



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE COUNCIL

Thursday, 20 August 1998

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

CRIMINAL LAW AMENDMENT BILL (No 1)

Motion

On motion by Hon Peter Foss (Attorney General), resolved -

That the Legislation Committee have power to inquire into and report on those recommendations contained in the committee's report on the Criminal Law Amendment Bill (No 1) 1998, relating to the taking of forensic samples and stalking, that remain for consideration consequent upon the enactment of that Bill.

TRUTH IN SENTENCING - FAILURE TO INTRODUCE LEGISLATION

Motion

Resumed from 19 August on the following motion -

That this House condemns the Attorney General for his failure to bring before the Parliament "truth-in-sentencing" legislation and in particular his failure to give due priority to the recommendations of the "Report of the Review of Remission and Parole" dated March 1998.

HON PETER FOSS (East Metropolitan - Attorney General) [11.04 am]: Before the debate was interrupted yesterday, I had mentioned to the House that on becoming Minister for Justice I found that I had another perspective of exactly the same problem that I had struck as Minister for Health with regard to Aboriginal people and the way in which problems come back to underlying social issues. Aboriginal people are particularly affected because, by virtue of history, they are more represented in the section of society which is at risk of being involved in the justice system. It is a vicious cycle because the more one is involved in it the more chance there is that it will happen in the next generation, because the effect is very much to pass on such problems to the next generation. It appeared to me that we had to do something about it. I realise that it is always easier for Governments to deal with instant fixes than it is to deal with issues which will show dividends in 15 to 20 years. Sometimes it is very hard to get everybody excited about doing something when we say, "You won't notice any difference for 20 years, but when some other Government is in place it will be thrilled to know that you have addressed the problem." There are a number of areas where that is being done; we did it in Health. Much of what we did in Health was long-term. I had no illusions; I knew that the benefits of what we were doing would not show for many years. Hon Roger Nicholls has done that, too.

Hon Bob Thomas: I have no criticism of that. Many of the programs that tried to prevent young people from going back into the criminal justice system have been wiped out because of his ideological stance. It was counterproductive.

Hon PETER FOSS: We have tried to deal with that point in Geraldton. It is not enough for individual departments to have their own programs. Members might recall that we had an inquiry into Aboriginal issues, and that a task force was put together to try to make sure that we go into a certain community and deal with all the problems at the same time, but it is clear that there is only one problem. We can address that problem only if we address it from the perspective of the persons affected by it. Having people go from department to department to have their problems dealt with will not solve those problems. We need a system whereby the Government as a whole tries to tackle the problem in a cooperative manner.

With regard to Geraldton, we said, "We will have this agreement between the various government departments, an agreement between the government departments and the Aboriginal people and with the community, and we will agree on what the expectations should be and what needs to be done. We will find out from Aboriginal people what they regard as their needs and then, within our current resources, make sure that it happens in a coordinated way." The problem is that the Health Department, Family and Children's Services, the Ministry of Justice and everyone else have their programs, and unless they are coordinated to try to address risk factors we will get nowhere. Like all good ideas, it is simple.

Hon B.M. Scott: It is also logical.

Hon PETER FOSS: There must be agreement on where we are going, engagement of the whole community, in particular of Aboriginal people, and cooperation with government departments. First, we had to get everybody to agree, then we had to start to make it happen. The means by which we tried to make it happen in Geraldton was to

appoint a coordinator. It is fortunate that at that time in the Geraldton area we also had a new superintendent of police who was very forward-looking and very keen on the idea of a community approach. He was very keen on the police working with the community. We know that the long-term results will be really long-term, but the extraordinary point is the short-term results. I do not for one moment wish to claim that the short-term results are sustainable other than as a blip, but there was a 25 per cent drop in personal assaults and a 35 per cent drop in burglaries. We were fairly optimistic that some changes would occur, but that was beyond all that we anticipated.

It did not happen because of one grand plan; it happened because the entire community decided that it could do something and it did it. To give an example, there was an early birds program. It involved a bus which went around and picked up Aboriginal children from their homes, took them for breakfast and delivered them to school. Why did that have an impact? We all know that if children get behind in school, they do not pay attention. If they get hungry at school, they certainly do not pay attention. If they do not pay attention, they get behind. If they get behind, they feel out of touch with the school. They decide that they do not want to be in school and start truanting. When they start truanting with other people, it does not take long before that leads to crime, and crime leads to more crime. To get those children to school with food in their stomachs is much more a community responsibility than something that Governments should be doing. Why are those children going to school without food in their stomachs? In many cases such children come from disadvantaged families where it is quite likely that most of the income has gone on alcohol and cigarettes, so they do not get breakfast. It may be that their parents do not have parenting skills and have not learnt how to do such things. It may be basic, but there are families where it is not a given that children will have breakfast before they go to school.

That program is important. The people of Geraldton, the police, the Aboriginal people and everybody else are involved in it. Once it started to have some effect, it changed the whole perspective and outlook of people in Geraldton. Their attitude towards those problems changed remarkably. Once there is that positive reinforcement there is a chance to tackle those problems. People might sit and say that they can do nothing. All too often people cannot. If people are in one government department, what can they do? They have the frustration that they are working on their program and that if only they could get others to help them, it would work. That is the way government should work, but historically it has not been the way it has worked. The biggest change has been that in Geraldton it has been accepted that the starting point is cooperation; that is, cooperation between government departments, the police and everybody. That is marvellous.

Another feedback is that Aboriginal people have been "done good" so often that they are pretty sceptical about it. Because this approach is addressing the long-term problem, not just putting on some band-aids, people are prepared to deal with some of the quick fixes because they do not see them as merely quick fixes. People are prepared to work for the short-term benefit, knowing that the long term is being addressed. Aboriginal people have long since become sick of the one-year pilot program, which they know might work for the one year that it is on and then no more. At the end of such programs they will have expended not only physical effort but gumption. People try so often and fail that eventually they do not have the capacity to try again. The important thing about this program is that there is a real opportunity to address the long-term problems and for Aboriginal people to have some say in it.

An important thing about this program is that it is not dependent on funding. The whole idea is not to say that they will have a new bag of money so that they can work on the problem now; it is to take what is there now because all the money is there now. Health, education and training money is all there. All people have to do is spend the money better in a coordinated fashion on something which will work instead of spending it independently. A lot of effort is wasted in government departments. If they were working together, they would get a much better result.

This sort of program will work only if we keep up the enthusiasm for it. I hope that the enthusiasm will continue, simply because of the early positive feedback that people are getting. Every now and then something comes up and we look to the local people and ask them to give some money to get it done. Some people say that the Government should do it. That is a bad sign and a step backwards. It is their community and by helping their community they can save money on such things as insurance premiums, and change their quality of life. In many ways it is self-defeating to circulate the money through government and have it come back to the community when people can spend money directly on what they want to do as their contribution to the community. That is the important message that has come from Geraldton.

We have extended the program to Midland. Midland is interesting because there is already an incredibly active group of Aboriginal civil servants there. It is called the Midland Aboriginal Action Group. I have never come across a group like it. The people in it say what they want to do, dot point after dot point. They ask if they can do it, and then off they go. Most had already taken up this idea without any government initiative. They wanted to coordinate departments and deal with Aboriginal people. In Midland we were able to provide a coordinator because they are all full-time civil servants with other jobs to do. The coordinator was able to pull their actions together. I am optimistic that they will do well. One thing they have already done on their own initiative: There was a problem with

Aboriginal people hanging around the cinema, which was a focal point for lounging around. Those people went to see the owner and asked if he would take some of the children to work there. The owner took them on and the problem was gone. That has not cost anybody anything but saved everybody a tremendous amount of angst.

Achieving change is the secretion of tiny ideas. It involves people looking at their community and what can be done. There is no grand plan or solution. It involves plain commonsense when dealing with our society as a community, to be a community, to act as a community and to deal with the problems of a community. All of those things need to be done. The community needs to be involved and take an active part if such a program is to work. I am optimistic. There will be failures and setbacks, of course, but the important thing is that people must believe that they can have some control over their future and that they can make a change. We have been able to demonstrate that they can make changes and that changes are possible provided everybody cooperates. Most importantly, the Government must cooperate.

We set up the program to deal with Aboriginal cyclic reoffending, but as a model for government services it would seem to me to be ideal. The point I have been trying to make is that people talk about customer focus, but the more important expression would be customer perspective. People should not look at the customer and zoom in with binoculars. People should get out, go around and stand where the customer is and then look back. They should ask themselves if they were in the customer's shoes what would they want. Perspective is far more important. People should shift their feet and move over to the other person's place; look and see. People tend to be asked if their problem is a health problem or a justice problem, but they are not interested in that because they have a problem. It is the capacity to be able to see the problem. People have problems which are not departmentalised. People do not come in departments.

One area we must involve in this, of course, is the Federal Government. We have managed to get local government and the State Government involved. To a degree we have involved the Federal Government but more involvement must be achieved. In many ways some of the major tools for dealing with those problems in society are in the hands of the Federal Government. The Federal Government has large amounts of health, education and training money and, of course, social services money. Social services probably involves the biggest dollop of money which could make some difference in this area if properly directed.

I got onto that aspect because I was dealing with the whole question of sentencing and punishment. I regret that one of the things that has been said by the Leader of the Opposition in the other place is that had we made these changes people would not be out on parole but in gaol. Truth in sentencing is not a measure to put people into gaol for longer periods. I am not sure whether the Leader of the Opposition does not understand the measure. I feel sure he would not misrepresent it, but would take the same view as Hon Nick Griffiths that there should be a bipartisan approach in this area of law and order, and that members should not grandstand on it.

Hon N.D. Griffiths: I hope you are not misrepresenting the Leader of the Opposition.

Hon PETER FOSS: Perhaps I misunderstood him, but he appeared to indicate that he thought the introduction of this sentencing legislation would mean people would be in gaol for longer periods.

Hon N.D. Griffiths: That is not his understanding.

Hon PETER FOSS: I am glad he understands that. He will understand that whether or not the legislation is implemented, that will not be the effect. The Government wants to be certain that it is not the effect and, although Hon Nick Griffiths has pooh-pooed the time taken over this, he must understand that from the very beginning the Government has known what it wants to achieve. It wants to deal with questions of remission and parole so they do not cloud the situation with sentencing. The Government has this concern - and the committee has not agreed that it will be addressed and that it will be successful - about whether the consequences of the proposal will be what Parliament desires. There are the clear examples of New South Wales and Victoria, where totally different results occurred. Victoria is now changing its legislation as a result of the Boucher case. The wording of the Victorian legislation was that all things being equal, a person should not spend more time in gaol than they would have if the legislation had not been implemented. Shortly after that legislation was implemented, some changes were made to the penalties. In the Boucher case it was determined that all things were not equal because the Parliament had changed the penalties. Of late, there has been a significant increase in the penalties applied in Victoria. It is interesting that Victoria has the lowest rate of incarceration and one of the lowest rates of crime. It may be said that because it has low crime rates, it has a low rate of incarceration. However, it has had a long history of not imposing incarceration. The criminologists have interesting things to say about that.

This State does not want an unintended increase in rates of incarceration. The construction of a new 750-person prison costs \$150m. If there were an increase of 2 500 in prison numbers, a further three prisons would be needed. That is leaving aside the annual cost of maintaining prisoners. The costs in prisons vary, and minimum security

prisons cost less. However, if such a massive increase in the number of prisoners occurred, the early demand would be for medium and maximum security prisons. A massive increase in incarceration rates would be a social disaster and would lead to more social ills. Frequently, the earlier problem referred to occurred because the father was in gaol. Sometimes the whole family is in gaol. This problem is not solved by incarcerating entire families.

I now refer to young offenders. They fall roughly into three categories. The vast majority are young people who, in a stupid moment and usually led by friends, commit an offence. They are picked up, go through the process and never come back into it again. The majority are so stunned by the experience that they never offend again.

Hon Derrick Tomlinson: Are you talking about appearances in the Children's Court?

