Denmark community asking for the department to contribute to the development of a business plan which tests the viability of new uses for the old Denmark Agricultural College buildings?
- (2) What was the outcome of that request?
- (3) What were the reasons for the decision?

Hon BARRY HOUSE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) The Education Department does not propose to contribute to the development of a business plan.
- (3) The site of the old Denmark Agricultural College buildings has been identified for the future expansion of the new high school when student numbers require extra accommodation. The cost of repairs and long-term maintenance of the buildings is a major concern. The Education Department has been unable to identify a viable means by which the buildings could be brought to an acceptable standard and be maintained in the long term. The new agricultural college and Denmark District High School facilities will be available for use by community groups, which is likely to further limit requests for access to the old buildings.

Hon M.J. CRIDDLE: I seek leave to table a document in relation to question on notice 1326.

Leave granted. [See paper No 943.]

The PRESIDENT: For the information of members, I indicate that last night the Standing Orders Committee considered a proposal that when ministers at the end of question time have documents to be tabled in respect of questions there be no need for leave to be sought and that they simply stand and table the documents, rather than go through the procedure of seeking the leave of the House to do it. That is also to apply to explanatory memoranda which accompany Bills.