Hon PETER FOSS: Yes, the Children's Court, juvenile justice teams or even a caution is enough for them. Even if the police call in their parents and give the offender a written caution, that is usually enough. There is another group comprising the young tearaways, who have been around for millennia. They are young men in particular, although, unfortunately, increasingly they are young women, who, when the hormones start charging through their system, defy their parents' authority and anything they are told to do. They reach an age when they cannot be told anything, and they rebel and get into trouble repeatedly. However, the time suddenly comes when, almost as though a time switch goes off, they stop offending.

Hon Derrick Tomlinson: Usually when they fall in love.

Hon PETER FOSS: A girlfriend has a lot to do with it. Love is probably the most effective way.

Finally there is a third group of young offenders who resent society. Some people are just bad. They come from all sectors of society and they are bad. In that group are people who are involved in crime because they are at high risk.

Hon Cheryl Davenport: Because they are damaged by their lifestyle.

Hon PETER FOSS: It is a reason and not an excuse. Some young people from similar backgrounds become model citizens, but some from high risk backgrounds end up in the justice system throughout their lives. Often they can be picked up by the time they reach five years of age, and kindergarten teachers will point to a child who they consider will end up in gaol. No matter what is done to those children, it will happen. If they are given the birch, that will confirm what they always thought about society; that is, they got a bad deal and society treats them badly. The more they are locked up, the more they will feel that way.

Hon Bob Thomas: In some cases it is a badge of honour.

Hon PETER FOSS: That is true. Some kids regard detention at Banksia Hill as a symbol of their becoming a man. It is a rite of passage. It is useless as a deterrent, although it may be useful as protection for the community and for establishing, for the benefit of other people, that there is a consequence of criminal action. It may be possible, particularly at Banksia Hill with the massive change in the ratio of teachers and security staff, to haul some of those offenders out of the risk factors and achieve something.

Hon Cheryl Davenport: It is a massive improvement on Longmore and Riverbank.

Hon PETER FOSS: Certainly. We can be proud of Banksia Hill. The ratio of security staff and teaching staff has been reversed. In terms of teaching ratios, it is one of the best schools in Western Australia. This State could not afford to give that teaching ratio to children across the board. It is worth it, not only to salvage those kids, but also to cut the hurt and damage they are causing society and the continuing generations. It is a good move. Many of those kids are doomed and incarceration is not the answer.

With this legislation the Government hopes to achieve something that will be more easily understood by the public. It would be even more understandable if parole were eliminated, because then people would know that whatever the sentence, that is the time people will spend in gaol. It could be done under the clause 12 recommendation, but there are two problems with that. First, if the critics are correct and recommendation 12 will be hard to effect - that concern has been expressed by the judiciary - it would be even harder if parole were removed. Second, parole is necessary and useful and if it is to continue, the idea of adding the period on afterwards would not fit. Imposing two years in gaol and two years parole does not fit the concept of parole. Parole is conditional release, and how can there be conditional release if an offender is not sentenced to a period of incarceration? It would not work as a system. I know the public would prefer not to have it but if it is to be retained, it must be part of the overall sentence.

Hon N.D. Griffiths: The public must be told why parole is necessary, and must understand that it is for the benefit of the public.

Hon PETER FOSS: Exactly.

Hon Kim Chance: In sentencing, a judge can fix a non-parole period.

Hon PETER FOSS: Under the recommendation it will be either 50 per cent or not at all. The difference is that it will be much easier to determine that there shall be no parole than it is currently.

The committee looked at this question of a discretionary place between 50 and 100 per cent carefully and came to the view that it was a peculiar mental-gymnastic exercise. The thinking one must apply in deciding the length of a person's sentence would have to be reapplied to decide whether he should have parole. I do not have a problem with that; however, the universal view was that, for a number of reasons, those matters could not be applied twice. I do not know what Hon Nick Griffiths thinks of that. I do not see why the length of the sentence cannot be decided and those factors used to determine, for example, a 75 per cent non-parole period.

Hon N.D. Griffiths: Both views are valid. It is time for the Government to make a decision.

Hon PETER FOSS: It has; the decision I have made is to accept the recommendation that it be 50 or 100 per cent. At the start, I wanted the capacity to grade it, but if the judges want it this way, I am happy for it to be this way. I would rather have a test the judges will apply than one they will try to get around. The Parliament went through this with whole-of-life sentencing. The whole idea of parole at the moment is to look for the benefit of the individual, to see whether he will benefit from parole. This will provide judges with greater discretion to say that, as part of the punishment, an offender will not get parole. It is the same sort of idea.

The consultation process did not conclude on time because one important stakeholder did not comment and two important stakeholders took a long time - more than I had allowed - to comment. However, I felt it was important have their comments on the proposition. If this is to work, it will require the cooperation of the people in the system. We have written laws before and had the frustration of having people in the system defeat them, so we have then gone back and rewritten them. I want something which will clearly do what the Parliament wants it to do. I understand the criticism; I found it frustrating when I could not get the answers. People were deliberating and consulting and further comments would come in. I asked, "When will we get an answer?"

The Government knows what it wants; the hard thing is determining how to pass legislation to achieve that result. Victoria and New South Wales received totally different results from their attempts. England tried a different way of achieving the same thing but it has not worked all that well. The issue has a history of difficulties. People have known what they wanted to achieve - that was never the issue. In dealing with human beings, including those sitting on a bench, because they need to understand the process, the issue is: How does one arrive at something which will deliver what one hopes it will? The last attempt of this Parliament to achieve exactly the same result, going over exactly same points, failed. This has been hard because I asked these people to give me a system that will work. Even now, the commentary is that people cannot guarantee that this will achieve what is desired. We must go ahead now and do it. If properly handled, we have the capacity to ensure we have the recipe for the Victorian result rather than the New South Wales result. That is what we have to do now. However, one would be missing the point if one said it is easy.

Hon N.D. Griffiths: Nobody is suggesting it is easy but these recommendations hold the promise of making the system work better. There are no guarantees of absolutes but our job is to make the system work better.

Hon PETER FOSS: They could also make the system work disastrously worse if we went the New South Wales way.

Hon N.D. Griffiths: That is not an issue because the report recommends the Victorian model, not the New South Wales model.

Hon PETER FOSS: I agree but Hon Nick Griffiths has forgotten what I told the House. The New South Wales Government indicated that it wanted that model and the courts did not follow it because it was only presented in the second reading speech. Victoria put it into the Act itself. However, we now have evidence that the Victorian system is no longer working because of the Boucher case. I am concerned about following the Victorian model when it is going off the rails.

In addition, the people who have commented, in particular the judiciary, have said that they do not believe that recommendation 12 will work. We have to write the system in such a way as to ensure it does work.

Hon N.D. Griffiths: That is your job.

Hon PETER FOSS: Exactly! We have put some very good words into this Parliament. The previous Government wrote some very good words in the whole-of-life sentencing legislation. I cannot think of anything more plainly, simply and clearly phrased than the wording of the whole-of-life sentence legislation introduced by Hon Joe Berinson.

Hon N.D. Griffiths: And when the need to amend it occurred, the Government had the support of the Opposition in amending it.

Hon PETER FOSS: Quite right. There was never anything wrong with the legislation; the words were as clear as possible. However, the Parliament cannot predict what the courts will do. The Government will put in the clearest possible words; they will have to be at least as clear as in Victoria and even clearer in view of what has happened there. I am concerned that a time will come when the courts will say they will do things differently.

Hon N.D. Griffiths: You cannot use that as a failure to act. You have to use your best endeavours and you are not.

Hon PETER FOSS: It is not a failure by me to act. It was time when I asked a committee to come forward with a recommendation. It did that but it took a long time. It would not have taken those people with those skills that long to come forward if it had been a simple matter. They recommended the matter go to the public and the public has come back with its concerns. It is appropriate that the public be given an opportunity to voice its concerns. Eventually I cut off that consultation period and said I would prepare a cabinet minute to go ahead. As soon as we had a report from a major stakeholder I said we would not wait for anybody else.

Hon N.D. Griffiths: When did you get the last report?

Hon PETER FOSS: The last report was received on 17 June. That was the last comment we accepted - not the last one to come. One more comment is yet to come from a major stakeholder. After 17 June, I instructed my staff to go ahead with it. I told the review committee not to take any more submissions and asked it to give me a recommendation. It met on 30 June, and on 3 July it recommended the Government go ahead. I instructed my office to prepare a cabinet minute with the small alteration to the matter I did not accept.

I do not believe there has been delay. Time has been validly and properly taken, and in the interest of the people of Western Australia, rightly taken. I understand; I have the same frustrations. The legal system can be slow. It is slow because it is a system dealing with psychology. It is a system that deals not only with science and measurements but with people. Members know that all too often when one does something in the legal system another quite unintended thing results. We are dealing with people. Pitt's window tax is a classic example of what can happen. It was meant to be a wealth tax and ended up being a blight on the poor. It was introduced with the best of intentions and seemed to be a good idea but the rich people who owned the tenements plugged up the windows so they did not have to pay more tax. It ended up doing the reverse of what was intended. With any legislation with which we are dealing we must keep in mind the reactions and behaviour of people. I insisted that it be done as properly as possible in the light of our failure in Western Australia and New South Wales, the emerging problems in Victoria and the problems in the United Kingdom. I insisted everyone tell me clearly what they thought we should do. Even to this day, I do not have unanimity from the various commentators.

Hon N.D. Griffiths: You will never get it.

Hon PETER FOSS: Of course not. That is why we have said that that is the end of it; we will now take action. It was appropriate that the public and the stakeholders be involved. However, there is a time when we must cross the line and that time has come. I can imagine what the alternative would have been if at the beginning I had said that I would take certain action and it went wrong. I still have no guarantee it will not all go wrong. When we bring the legislation to this House members opposite will have to chance their arm on whether they think it will work. If it goes wrong the people with 20-20 hindsight will say, "We told you; we had comments from people saying it would not work." We will always get comments from people that it will not work.

Hon N.D. Griffiths: Governments have an obligation to govern. One of your obligations is to bring forward legislation to deal with this difficult problem. I accept that the job is difficult, but you are a volunteer and must get on with it.

Hon PETER FOSS: I have done the job within an appropriate time frame. I selected the right people to do it. I know Hon Nick Griffiths does not like giving his opinion on judges, but I picked someone I believed was a pragmatic, practical person to head it, not an airy-fairy academic.

Hon N.D. Griffiths: I do not like judges being brought into the political scene.

Hon PETER FOSS: I know, but I must bring the matter in here. I purposely picked someone who would be seen by not only the profession but also the community as believable. He recommended people who said, "At least, that is about as good as you can do." As the issue is so contentious and many people will not agree on it, I needed somebody who was seen as a pragmatic and practical person.

All I can say now is we have done our best and the Parliament will examine it and do its best. The decision about whether it goes through this House does not rest with the Government; it does not have the numbers. Members

opposite must make that decision shortly. However, they can be sure that the process we have been through was the best under the circumstances. That is important.

In this House we are often asked what sort of research we have done; and are told it has been mucked up all over the place. We are asked: What makes us think our system will work when nobody else's will? Why will it work in Western Australia when it has not worked anywhere else? What happens if we double people's sentences? What if we have an increase in the prison population in the next couple of years? Will the issue be brought back here? Members opposite will say we should have spent more time on it.

We should put this legislation in place and see what happens. Members opposite should not dare come back if the incarceration figure increases by 2 500 and tell me I should have spent more time getting things right. I have done everything possible to ensure it is right. I sincerely hope when the matter comes before this House we have the assistance and expertise of members opposite and the benefit of their judgment of people, because that will be important. When we pass the Bill we can say we have given it our best go; we think it is the right thing to do and we hope the way it is interpreted and applied by the courts will be a just and fair result for our community. That is as much as we can ask of anyone. Members opposite should be able to accept that is what we have done in this case.

HON HELEN HODGSON (North Metropolitan) [11.43 am]: I have been listening to this debate with some interest. I had the opportunity of obtaining the Hammond report some time ago so I have examined it and given thought to some of its recommendations. The issues covered in the report amount to three basic areas: Parole, the question emotively known as truth in sentencing, and the way non-custodial sentences are used in the management of prisoners.

It is clear that parole serves a useful purpose in our justice system. I will refer to the recidivism rates in the report because the Attorney General tabled those figures yesterday. However, it is obvious that, weighed against the recidivism rates, parole has much value. However, there will always be people who reoffend and return to prison. That is very difficult to control given the exigencies of human nature. Many social factors are involved.

Parole is a way of allowing people to escape from the cycle of reoffending. The prospect of release for good behaviour for the remainder of a sentence can be an incentive and a model to remain on the straight and narrow. The problem is with the implementation of the mixture of remissions and parole available in the justice system, rather than with parole on its own. People do not understand the way the remission system works. Not only the community but also offenders often do not understand how automatic remissions work and what are the consequences. The terminology is confusing.

As somebody who is not trained in criminal law I had a little trouble coming to grips with the differences between parole and remission. To the general community they both seem to be a way of having a sentence reduced. The community perception is that if somebody has committed a crime he should be locked away for the term allocated. However, parole should be a way of encouraging good behaviour and rehabilitation. We support the recommendation in the report that the sentencing court be given greater discretion on non-parole periods.

We believe these matters should be properly left to the discretion of the judiciary. In that respect, on 5 August a report in *The West Australian* indicated that Western Australian research shows that longer sentences are being handed out and more offenders are being sent to prison because WA judges are taking a harder line on violent crime. That research was undertaken at the University of Western Australia.

It is clear we can trust the judiciary to respond to community concerns. When we talk about matters such as non-parole periods it is appropriate to say that the judiciary is quite able to respond to community concerns in setting non-parole periods.

The other issue is that once we set formulas we fall back into the present system in which people do not understand how formulas work, which leads to misperceptions in the community. I am using the term "truth in sentencing" because it is generally used in the media and in the community. However, I do not like it because it is an emotive phrase. It suggests that in some way sentences are manipulated. We are talking about the effect that remission periods have on sentences. On this issue we have a formula approach which means that a sentence does not equal custodial time because the sentence attaches an automatic one-third remission. There is scope for the remission to be removed for bad behaviour, but in practice that rarely happens. This has created the impression in the community that sentences are too short.

The problem we are dealing with is that removal of remissions will result in more overcrowding of prisons. Last week Chris Sidoti, the Human Rights and Equal Opportunity Commissioner, was in this State. He commented adversely on the fact that WA has the highest incarceration rate in the country. I think he referred to the States, and although the Northern Territory is still not a State, it has a higher incarceration rate than WA. Nonetheless, our incarceration rate does not reflect well on the Western Australian judicial system.

That is one of the major problems associated with the effects of the removal of remission. We have already heard debate on what happened in New South Wales once the supposed truth-in-sentencing laws were introduced. Professor Harding, in his book on private prisons and public accountability, says -

... in 1988 a conservative government was elected in New South Wales on a 'law and order' platform which included 'truth in sentencing' - which means no parole, reduced remission or good time. Over the next three years the prison population increased from 4003 (a rate of 70.7 per 100,000 rate of population) to 5919 (100.2). This was the highest rate since 1907.

Professor Harding draws a strong connection between the truth-in-sentencing concept, the pressure that places on prisons and the agenda for privatisation of prisons. I am well aware a committee is reviewing the issue of privatisation of prisons so I will not go into that any further. There is a connection with pressure on the prison system. We do not want to do that, given this State's already high rate of incarceration.

Some information that was tabled before the recess on the feasibility study of future prison requirements makes quite horrifying reading. The report refers to inadequate facilities. It looks at the systems that are in place and indicates that the most serious problem with prison system is overcrowding. It refers to the United Nations recommendations and the fact that the Western Australian prison system does not comply with the basic UN recommendations. The report states that we have a shortfall in beds and obsolete infrastructure. The executive summary states that every Western Australian prison facility has serious deficiencies, including the Casuarina Prison that was finished less than five years ago. The report states that most prisons fail to meet the significant recommendations of the Muirhead royal commission into deaths in custody. It states that Western Australia does not have an adequate remand centre, and the system has failed to provide dedicated reception, assessment and sentence planning facilities in the form of a major metropolitan reception prison and specialised regional units. It states that we fail to address in a structured way the preparation of prisoners nearing the end of their sentence for re-entry into the community.

The report was tabled on the last day of sitting last year. It indicates major problems within our prison system. If we simply say that we will keep people locked up for their full sentence, in practice that means increasing their custodial time by 50 per cent, which will increase the pressure on our prison system. That must be considered carefully. That issue was addressed in recommendation 12 of the Hammond report of the review of remission and parole. I note that the Attorney General says that he supports recommendation 12, which is to adjust sentences so the time served is no greater than that which would have been served if the existing provisions relating to remission and parole still applied.

I have also spoken to the Law Society about this recommendation. Although the society agrees that the overcrowding of prisons is a major problem, it thinks that to adopt this legislation in its current form is too simplistic and will only serve to further confusion and to anger the public. In the comments of stakeholders that are attached as an appendix to the report on the review of remission and parole, the Law Society states that it considers the mechanism to be cumbersome and unnecessary and suggests that a better way would be to maintain the present statutory formula and to abolish remission for the offender's sentence to a finite term.

We are grappling with a difficult problem. On the one hand, we do not want to increase the overcrowding in our prison system; it is already stretched beyond capacity and is causing a lot of pressure on the infrastructure of the prisons. On the other hand, simply restructuring in the way suggested by recommendation 12 is not supported by the profession, because it believes the recommendation will not deal with the basic concerns. We will be looking carefully at that. If legislation is brought forward to implement the Hammond report we will look at ways to balance those two requirements.

The final point that is addressed only briefly in the Hammond report, to which I will quickly refer, is the issue of non-custodial sentences. It is essential that we prepare prisoners for their reintegration into the community. Sometimes non-custodial sentences can be a way of doing that. I have an interesting report on an evaluation of pre-release programs, which indicates that not a lot of the available pre-release programs serve the needs of prisoners when they are released into the community. Some of the case studies of prisoners indicate that prisoners do not believe the programs are appropriate to their needs or meet their requirements or expectations. We must look carefully at what services we are providing to prisoners as part of the community reintegration process.

The Hammond report says that home detention for offenders serving terms of less than 12 months should be abolished. One of the problems is that the home detention program is structured differently from the way that many people in the community would think. Different electronic surveillance programs are available in many countries. They can be structured in different ways. They are valuable programs. There is probably not a lot to be gained by locking up people who have not committed crimes of violence - cases such as social security fraud and fine defaulters. That puts pressure on the prison system. I heard yesterday that the number of people in that category who are imprisoned is dropping, but still they are subject to a term of imprisonment.

There are probably some creative and innovative ways of structuring electronic surveillance programs so that people are not put in prison, yet still meet the needs of the legislation. The home detention program specifically referred to in the report is a way of releasing prisoners into the community. That is a different sort of program altogether. I can see logic in saying that home detention for offenders serving terms of less than 12 months should be abolished because it is such a short sentence, and I support recommendation 10 in respect of community reintegration being made available to offenders. However, it is largely a case of how that is structured so that the right people benefit from these programs and the rehabilitation need is met.

They are the major issues that I wanted to raise in respect of the Hammond report. I would be interested to see what recommendations are taken into account when legislation is brought forward on this issue. We need a balance between serving the community's interests and responding to its fears, which are real fears but in many cases are overplayed by the media to exaggerate the climate in the community, and the condition of the prison system. We must ensure that appropriate sentencing is available, so that people who are a real risk to the community are dealt with appropriately but always with an emphasis on their rehabilitation and reintegration into the community once their sentence has been served.

Debate adjourned, on motion by Hon Derrick Tomlinson.

COMMITTEE REPORTS - CONSIDERATION

Committee

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair.

Standing Committee on Estimates and Financial Operations - Proposal to Travel

Hon MARK NEVILL: I move -

That the House recommends that funds be made available for the purposes set out in the report.

I have been a member of standing committees almost continuously since 1986 - for some 12 years - and in that time I have not travelled overseas with either a standing committee or a select committee. I did not ever think that a proposition that had been put to me warranted overseas travel; therefore, the committee of which I was chairman between 1986 and 1989 did not travel overseas.

However, the proposition put by the committee in this report does justify overseas travel. In my view, great capacity exists for savings to result from improving the prison system in this State. I do not for one moment believe that this committee will have all the answers, but members of Parliament collectively have a lot of wisdom to offer. We move through wide community circles, we are not attached to academia, and many of us are not attached to specific social lobby groups. I think we reach a fairly balanced view at the end of the day, which takes into account many of the competing interests of the community and the Government. It is important in the area of prisons to adopt a policy that is bipartisan, simply because no votes are won by doing good things for prisoners and by building prisons.

Hon Bob Thomas: Not unless you build them in the wrong place!

Hon N.F. Moore: What is not the wrong place?

Hon MARK NEVILL: We may lose votes, but we will not win any votes by spending money in this area.

One of the first terms of reference of this committee's work overseas will be to examine ways to reduce the rate of recidivism. I understand that our rate of recidivism is about 50 per cent, which means that half of the prison population is back inside gaol within two years. That is the highest rate in Australia, and if we could lower that by 1 per cent, we would probably well and truly pay for our trip overseas. We should have a target of lowering it down to 30 per cent.

The reading that I have done on recidivism suggests that the rate of recidivism can be reduced in four ways. The first way is by educating prisoners. Many of the people who end up in our gaols not only cannot read or write but also cannot tell the time so that they can get to work on time. The second way is by training prisoners. The third way is by providing good recreational opportunities for prisoners. I am sure that will not appeal to the general public and that most people will be horrified at the thought that prisoners may relax and enjoy themselves for five minute while they are in prison, because they think that is not the reason that they are in prison. The fourth important way is by encouraging prisoners to have good family contacts. From my reading of different reports, much of the self-harm that occurs in prison is due to events that occur not in the prison but outside the prison, such as the prisoner's partner going off with someone else or the family splitting up.

A large proportion of the public would probably be horrified at the suggestion that we need to do these things in our

prison system. However, it is my guess - I have no factual basis for this statement - that about 98 per cent of the people who leave prison go back into the community within five years. From my assessment of our prison system, to put people into prison does not make them any better, and probably makes them worse. Therefore, to gaol people for longer periods in our current prison system will not result in their coming out of that system with a better capacity to cope with life. That focus of the committee's investigation will be very important.

The committee is looking also at the treatment of drug offenders. A large percentage of the people in our prison system have been convicted of drug-related offences. We appear to be losing the battle in that area. That is an added cost not only to the prison system but also to the community. Most of these drug offenders are young people. The committee has found that one of the problems is that the Ministry of Justice records are so dreadful that it is difficult to get information about the nature of the prison population, what is happening in the prison system, and many other issues. The committee can do some useful work in examining whether we should have separate prisons for drug offenders, and whether we should adopt some of the novel measures that have been adopted in the Netherlands and about which I have been reading. This is a critical issue with regard to crime, the destruction of people's lives, and the cost to the community.

The third area that the committee will examine is whether we should have an independent inspectorate. An independent inspectorate is important from a number of angles. Notwithstanding people's views about private prisons, if we did end up with a private prison in this State, as have many other countries of the world, the Ministry of Justice should not set the standards for that private prison. A separate body should inspect both government and private prisons. That body would obviously need to look at standards -

Hon Peter Foss: It could enforce and supervise those standards.

Hon MARK NEVILL: That is my second point.

That body may have the capacity also to conduct investigations and inquiries and to report to Parliament. We have been urged to look at the British system of prison inspectorates, and there are a few notes on that in the report. The itinerary is not yet finalised. We may spend more time in Europe, not in America; the response over the next two to three weeks to inquiries will determine the final itinerary. We will table that in the House or give it to the President before we go.

We spend about \$150m on the prison system, which does not work very well by any objective standards. It has been riddled with problems for 15 to 20 years. I have great confidence in the new chief executive officer of the Ministry of Justice, Alan Piper. He has the skills to bring about some changes. I hope that the work of this committee will assist the Government, the minister and the new CEO to bring about the long-awaited reforms in this area. These are critical issues that warrant overseas travel by the committee.

Another report is linked to this. In our inquiries it became clear to most members of the committee that the Byron and Payne issue was a sideshow compared with the real problem and was a result of a lack of progress in resolving the longstanding problems in the present system.

I hope this committee can facilitate an overhaul of the prison system as it is in everyone's interests. There are no votes in it. Therefore, we must do it without alienating the public too much. We must try to convince the public that the present system is worth spending money on, not only on barbed wire, high walls and bars, but also on programs that can be effective. I urge the committee to support the motion.

Hon NORM KELLY: I make a few comments on one aspect of the committee's report about the travel proposal in relation to the section on strategies involving drug-dependent prisoners, in particular the proposal to visit the prison system in the Netherlands. The Netherlands has a much more realistic attitude to drugs. According to this report, the Netherlands prison drug program provides 400 places in drug-free units in prisons and detention centres to motivate drug-dependent detainees to accept help. That placement is voluntary. There is also an early intervention program aimed at drug offenders in the system. It is worthwhile to look at those aspects of the justice system and the way drugs are used in that system. However, it is equally important to realise that because people are going in and out of that system, they are highly affected by the laws and attitudes outside the prison system.

This State has an extremely different approach to drugs and the way it tackles drug abuse from that in the Netherlands. Therefore, the merits or successes that may be achieved within the Netherlands prison system could not be applied directly to the situation in this State because of the problem we have with antiquated drug laws. This is something that, as a Parliament, we must consider as it will cost about \$8 000 on the rough estimation of trip costings. We must consider the merits of that aspect of the committee's travel.

I notice that in the select committee report tabled in the other place today there is a government majority on that committee toeing the traditional conservative line on drugs. I am concerned about the benefit that the Council

committee may gain by looking at drugs in the prison system of the Netherlands that may be negated by their present lack of applicability in this State. If the committee visits the Netherlands, I would encourage it, if it has an opportunity, to look at the way the general population there deals with drugs, particularly the freer availability of cannabis in that country and the fact that death by heroin overdose in that country is minuscule compared with the overdose rate in this country. We must look at the general population to see why those aspects of the present drug system might work, because they are supported by the general population.

Hon N.F. MOORE: The process in this House on committee travel is a very transparent one. If a committee wishes to travel, its members must come to the House and argue their case. That is clearly a very good move. The only difficulty is for people like me who have to make a decision about it. Sometimes there is a degree of subjectivity on whether the expenditure on one committee is more important than another committee spending it on something different, bearing in mind we do not have unlimited funds. Any committee that wishes to travel will be able to do so within the context of the available money.

It is necessary to look at what each committee is proposing before we determine whether the expenditure of funds is appropriate. We agreed at the end of last session that the Select Committee on Native Title Rights in Western Australia should travel to Canada. A point was taken that the committee had not been to Kalgoorlie and maybe it should go to Canada after Kalgoorlie. I was one of those who argued that point. I think they have now visited Kalgoorlie. In some cases they should stay there! That is just an aside.

Hon Mark Nevill: They talk about it more in Kalgoorlie than in Canada.

Hon N.F. MOORE: I suspect they do. I expect that when members put forward suggestions for committees to travel they do so on the basis of research on the benefits to be obtained by visiting particular locations. I acknowledge that Hon Mark Nevill has indicated that there may be some flexibility about where the committee travels. We do not have a detailed itinerary and circumstances can change between now and when the committee wants to depart our shores. However, I would appreciate seeing a detailed itinerary prior to its departure. I have witnessed a couple of these motions being moved in the House when we have not been provided with detailed programs. In some cases the proposals have contained only a list of places the committee thinks it should visit. The appropriate amount of work in putting together a detailed program has not been done; committees have come to the House slightly prematurely. In the past I have asked for and been provided with detailed information prior to the committee's departure so that I can satisfy myself that the reasons for the travel are being honoured.

It is important that committees keep reading their terms of reference. While Hon Mark Nevill has clearly explained why the Standing Committee on Estimates and Financial Operations should be investigating prisons - the possible reduction in costs as a result of reducing recidivism and drug taking in prisons - it appears to be drawing a long bow in respect of dealing with major issues such as drugs in prisons and in society generally. When we established the committee, I believed that its task was to look at budgets and whether -

Hon Mark Nevill: We will examine your credit cards next.

Hon N.F. MOORE: The committee can examine them as much as it wishes. Everyone else does.

Hon Ken Travers: I have.

Hon N.F. MOORE: Is the member satisfied?

Hon Ken Travers: Yes, except for the tip.

Hon N.F. MOORE: Did the member also see the cheque I wrote to cover it?

Hon Ken Travers: No.

Hon N.F. MOORE: There will come a time when members opposite are sitting on this side of the House. Members on this side will then have the opportunity to go through every cent they spend. I know how a lot of money was spent by the Labor Government. Had there been the same level of scrutiny and freedom of information legislation at that time, ministers would have had very red faces given how they spent taxpayers' money. It was extraordinary that we did not get FOI legislation in Western Australia until the Labor Government was on its last legs and knew it would not survive another five minutes. It was promised for 10 years but it was never delivered because the Labor Government knew very well that it would reveal all sorts of questionable expenditure on the part of ministers and members that would have been very embarrassing. I have in a drawer in my office all the credit cards of my predecessors and the details of how they spent their money. If necessary we can go through that information.

Hon Ken Travers: You are living in the past.

Hon N.F. MOORE: Thank goodness we are not, because the Labor Government showed a great propensity to spend

huge amounts of money and sent the State broke. I am happy to remind members opposite from time to time what they did when in government, even if it does mean referring to the past. There has not been much change in attitude. That is all beside the point.

Several members interjected.

The CHAIRMAN: Order!

Hon N.F. MOORE: Committees must ensure that the inquiries they undertake are in accordance with their terms of reference and that they seek to avoid duplication. I am advised that the committees of this House talk to each other about what they are doing and attempts are made to avoid duplication. I accept that.

Hon Kim Chance: We could do better.

Hon N.F. MOORE: I am sure that is true. However, when political requirements intrude, committees are suddenly able to stretch the bounds of their terms of reference to meet those political requirements. It might be argued that the next report we talk about comes into that category.

However, there is another House in this Parliament and that House has a number of committees investigating all sorts of issues. Hon Norm Kelly said that a lower House committee has recently reported on drug abuse. Those inquiries should be coordinated, not necessarily because we should be talking to the other House, but because the general public does not want to see half a dozen committees all doing the same job and travelling at the same time. It may be worth this committee at least liaising with that Assembly committee to establish whether there is any relevance to what it is doing.

Hon Mark Nevill: You do not have to stretch the terms of reference to do highly charged political inquiries.

Hon N.F. MOORE: No, but it can be done and sometimes it is. It has been happening ever since there have been politicians. I am not criticising anyone in particular. When members ask me to support a committee's travel plans, those plans must be relevant to the committee's terms of reference. If they are not, I will not support the travel. I do not make the decision, but as an individual member of the House I will refuse to lend my support.

Hon Kim Chance: Can we support that?

Hon N.F. MOORE: I will look forward to that if it ever happens in the future.

Hon Norm Kelly talked about the Netherlands and not a lot being gained by looking at its prison system unless we are prepared to change the drug laws in Western Australia. He referred to that country's drugs laws as being enlightened. To use the words of Hon Christine Sharp, it would not be "out of date", it would be "cool" -

Several members interjected.

Hon N.F. MOORE: She used "out of date" and I was thinking of "contemporary", but "cool" is the same thing. Having visited Amsterdam over the years, I know that if what happens there is what members want to see happen in Perth in respect of drug abuse, prostitution and so on, I will live somewhere else, and it will not be Amsterdam.

Hon Ljiljanna Ravlich interjected.

Hon Simon O'Brien: You're a nut!

The CHAIRMAN: Order! The Leader of the House has the call.

Hon Ljiljanna Ravlich: I would not stand for that if I were you.

Hon Simon O'Brien: I was referring to Hon Ljiljanna Ravlich. I was looking at you.

Hon Ljiljanna Ravlich: You were looking at the Leader of the House.

The CHAIRMAN: Hon Simon O'Brien and Hon Ljiljanna Ravlich may continue their conversation outside if they wish.

Hon N.F. MOORE: In case members think that I did not understand to whom Hon Simon O'Brien was referring, I assure them that there was never any doubt in my mind about who comes under the definition of "nut".

Hon Ljiljanna Ravlich: It couldn't be me!

Hon N.F. MOORE: Hon Mark Nevill should put to one side Hon Norm Kelly's concerns. The committee should investigate what happens in prisons in the Netherlands, and if there is any relevance to Western Australia it should be reported. However, if the committee returns and suggests that we should have the same drug laws as those

applying in Amsterdam, it will find that members like me will not support it, certainly not with a great deal of enthusiasm.

The committee is proposing that all members travel as well as two staff members. That arrangement has been the norm in recent times. I went on a trip with the Standing Committee on Government Agencies - which attracted some attention - along with five other members and one staff member. Even though the staff member worked very hard, the workload was not so onerous that it required two staff, but I can be persuaded to the alternative point of view. The better resourced the committees are and the better support they get, the less work the individual members do. There is a temptation to leave the work to the staff - they can write the report. It is not uncommon in parliamentary reports these days to find the views of the committee staff influencing a very significant portion of the committee's findings.

Hon Mark Nevill: One committee employed a consultant to write its report and merely put the covering page on the top of it.

Hon N.F. MOORE: That has been done before. One committee I was on did that. The report came back and the committee made a decision on the report. However, that is not what we are here for. That was done on a particularly difficult commercial area, as I recall. I think it was to do with the Perth Market Trust.

Hon Kim Chance: I still think we got it wrong.

Hon N.F. MOORE: It seems to be working now, but that is another story. In general terms there is a worry in my mind that if we are to have a lot of staff members travelling with committees, they will end up doing the work and the committee members will be sitting watching the debate go past as they interview people during their travels. We now have a very accountable process. The committee has come forward with its proposal. I am happy to support it. I have always been of the view that members of Parliament should travel. It should be almost compulsory that they travel frequently to as many places as possible so they experience a whole range of different ideas from other parts of the world.

We live in a very isolated part of the world and it is very easy to become very parochial and simply to think about what is going on here. I encourage committees to look at ways and means of expanding their experience and knowledge on a whole range of issues. I have a great deal of enthusiasm in supporting this motion. However, I ask that some thought be given to whether it is necessary on all occasions, and this one in particular, to have two staff members travelling with the committee. As I said, I would like a detailed itinerary to be provided before the committee travels.

Hon PETER FOSS: I support the proposition. In the early days of the investigation of prisons by this committee, I had a slight feeling that there may have been a political undercurrent due to the fact that the committee had a majority of Labor Party members on it.

Hon Bob Thomas: That is very unfair.

Hon PETER FOSS: It is probably a quite unfair supposition.

Hon Ken Travers: Incompetence in your office.

Hon PETER FOSS: No, that is not correct. As it continued, I gained some greater concerns as to some areas being looked at. It is one of those engaging topics. Now that the committee has engaged itself in it, it has taken on an attitude which is very important and could make it a major contributor to some very radical and necessary changes that must take place within our prisons. As Hon Mark Nevill has mentioned, some of these matters go back at least 20 years. In fact, much of it goes back 100 years. Some of the problems are attitudinal and have existed since the previous century. Others have been add-ons to that over time which are specific to Western Australia, but which have their resonance in prisons all over the world; perhaps in places like Northern Ireland where things become ingrained and are passed on from generation to generation.

As much as anything else, a culture change is required in prisons; that is, changed programs, changed ideas and all the other things. If we merely adopt ideas from elsewhere, we may find they do not work. Many things have been tried over time and given up because they did not work. They did not work because a foreign culture cannot be forced onto a group and then be expected to work here.

I do not fully agree with what Hon Norm Kelly said about our needing the same drug laws as apply and work in the Netherlands. It illustrates the point I am making: A good idea in one place is not necessarily a good idea in another place, unless something else goes with it that makes it work.

Hon Kim Chance: Even a similar jurisdiction.

Hon PETER FOSS: That is so. We have already had that discussion. The people involved, how it was put in place, the change that took place, the degree of endorsement and commitment to it are all part of its success or otherwise.

One of the reasons I am keen for the committee to travel is that I want to see a commitment of this Parliament to change. Some of that change will require legislative support. We will have a new Prisons Act in due course and will have to address the question of permitting the contracting out of prison services. I am not asking the Labor Party to adopt and be enthusiastic about that. However, I am aware that even in those jurisdictions where there have been some problems with private prisons, it has been found that the introduction of a new culture through a new private prison has been the catalyst for a major cultural change within public prisons. In fact, it has been the one thing that has enabled public prisons to transform themselves and prove themselves to be a better solution, not because they are a better solution as they stand at present, but because once a cultural change is made, that is seen as the way to go.

I would like the committee to see as many alternatives of how different cultures operate differently. I think committee members will find it is not just a matter of different buildings. Interestingly, if members read my travel report, they will see that I went to a prison in Canada at Fort Saskatchewan. After I walked in, I thought that in many ways it looked almost like Casuarina Prison, with the same open style, the separated living units, with a lot of self-support, but it was totally different from Casuarina Prison. I could not put my finger on what was different, but it was not solely to do with buildings or a regime. The culture there was just totally different from that in Casuarina Prison. Some of the things the committee will find will be quite indefinable. The committee members will be able to say that they can see there is a difference and feel there is a difference, but it will be very hard for them to say precisely what that difference is.

It is not only valuable to look at good things; it is often a good idea to look at bad things. We can learn as much from seeing how things do not work. I remember reading a book on military strategy in which it said that the most useful books to read about battles were not those of the person who won them, but of the person who had lost them. Nine times out of 10 the battles are not won by skilful generals, but are lost by mistakes by the other side.

Hon Kim Chance: Losers don't often get to write history.

Hon PETER FOSS: They do not, but people can come along afterwards and see where things went wrong. It is often easier to see how things can go wrong than it is to see the formula that made things go right.

Hon Ken Travers: John Howard should do the same thing about John Hewson!

Hon PETER FOSS: We will see. Maybe that is what he has done. I sincerely hope he has. As those opposite know, I am a firm believer in the goods and services tax.

I am hoping that the committee will look not just at the specifics of recidivism and drugs. As members may be aware, we are looking at a major change in Canning Vale Prison which will incorporate a special drug unit. All of these things are planned to happen and some of it is a matter of providing the facilities and the means for doing that. We have had some very good programs to address recidivism. I am very hopeful about the two work camps. The other day I was approached by a young man who said, "You came and saw us down at the Walpole work camp. It's the best thing that ever happened to me. I have come out; I'm going straight, and am not into any more stupid business and I hope I am going to stay that way." It is a different culture at the Walpole work camp. It has been suggested that the committee should go to Kalgoorlie. I would not mind the committee going to Walpole at some stage to talk to the officers in charge and the prisoners to see the difference. I have not been to Warramia. The committee may be able to go there; it is closer than Walpole. The committee will see the cultural difference and why it works. No matter how many good ideas we adopt, we will have no success in Western Australia, we will not save any money, we will not do anything worthwhile until we can get everybody committed to a cultural change. Part of that cultural change must come from the top.

I will bring things to this Parliament which I hope will assist in that cultural change. I do not want to feel that I am talking a language that no-one else understands. I believe that by looking at these things the committee will come back not only with specific recommendations but also with an understanding of those indefinable things which are almost impossible to put down in writing but which they will be able to share in terms of a goal and a need for change that they think is required.

I am pleased with the way the committee has been operating. It is important to have an external check. It has been useful to have the Ombudsman and other people looking at problems and offering solutions. However, I see the committee as being, in many ways, most useful because it has a continuing influence on events. The Ombudsman has a role, consultants have a different role and the committee has a continuing role of providing a pool of people who understand the problems and some of the proposed solutions when matters are brought before the Parliament. If we introduce something that does not require legislation, at least those people will understand why it is being done

and can make constructive criticism or offer support for it. Again, the committee will form a base of people who are familiar with the issues. It will be easier to arrive at a bipartisan approach to problems which have succeeded Administration after Administration.

I agree with the remarks about Alan Piper. In the short time he has been the chief executive officer of the Ministry of Justice we have achieved more than we achieved prior to that time. I also thank Dr McCall, who played an important role. We now have someone who is good at getting things done and making things happen. I am optimistic. I support the motion.

Question put and passed.

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

Hon MARK NEVILL: I move -

That the report be noted.

The report sets out the facts of this case as the committee inquiry found them. I am a great believer in the presumption of innocence; I do not agree with the *Alice In Wonderland* line of "verdict now, trial later". The report takes this issue as far as it reasonably can, given the evidence. The recommendations have been generally accepted by the Government. The management-initiated retirements will be rewritten. They are seen to be far too broad and the time in which they are to be implemented is far too long.

As I said, the more we looked into this issue, the clearer it became it was a symptom of deeper problems within the prison system. I openly say in this Committee that the two people involved in this, Mr Byron and Mr Payne, jointly were not going to provide the answers to the problems. We have moved on from there. This investigation was a side issue to what the committee saw as the major issue. That is how we were drawn into the issue further.

Despite their reservations, all the people who appeared before the committee were given a fair hearing. The committee did not behave like a kangaroo court, as some people suspected and others hoped it would. We should not treat anyone any differently from the way we expect to be treated. The findings in the report the committee has tabled in this House go as far as the evidence allows.

I thank Penny Griffiths, the research officer, and the secretary to the committee, Jason Agar, for their excellent work. Penny is shared by another committee of this House, so she spends only half her time on the work of this committee. She spent even less time on it earlier in the piece. Jason is shared, I think, with three other committees. They work extremely hard. I am very pleased with the report.

Members should read the report if they want to find out more of the detail, and if they want even more information they can read the transcript.

Hon LJILJANNA RAVLICH: I had some interest in this issue some time ago when it was on the frontburner, so to speak. When it went to a committee, given that other things had become a bit more important on my personal agenda, I did not follow it as closely as I could have. However, having read the recommendations in the report on the resignation of Gary Byron, Director General of the Ministry of Justice, I could not pass up the opportunity of making some comments on them, particularly as they apply under the Public Sector Management Act.

In point 12.4 the committee recommends an early review of the Public Sector Management Act, particularly the role, responsibility and practice of staff in relation to the appointment, assignment and reassignment of public servants. This is clearly overdue because there is no point in having a Public Sector Management Act if it is as ineffectual as this Act. It is clearly ineffectual because many of its requirements have been breached.

The committee's first recommendation is that the Attorney General's Office implement performance agreements between the Attorney General and the Director General of the Ministry of Justice and the Executive Director, Offender Management of the Ministry of Justice. The Public Sector Management Act requires some sort of performance assessment. That begs the question: Why was an exception made in this case and why was a performance agreement not made between the Attorney General and the director general and the executive director of offender management services?

I draw the attention of the House to section 55(1) of the Public Sector Management Act, which relates to the performance assessment of senior executive officers. It states that there is a requirement for the performance of the functions of senior executive officers to be assessed at intervals of not more than one year by the employing authority or his or her agency. Had Mr Payne been assessed in the 12 months prior to his demise, and if there was a problem with performance, he may have been able to do something about it. All the evidence indicates that regular and

systematic assessment of performance is not a general rule. If a requirement exists, in practice it is not happening. In those cases in which it might be happening it is probably not being done as efficiently or effectively as it could be in order for it to be an effective management tool.

From a public sector management point of view it intrigues me that there was no performance agreement between the Attorney General's office and the parties involved, and that performance assessments were not occurring at intervals of not more than one year. I look forward to the Attorney General's response to that. If performance assessments are not occurring in his department he must accept responsibility, because he is in breach of the Act.

I would also like to know, if an assessment was carried out on Mr Payne in the 12 months before his demise, when was it carried out, who carried it out, and whether the Attorney General is prepared to provide that assessment. The Attorney General should not shake his head. Under the Act a performance assessment of that officer should have been carried out at not more than 12-monthly intervals, and I would like to know whether that was done. If that assessment was not carried out it would be a substantial breach of the Act. I have not seen anything to indicate that this officer was treated fairly in that respect.

If an assessment was carried out in the previous 12 months, was Mr Payne meeting the terms of his contract? As I said earlier, I would be surprised if there had been any formal assessment at all. If there was not a formal assessment many people would want some answers on why the Attorney General has failed to meet that obligation.

Hon Ken Travers: The assessment needs to start at the top with the Premier assessing his ministers' performance - just ask the government backbenchers.

Hon LJILJANNA RAVLICH: Section 55(2) of the Public Sector Management Act also states that in assessing the performance of senior executive officers the employing authority shall have regard to any performance criteria specified in the contract of employment with the senior executive service and to any other relevant matter. I wonder whether Mr Payne might not have been made a scapegoat and this information was not outlined to him.

The Commissioner for Public Sector Standards had a significant role to play. This Government jumped up and down in excitement when it established that office, and part of its function is to ensure that minimum standards of merit, equity and probity are complied with in the state Public Service. A key area that it looks at is performance management. That begs the question of what role the Public Sector Standards Commissioner has played in the matter and why he appears to have been deficient in ensuring that the Ministry of Justice adhered to the public sector standards which were set by his office. There does not seem to be any monitoring of whether these standards have been met because, in the case of the Ministry of Justice and Mr Payne, the issue of performance management was overlooked.

Section 21(1)(e) of the Public Sector Management Act, which outlines the role of the Public Sector Standards Commissioner, states that it monitors compliance of public sector bodies and employees according to the principles set out in section 8. The last of those principles is that employees are to be treated fairly and consistently and are not to be subjected to arbitrary, capricious or whimsical administrative acts. Mr Payne has been a victim; he has not been treated fairly and consistently. The Public Sector Standards Commissioner could be called to account on a number of matters. On my reading of it some fundamental questions need to be answered by the Attorney General.

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: The Attorney General is not the wrong person. He is responsible. That is a little like Mr Byron's account of what occurred. He said that following a conversation with Mrs Smith he received a telephone call from the Attorney General, who said that justice was not viewed favourably in Cabinet. That is the Attorney's problem!

Hon MURIEL PATTERSON: Hon Ljiljanna Ravlich could not have been further from the facts of the case. It was thought initially that Mr Payne could be placed in a different area. It is as simple as that. That is not unusual in the Public Service. Mr Byron picked it up as a personal matter. We do not know how personal, except that he returned to Victoria very quickly.

The bottom line is that the Premier of this State has the responsibility to manage this State with the assistance of his ministers. The Premier, as the responsible man that he is, must have his policies adhered to. Therefore, he has the right to seek the best person for the job and to make changes where necessary.

Hon Ljiljanna Ravlich: He also has an obligation to go through due process.

Hon MURIEL PATTERSON: This also applies to his ministers. Recently the Premier made small changes in his ministry and he did not change the Attorney General.

I take exception to involving Mr Fletcher, the Premier's chief of staff, in the public accusations. How else can the Premier have his wishes made known? That is how all previous Premiers have used their trusted chiefs of staff. Both Payne and Byron, longstanding public servants, were well aware that Mr Fletcher was conveying a message and did not have authority to enforce any action. Mr Byron, the Director General of the Ministry of Justice, and Mr Payne felt there was a lack of communication with the Attorney General, Hon Peter Foss. I asked a question of Mr Payne to the effect, "Surely as only one person removed from the Attorney General, you could have approached him and asked him if your work was satisfactory?" Mr Payne replied that he could not. Therein lies the problem: A senior officer with approximately 30 years experience in the Public Service did not have the confidence to approach the Attorney General.

Hon Ken Travers: Is that a problem with Mr Payne or the Attorney General?

Hon MURIEL PATTERSON: Mr Payne lacked whatever confidence he should have had to approach the Attorney General.

Hon Ken Travers: Even your own report said everyone else in the ministry agrees with him.

Hon MURIEL PATTERSON: As soon as the Attorney General was aware there was a problem, he expressed the desire to discuss the matter with Mr Payne and Mr Byron.

The committee made some recommendations where it felt improvements to management could be made. This situation is a political manoeuvre with the intent of damaging the Premier, the Attorney General and Mr Fletcher. The time, effort and cost could have been spent on more important matters. However, I agree with the chairman of the committee when he said that the issue introduced an area in which there are serious problems - that is, the prison system - and I look forward to being part of that investigation.

Progress reported.

Report

Resolution reported and the report adopted.

Sitting suspended from 1.00 to 2.00 pm

VOLUNTARY EUTHANASIA BILL

Introduction and First Reading

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

Second Reading

HON NORM KELLY (East Metropolitan) [2.02 pm]: I move -

That the Bill be now read a second time.

This Bill is introduced to put in place legislation to govern the administration of voluntary euthanasia in this State. Its purpose is to create a legal and medical framework, whereby mentally competent adults who are suffering from a medical illness or condition that will most likely lead to death can legally request the means to end their lives. Numerous surveys, polls and reports have all indicated that there is a demand for this type of legislation in the Australian community. In the context of a modern liberal democratic society, individuals should have the ability to exercise personal choice on moral issues of this nature.

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 which 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. Voluntary euthanasia is a personal decision that can only be made by the individual, and in accordance with the individual's own conscience and moral sensibilities. Individual rights, however, need to be balanced with those of the wider community. Human beings are not isolated individuals. We are all interconnected, we all affect one another, and we share a common humanity.

One of the distinguishing features of a modern democratic society is that we believe it is wrong when vocal or powerful groups in our community have a disproportionate say in determining or limiting the choices for the rest of the society. 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. We must acknowledge the rights of individuals to have their own belief systems - so long as those belief systems do not adversely affect others. This Bill does not impose the principle or practice of voluntary euthanasia on anyone.

However, what it does provide is the legal and medical structures for members of our community to end their lives, should the pain and stress of living with a terminal illness or condition become insufferable.

According to the Legal and Constitutional Senate Committee Inquiry into Euthanasia, compiled in 1997, 672 Australians over the age of 75 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. However, I will say that a number of those suicides were very likely driven by the dread of an inevitable, painful death, or a continuing unbearable existence.

We should not be forcing adults with a terminal condition into a position where they feel compelled to take their own lives, using whatever means they have available, as a way of escaping their unbearable pain. In a civilized, mature and humane society, we should be offering a more merciful and dignified option for those who desire it. Another central reason we need laws governing voluntary euthanasia is that there are times when palliative care services, no matter how advanced or how accessible, cannot always address an individual's suffering to the satisfaction of that individual.

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. We recognise that for a large number of patients, good quality palliative care is effective and fully addresses their needs. However, we, along with many others in the medical profession, also agree that no matter how good palliative care services are, or what life-prolonging technologies are developed, there are always some cases where these services cannot meet an individual's needs.

For a proportion of terminally-ill patients, pain relief or life-sustaining options only address part of their suffering. As the Standing Committee on Constitutional Affairs reported -

The NT Inquiry reported that one in twenty people suffered unrelieved pain during the terminal phase of their illness, irrespective of the quality of palliative and hospice care available. This figure was also cited in submissions to the Senate Inquiry.

Marcia Angell, the Executive Editor of the *New England Journal of Medicine*, has recently stated that -

... 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.

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% of respondents had been asked by a patient to hasten his or her death;

nearly 30% had taken active steps to bring about the death of a patient, and of these doctors, over 80% had done so more than once;

nearly 60% 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 cases each year. On a population basis, that would equate to approximately 200 acts of active voluntary euthanasia in Western Australia each year.

In my research into voluntary euthanasia, I have conducted a random survey of 100 medical practitioners in the East Metropolitan Region. The results from that survey showed that -

over 50 per cent of respondents had been asked by a patient to hasten his or her death; and

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.

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, or 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 need to bring it out into the open and stop sticking our heads in the sand and saying that this is not going on. The purpose of this Bill is to formalise and decriminalise procedures which are already being practised. We want to bring it out of hiding, into the open, where it can be subject to formal controls, stringent safeguards and proper scrutiny. We also want to ensure that doctors who work in accordance with those controls and stringent safeguards are afforded legal security for their actions.

Common law currently protects the right of patients to demand that their treatment be withdrawn. It protects medical practitioners who, following the wishes of their patients, remove life support machines or life-sustaining drugs. This protection is consistent with the removal of the criminal offence of suicide in all Australian jurisdictions. What this Bill proposes is not vastly different from the protections offered to both the terminally-ill patient and the supervising medical practitioner existing at common law. What this Bill will change is that a patient, instead of enduring unbearable pain and intolerable suffering over days or possibly weeks, will be able to die in a quick and painless way. It is wrong and potentially more dangerous to keep turning a blind eye to an uncontrolled practice as vitally serious as this. Doctors must be held accountable for their actions. Those who work within controls and guidelines should be afforded appropriate legal protection.

I will now outline the main provisions contained in this Bill. Since the Voluntary Euthanasia Bill 1997 was originally introduced and second read in October last year, I have been continuing to seek legal, medical and community comment on that Bill. In addition, the report on voluntary euthanasia by the Standing Committee on Constitutional Affairs has since been tabled. As a result of this advice and taking into consideration findings in the report, we have made some changes to the 1997 Bill. A number of these are minor technical changes, which have been made for clarification. Other changes have the effect of strengthening the safeguards contained in the Bill, and I will explain these changes in the following comments on the Bill.

The purpose of this Bill is to put into place legislation which governs the administration of voluntary euthanasia in this State. It will create a legal and medical framework whereby individuals who have an illness or medical condition that will most likely cause their death can legally request the means to end their suffering. 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. In conjunction with that, 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.

Clause 4(2)(a) of the Bill contains a change from the 1997 version, to ensure consistency with the purpose of the Bill contained in clause 3; that is, to clarify that the legislation applies only to those people who have an illness or medical condition that will most likely cause the death of the person. 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.

Clause 7(b) of the Bill has also been changed from the 1997 version, to ensure that the applicant, when receiving information on palliative care options, including counselling and psychiatric support, receives that information from a medical practitioner who has particular expertise in the field of palliative care. This change addresses some concerns that have been expressed by palliative care specialists, both in the Northern Territory inquiry and in the more recent evidence presented to the constitutional affairs committee in June of this year, that some doctors may not be fully informed of recent advances in pain relief that can now be achieved through palliative care. We have taken these concerns on board so that clause 7(b) of the Bill ensures not only that the applicant receives comprehensive and up-to-date information on his or her palliative care options, but also receives this information from a medical practitioner with palliative care expertise.

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, forfeits any financial gain or advantage resulting from the applicant's death; a request can be revoked by the applicant at any time or in any manner; and where a patient becomes mentally incompetent after making a request, but before all the administrative conditions have been met, the request automatically lapses.

In administering voluntary euthanasia under this 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 officially making 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.

As legislators, we have a duty and responsibility to deal with this important community issue. We must not bury our heads in the sand and say it is too difficult to deal with. We need to encourage wide community debate based on the legal and moral issues surrounding voluntary euthanasia. These issues include modern medical practice, individuals' rights, and community interests. 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. In the search for an answer to this question, we must recognise that our actions as part of a society must not override or in any way limit an individual's personal choice or belief systems, or the individual's right to self-determination over his or her own body.

The essential principle behind this Bill is to give individuals the ability to exercise a personal choice and have control over their own bodies. As the title of this Bill clearly states, this Bill is about a voluntary choice for those individuals who choose to have this as an option. To quote John Stuart Mill from his famous treatise "On Liberty", the only purpose for which power can be rightly exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.

I commend this Bill to the House.

Debate adjourned, on motion by Hon Muriel Patterson.

LAPSED BILLS

Restoration to Notice Paper - Assembly's Message

Message from the Assembly received and read acquainting the Council that it had agreed to its request that the Assembly resume consideration of the following Bills at the stage they had reached in the previous session -

1. Births, Deaths and Marriages Registration Bill.
2. Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Bill.
3. Criminal Law Amendment Bill (No 1).

ADDRESS-IN-REPLY

Motion

Resumed from 19 August.

HON MARK NEVILL (Mining and Pastoral) [2.19 pm]: I will raise a number of issues today. The first relates to research into asbestos diseases; the second to energy policy in Western Australia; and the third to matters concerning Aboriginal affairs. If time permits I might comment about the decision to put Graeme Campbell second last on the ballot paper for the federal seat of Kalgoorlie.

Hon B.K. Donaldson: Why?

Hon MARK NEVILL: If time permits.

Hon B.K. Donaldson: Who decided to do that?

Hon MARK NEVILL: I am talking about the decision to put him after the Liberal Party candidate.

Hon B.K. Donaldson: Who made that decision?

Hon MARK NEVILL: The member knows, so he should not ask rhetorical questions. If he does not know, he should do.

Most of the research in this State in respect of Wittenoom has been centred on vitamin A therapy. Last year I drew the attention of the House to some fairly major international studies which showed that, at least, beta-carotene therapy

had no impact on cancer prevention. Another study of 22 000 doctors showed there was a likely significant increase in lung cancer mortality and cardiovascular disease. There is a real risk that the vitamin A program we have been undertaking in Western Australia has done more harm than good. The jury is certainly out on that question. One problem is that our population is so small that we never know whether the results are valid. The unfortunate aspect, as I see it, is that we have a unique situation in Western Australia which we should be exploiting, for want of a better word.

The Wittenoom story is a tragic, modern industrial disaster. It gives us a unique set of circumstances which we need to take advantage of so that the people who have suffered because of it have not suffered entirely in vain. A number of studies should be done, but I am not sure who would initiate them. One study should simulate the original mining and milling conditions at Wittenoom. Between about 1948 and 1964 a number of dust measurements were taken by an old instrument called a koniometer. Subsequent to that thermoprecipitators and membrane filters have taken dust measurements. However, we do not know the relationship between the old koniometer measurements and the modern measurements. We have no real reference points of what exposures those people had 30 or 40 years ago. A study should be set up at Wittenoom using those three dust measuring devices so that we can relate all those measurements that were done in the 1940s and 1950s with modern measurements. Then we will have a better idea of just what the exposure levels of those people were. The data we would get from that study would be invaluable in furthering our knowledge of the risk that people are exposed to, not only at Wittenoom but in other historical situations outside Australia. If those studies were done in parallel, we could derive conversion factors for those old studies and we would then be able to interpret those older measurements taken at Wittenoom.

Another study I believe should be done at Wittenoom relates to a simulation of domestic exposure conditions. About 33 environmental mesothelioma cases of women and children in the home have died of that condition. The Musk group at Sir Charles Gairdner Hospital says that there were very low exposure levels. The view of many people is that they were incredibly high exposure levels, levels much higher than any carpenter or plumber would have experienced in subsequent years.

Hon Bob Thomas: It might be high compared with the exposure that our parents had.

Hon MARK NEVILL: No. That is not a good comparison because we are trying to look at the significance of these so-called low doses. When they are compared with the exposures that the member and I may have had, they are massive. One of the houses in the settlement should be set up and a study should simulate an environment which includes the asbestos dust in overalls being shaken out. We must design these experiments very carefully, otherwise we will not get any significant results.

Hon Bob Thomas: Our fathers used to bring this stuff home on the back of trucks and top dress the lawn.

Hon MARK NEVILL: That is correct.

Hon Bob Thomas: The place was riddled with the stuff.

Hon MARK NEVILL: Absolutely. That belies the whole suggestion that those environmental mesotheliomas were the result of low exposures. That is precisely the point I am making. In my view those people were subjected to massive exposures. In this controlled environment we could shake the dust from the clothes. The clothes were brought home and they were shaken out, washed and dried. We would get some idea from measuring the fibre that becomes air borne of the exposures that those women and children had in the home. They may have been minimum exposures, but I think we would find they were very significant indeed. It would allow us to understand better the risk factors in people with these levels of exposure. Whether we call them relatively high or relatively low does not matter. We do know that when we look at the lungs of those women and children, we find they have massive lung burdens of asbestos fibre, millions and millions of particles per gram of dry lung tissue that is one-tenth of the normal wet lung tissue. I have no doubt in my mind that those people were subjected to massive exposures in their homes. This study would help quantify and would put some pretty basic levels onto what those exposures were. The third study that must be done in Wittenoom on that group of people - Hon Bob Thomas is one who lived in Wittenoom - would work out the biological determinants of susceptibility to mesothelioma.

I cannot see that we are doing much more than giving people vitamin A at the moment. We should be doing a whole series of tests on that cohort of people from Wittenoom - blood tests and DNA tests - progressively over a period, and seeing which of those people contract mesothelioma. We can work back from that to ascertain the factors that caused their susceptibility.

We know it is not random. Three members of a family at Wittenoom have contracted mesothelioma. A fairly celebrated case in England involves five or six people in one family who worked in an asbestos factory in London and who all died of mesothelioma. There are genetic predispositions to contracting that and any other cancer. That study would be very useful. These people are all identified sufferers and have been studied for 25 years. If it were

done properly it would offer a unique opportunity in this State to assess individuals in detail at all levels to see how the group that developed mesothelioma differs from the group that did not. That work is not being done.

Hon Simon O'Brien: Is anyone still living in Wittenoom?

Hon MARK NEVILL: Yes, I think the population is 30. Most of the facilities have been removed, only dwellings remain. The risks of living in Wittenoom are not significant. In chemo-prevention studies, such as the vitamin A program, other drugs can be used. There is room for other chemo-prevention studies to be done on this unique Wittenoom cohort to assess their effect. As I said, evidence now suggests that beta carotene has had no effect on reducing cancer. Two major world studies suggest the effects were so bad that one of the studies among, I think, 22 000 doctors in the United States was stopped dead when it was discovered that it heightened the increase in lung cancer in the group taking vitamin A.

Another series of studies done around the world has not been done in Wittenoom; that is, examining the lungs of animals living in the areas in which the blue asbestos tailings exist. In Africa studies have been done on the lungs of monkeys, mules, dogs or whatever animals roam around the area. In Wittenoom hundreds of kangaroos and many goannas live around the old mine site and settlement. Some useful studies could be done on their lungs. The older kangaroos are probably 20 years old so they would have had a great deal of exposure.

Hon Max Evans: Could the Standing Committee on Estimates and Financial Operations go up and do research?

Hon MARK NEVILL: I do not know who we can interest in such studies these days. Universities and government departments have cut back in the area of research. WorkSafe Australia provides an inspection function only; it does no research. It is a worry that, in this economic rationalist world, everything is cut back until nothing is left. It is becoming a sterile environment where everything is judged by the cost of a telephone call.

Hon Max Evans: It is a good suggestion.

Hon MARK NEVILL: The universities do not seem to have the money. We do not have big foundations like those in America. Perhaps we could get an American benevolent organisation to help fund this work. I am confident we could interest international scientists in it.

Hon Max Evans: Gina Rinehart should be asked.

Hon MARK NEVILL: The CSR Limited group should put some funds towards it. Many of these studies are not expensive.

Hon Max Evans: Lang Hancock started it all.

Hon MARK NEVILL: That is correct. The animals in that environment are called sentinel animals and studies could give us a good idea of the deposition of fibres in their lungs. Twenty or 30 of the animals could be studied. It is not as though they will be wasted. The Youngalena community of Aboriginal people is about 15 kilometres from Wittenoom. If a kangaroo were bowled over and its lungs removed - they would have to be inflated and packed properly for the study - I am sure the rest of the animal would not go to waste.

Hon Derrick Tomlinson: I will have the tail!

Hon MARK NEVILL: I will see if I can arrange it. Does Hon Derrick Tomlinson want it mailed?

Hon Derrick Tomlinson: Preferably airmailed!

Hon MARK NEVILL: We are letting a classic opportunity go because our focus is on the very small area of vitamin A on which the researchers at Sir Charles Gairdner Hospital have been concentrating. I may be being unfair by saying that and they may be doing some other research. The issue needs to be brought outside the medical arena and into the occupational health and safety area. Who in Australia is interested in that? I do not think WorkSafe Australia funds anything.

Hon Max Evans: WorkSafe has been reluctant to put more money into a study. It was not given a clear overview of what should be done.

Hon MARK NEVILL: I agree with WorkSafe WA. I spoke against that study because it should have been done in Sydney or Melbourne. The studies should be done where the most affected population exists. Although the Wittenoom mine is here, 70 per cent of mesothelioma cases in Australia are in Sydney and Melbourne. The crocidolite mine has always been in Western Australia and only 6 per cent of cases resulted in mesothelioma. It just goes to show that one must get a handle on the risk. That is why I have always argued that the evidence shows that a significant risk does not exist at Wittenoom.

I refer now to the Government's energy policy of which I am very critical. Until recently the Government has had an easy run on energy policy in this State. Generally it has made an absolute mess of it, but it has got off lightly. The Government started quite well when it was elected and implemented some of the Carnegie inquiry recommendations, one of which was to split the State Energy Commission of Western Australia into separate gas and power corporations. That was done well.

Since then, the Government has stalled and probably gone backwards. The next effort was the goldfields gas pipeline project. We now have probably the most expensive gas transmission rates in the world. Until about three months ago it cost \$3.56 to ship a terrajoule of gas from the North West Shelf to Kalgoorlie. Over a similar distance from Palm Valley near Ayers Rock to Darwin it cost about \$1.70. From Moomba to Sydney it cost something like 90 cents.

Hon Max Evans: It was uphill.

Hon MARK NEVILL: It was uphill and downhill! The amount of \$3.56 was ridiculous.

Hon Max Evans: Why the big difference?

Hon MARK NEVILL: That is what we cannot find out. We have a monopoly pipeline from the North West Shelf to Kalgoorlie. Wherever there is a monopoly there should be transparency of costs and pricing so that people know they are getting a fair and reasonable price which might be 7 or 10 per cent return on capital, depending on the risk. The costs of the goldfields gas pipeline were not disclosed nor was an independent regulator put in place to sort out any problems. The people who do not have an interest in the pipeline are called third parties. People who want third party access to the pipeline have no idea whether they are paying a fair and reasonable price. I have always thought that they have been had a lend of. The whole process has lacked transparency. There has been very little expansion of energy in the Kalgoorlie market, because it has been priced just marginally below the cost of diesel. It is not even worth one's while to sell an existing diesel power second-hand and put in a gas turbine and connect to gas. I know that Sons of Gwalia at Leonora, Croesus Mining NL and a couple of other mining companies have signed up with Western Power for new power contracts - good on them! However, that means that gas is not competitive enough, even to beat Western Power.

Hon Max Evans: You have to look twice at whether you take gas onto Esperance at that cost.

Hon MARK NEVILL: It is not feasible at the current prices, because they are ridiculously high. About three months ago they announced a 15 per cent reduction. Most of us were looking for a 50 per cent reduction, if not more; or at least to a level that is about one-third of what it is now.

Goldfields Gas Transmission Pty Ltd has been unsuccessful at increasing the market. A company must decide how it will make its money: By increasing the pipeline throughput or by offering a high tariff. ICI Australia Operations Pty Ltd wanted to build an explosives plant near Mungari estate near Coolgardie. The cost of delivered gas was too high, and ICI could not get GGT to lower it. Anaconda Nickel Ltd had to take the gas price it could get. Companies like Anaconda are more occupied in getting a project up, when it has a window of opportunity. It cannot spend five years haggling about gas prices if it is trying to build a billion dollar plant. What did Anaconda do? It paid for it.

Last Friday's *The Australian Financial Review* carried an advertisement for expressions of interest by Anaconda from Windimurra to Leonora, which is about 250 kilometres. Anaconda is looking at piping its gas from the Dampier-Bunbury gas pipeline to see if it can get the gas costs down. Obviously it thinks it can or it would not go through that exercise. Precious Metals Australia Ltd will develop a vanadium deposit at Windimurra. That deposit is 130 km closer to the goldfields gas pipeline than it is to the Dampier-Bunbury pipeline, yet the price of gas from the Dampier-Bunbury pipeline is way below that of GGT. That is why the pipeline will go north of Geraldton across to Mt Magnet and onto Windimurra. GGT either cannot compete or does not want to compete. PMA had discussions with them over a long period, but has given up. Now that the pipeline is going to Windimurra, if Anaconda can hook onto that and take it through to Leonora there is some hope for competitive pressures on the goldfields gas pipeline.

If I knew in 1994 what I now know about gas pricing and access, that Bill would never have got through this House in that form. It is a terrible piece of legislation, and it is an embarrassment. Even the Energy Coordination Amendment Bill which is sitting on the Notice Paper inadvertently overrode that legislation. It indicates the mess that we have got into.

I will move on to the Dampier-Bunbury natural gas pipeline. I am one person among a number of people who believe that the sale of that pipeline for \$2.4b is not something we should crow about. The Government set one price - I cannot think of the jargon - of \$1 a terrajoule at the year 2000. It did not get bids on different levels of pricing. It should have called for bids on a pricing level of 85¢, 90¢, 95¢ and \$1 a terrajoule to Perth. Gas at \$1 a terrajoule to Perth is not cheap; it is expensive. Kingstream Resources NL has gas going to Geraldton for a transmission cost of

under 50¢ a terajoule, and if one adds on the extra cost to Perth it is about 70¢. Obviously, they have a large volume of gas which will get the price down. The price to Perth should be about 75¢ to 80¢. By selling the pipeline for \$2.4b at the price of \$1 a terajoule by the year 2000 - not even now - everyone who buys gas will pay a 15 per cent premium to the owner of that pipeline. The Government would have been better off selling the pipeline for \$1 500m or \$1 600m, or whatever price, to get a lower tariff of say 75¢ or 80¢ by 2000. That would generate industry and jobs.

The problem with the Minister for Energy and the Cabinet is that they have been more concerned about protecting government revenue than giving the State competitive gas prices and a competitive energy environment. I would definitely have supported building a second pipeline to Geraldton and then to Perth. In that way the industrial gas could be delivered to Perth. The specifications of the current pipeline require a certain volume of liquids and restrictions on the inert gases, because of Wesfarmers LPG plant. We cannot push any old quality of gas down the pipeline. If the Government had let the licence for a second pipeline it would not get the same price for the Dampier-Bunbury pipeline, but it would get gas on gas competition. That is the only way to bring prices down. How did Kingstream get a less than 50¢ a terajoule price to Geraldton? It was simply through the threat of a second pipeline! No-one else will get that price, because it is a monopoly. The Government has given Epic Energy Pty Ltd a massive monopoly. It has paid a premium for the price which will be reflected in energy prices over the next 10 years.

To compound matters, the Australian Competition and Consumer Commission made a provisional decision last year to break up the North West Shelf Gas partners' domestic marketing arrangements. Another word for marketing arrangement is "cartel". That has now been reversed by the ACCC.

The North West Shelf Gas partners sell their gas overseas in ships. Each ship that leaves Karratha is owned by a different company. It is a shipment for Mobil Oil Australia Ltd, BP Oil, BHP Petroleum Pty Ltd, Shell Australia Ltd or whatever. They market their overseas gas separately. Those companies asked the ACCC to authorise them, under the Trade Practices Act, to market their gas domestically in a collective fashion. That means that one has to deal with North West Shelf Gas, and not Mobil, Woodside Petroleum Ltd or Shell for a price as is the case with overseas buyers.

The point that concerns me is that Woodside has virtually all the reserves of uncommitted available gas in the State because the Kingstream contract with Apache Energy has tied up all the other available gas, plus Apache has to find more gas. That is why it has a very progressive exploration program; it has to find more gas to satisfy the contract. No other gas is currently available for any large consumer in this State. They have to buy gas off the North West Shelf. What have we given it? A monopoly. The State Government failed by not putting any submission to the Australian Competition and Consumer Commission. The only group in the State Government which had any guts to put in a submission was Western Power, which opposed it for good reason: It is buying gas off Woodside. What happened to the rest of them? There seems to be a bit of collusion, because we have this cosy arrangement all the time; Woodside had private talks with the ACCC. There was no government position on it and that was pretty gutless. AlintaGas did not put in a submission, nor did the Office of Energy and nor did the Department of Resources Development. Private discussions took place. The more I see that group working together - AlintaGas, DRD, the Office of Energy and the minister - the more I realise that they are creating problems in this State that will be similar to the problems we had when the gas pipeline was first built. We will be locked into high energy prices.

We now have a monopoly supplier with the North West Shelf gas partners supplying gas to the south west through a monopoly pipeline at a high price. If any member can tell me where the forces are for cheaper energy, I would appreciate it, because I would like to know. The gas partners are all basically anti-competitive and are forcing the price of energy higher.

The Energy Coordination Act is still in the House; therefore, standing orders preclude my commenting on that. I do not think there is any doubt in any member's mind that that Bill needs extensive amendment. That need reflects on the job collectively done by these people and it is not very flattering. The current Gas Pipelines Access (Western Australia) Bill, which is in the other place, has major problems; it has anti-competitive aspects.

The Minister for Energy is not promoting competition in the energy field in this State. He is promoting a cosy arrangement which protects government revenues, Western Power and AlintaGas. AlintaGas has been given the franchise in Kalgoorlie to reticulate gas in Kalgoorlie-Boulder, and it will cost 6 per cent more than in Perth - it is no wonder with the price of gas transmission down that pipeline. Why should AlintaGas be given a licence to do that? There should be a licence for someone to have a reticulation system and then a licence for suppliers. Why does it have both? Why can it arbitrarily set a price 6 per cent above the Perth price? That is not transparent. We do not know how much it is making out of that. Is it a fair and reasonable price for people to pay? Is it competitive? Can we make it lower so we can do more things in Kalgoorlie cheaper and be more competitive? That process is entirely anti-competitive.

Harking back to an earlier comment, Western Power has recently won the Sons of Gwalia contract and a couple of others. It is on the front page of the Western Power report tabled two days ago. Normandy Power, which is a joint venture between Normandy, Poseidon and Transalta, a Canadian company, has a big power station in Kalgoorlie and has power to burn. It would love to sell it into the grid. Why has it missed out on those two contracts? It has missed out on those two contracts because Western Power can either lower its own transmission price or jack up Normandy Power's transmission price through the powerlines to suit itself and win the contract. There is no transparency. Two or three years ago this Government should have separated the transmission system out of Western Power. It was a recommendation in the Carnegie report. That way everyone would know what it is costing to send power through the system. Companies like Sons of Gwalia can obtain a bid from Western Power and a bid from Normandy Power and both will pay whatever price they pay to the separate transmission company, which is not part of Western Power. The Government has not done that. Western Power does not have the heat of competition on it. The way to keep Western Power honest is to have a couple of private providers in the system, like Normandy Power in Kalgoorlie, the ABB Transalta power station which will be built at Geraldton, and Mission Energy. What happens with Mission Energy? I think Western Power buys all its power. I do not think Mission Energy sells it direct. That is because Western Power owns the transmission system.

Again, it is an anti-competitive force in the system which should have been removed years ago. I forgot to mention earlier about the Windimurra pipeline that goes across there. Western Power is asking the Government to put in a subsidy of \$1.4m a year over 10 years; that is a \$14m subsidy. I have not got to the bottom of that. It may be a good thing. If a company is losing \$3m a year on power generation in Cue, Meekatharra and Mt Magnet, it might be a sensible issue. The way I see the Office of Energy, DRD - which should be abolished - and the minister working, it probably does not hang together too well. However, a \$14m subsidy is going into that pipeline from the State Government into Western Power under that joint venture.

I will summarise: The Government started off well by separating the two power utilities. I would like to revisit some of those issues. None of us new much about these sorts of issues in those days when we were led by the nose by the bureaucrats. It got off to a pretty good start. The Government has mucked up the goldfields gas pipeline legislation because the prices are far too high and there is no transparency. It made a major blunder in the way it sold the Dampier-Bunbury gas pipeline. Price was not the most important factor. The most important factor in the Dampier-Bunbury natural gas pipeline was the cost of gas transmission because it is this that will provide economic development, downstream processing and jobs - not how much the Government receives for the pipeline. If the Government allows it to charge \$2 a terajoule, the Government will probably receive \$3b for it.

The Government must decide its main criteria. It got that wrong. It should have been involved in the ACCC inquiry. I spoke at that inquiry. No-one from the Government attended except Western Power and it was saying the same thing I was saying - that it was anti-competitive and it wanted people to be able to buy gas off the different partners. No-one from the Office of Energy, AlintaGas, DRD or the Government attended.

Energy costs are probably the most important aspect of Western Australia's economy. If a company has high energy costs, it is out of business. If it has low energy costs, it is really in with a chance.

Thirdly, they have failed to take the transmission system out of Western Power. It has been left in there to protect and mollycoddle Western Power. If money is lost on the sale of a natural gas pipeline, it can always be clawed back later by imposing a levy on all tariffs. However, there must be competitive pressures in the market to keep the price down. Nuclear power stations in America have problems as stranded assets that can no longer compete. The owners are forced to sell them at a market price that can give a rate of return and the loss is distributed over the system in the form of a levy to be paid back. A similar mechanism should have been used here rather than grabbing the money and running. The result is an essentially anti-competitive energy market in this state which means less downstream processing, less industrial development, less manufacturing, fewer jobs and more expensive gas prices to domestic users, pensioners and everyone else. With the gas resources that we have, this State should be the beneficiary of that abundant resource in preference to anyone else.

The next issue I want to talk about is my friend the federal member for Kalgoorlie, Graeme Campbell and Australia First. I was listening to the radio a couple of weeks ago and I heard the Prime Minister John Howard ticking off someone in the Labor Party that Australia First was to the right of One Nation. It was a premeditated line, not just something that arose, because I heard the Premier say the same line last week in the other Chamber - that Australia First is to the right of One Nation. In my view that was designed to embarrass the Labor Party, and it was successful because we reacted and put the Liberal Party above Graeme Campbell and One Nation in Kalgoorlie. I will let members into a secret. I believe the enemy of the Labor Party in Kalgoorlie is the Liberal Party, not Australia First.

Hon Derrick Tomlinson: Never let it be said.

Hon Simon O'Brien: It is the truth.

Hon Derrick Tomlinson: The Labor Party is the enemy, not Graeme Campbell.

Hon Simon O'Brien: The Labor Party should join Graeme Campbell, they would win.

Hon MARK NEVILL: I am saying that proposition, which has not been defended by anyone who has been in a position to defend it, is an absolute nonsense. I do not find any of the policies of One Nation objectionable. I am not a keen supporter of citizens' initiated referendums and never have been. The first referendum would be on a 10 per cent rate of tax and everybody would put their hand up.

Hon Derrick Tomlinson: They will all put their hand up for a 10 per cent goods and services tax.

Hon MARK NEVILL: Absolutely. Is that suggestion going to have a referendum on it?

Hon Derrick Tomlinson: Of course. There will be a national poll.

The PRESIDENT: Order!

Hon MARK NEVILL: I was telling the House how deceitful the Liberal Party have been in portraying Graeme Campbell as someone to the right of One Nation. If members visit Graeme Campbell's office in Kalgoorlie they will see more Aboriginals visiting that office in a year than visit the offices of every other member of Parliament put together in Western Australia. He serves a massive number of Aboriginal people, as does the member for Eyre, Julian Grill. I am embarrassed to say they do not visit my office in the same numbers - not that they are discouraged.

Graeme Campbell's office does more immigration work probably than any other federal member's office in Western Australia. His wife, Michelle Campbell, is French and she conducts all the immigration work. She is so competent in that area that cases are referred to them from all over Australia, even from current Labor Party MPs and others. To suggest that someone like Graeme Campbell is racist is objectionable but very convenient for some people.

One of his policies is to lower immigration. He is relatively happy with current levels of immigration. That policy was promoted when we had 140 000 immigrants a year and when New Zealander immigrants were not counted; and that is when they were all coming to Australia. I think he would have no strong objection to current levels. However, I cannot speak for him. To suggest that our immigration policies are non-discriminatory is a load of rot. How many black Africans do we see coming to Australia? None, because we have a discriminatory immigration policy. We have very few -

Hon Derrick Tomlinson: We have a small number. That is not none.

Hon MARK NEVILL: That is right. We beat our breasts and say that we have a non-discriminatory policy. However, we designed it around family reunions so that blacks cannot get in. If it was non-discriminatory we would have roughly similar percentages coming from each continent.

Hon Derrick Tomlinson: It is a pity the member was not at the Seychellois function that I was at last week where at least a third there were black Seychellois.

Hon MARK NEVILL: That is good to hear. I know quite a few people from the Seychelles but I do not know that tricky word the member used. However, I would say they would blend in with the Australian population much easier than the people I am talking about that are excluded by our so-called non-discriminatory policy. I think that Asians make very good immigrants - at least some of them. There are aspects about Asian culture I do not like. I do not like authoritarian approaches to law and order in a lot of cases, although I may support it in particular cases. Generally, there have been many people who have come here from Asia under the business migrant scheme who were criminals. They borrowed the money to pay the \$250 000 entry fee, came here, received citizenship and then repaid the money. There is a lot of evidence of those people coming here. I do not like the culture of corruption found in a lot of Asian countries. I do not like the culture of bartering, which is not a normal Australian custom. If I see a television for \$150 in a shop, I pay it. I do not like to sit for 20 minutes haggling down to \$125. People have views about different groups or races, but that does not mean to say they are racist. As I said, I think Asians make good immigrants. That does not mean to say that one must have views that are completely consistent.

One of the biggest arguments against immigration is the environment. There are many perfectly respectable people in Western Australia who say we should limit immigration to zero. That does not make them racist. The Greens have a policy of low or zero immigration.

Hon J.A. Scott: It is basically replacement.

Hon MARK NEVILL: However, the Greens do not say that issue very loudly because they do not want the tag of being anti-immigration or racist. Are there divisions within the Greens that prevent members from doing that?

Hon J.A. Scott: No. It is not based on racism.

Hon MARK NEVILL: Even if they do not want zero immigration, it does not mean they are racist. These days people attach that tag to anything. In my view the vast majority of people in those parties are not racist at all. Certainly anyone who is a racist would go to One Nation. Where else could they go? I have seen as many racists in the Labor Party. The other day I heard an anecdote from a Labor Party member about an elderly doctor being enthusiastically clapped by an audience when he said that if the hospital at Armadale were privatised, the dreadful Japs would own it.

Hon Derrick Tomlinson: That was appalling.

Hon MARK NEVILL: That to me is directly racist. I understand his words received a rousing ovation from the assembled throng.

Hon Derrick Tomlinson: In fairness, it reflected the age of the audience. Most of them had war experience and they were reflecting the attitudes of the 1939-45 era.

Hon MARK NEVILL: I should have said it was an elderly doctor.

Hon Derrick Tomlinson: It was an elderly audience, egged on by elderly ALP politicians.

Hon MARK NEVILL: I do not know about that, but I wonder how many people ticked him off for being a racist. I doubt whether any did. This whole racism tag and debate is out of perspective. It is most objectionable for people to suggest that Graeme Campbell is of like mind with some racists, and it is absolute nonsense to suggest that Australia First, which is essentially Graeme Campbell, is to the right of One Nation. There is no doubt that One Nation attracts racists, but the vast majority of those people are no more racist than many people in other political parties. That tag is thrown around like confetti these days and it is completely unwarranted.

I now refer to the Aboriginal and Torres Strait Islander Commission. I have been doing some work in communities south of Halls Creek for 15 months, and I have come to the conclusion that, however well intentioned, ATSIC is not very effective. Its structure needs to be changed. ATSIC gives grants for specific purposes, and it is interested only in ticking off the boxes and acquitting the grants. It has no focus on outcomes, and invariably it does not want to know about anything outside its focus of interest. For example, the Balgo community has problems which need to be fixed up, not all relating to ATSIC grants, but ATSIC will look only at its part of the problem in isolation and not the broader problem. I will not go into the detail, but the Ngaanyatjarra Council in the central desert runs its own affairs across the spectrum and ATSIC just gives it money. That provides a more holistic and focused approach. It runs its own land council for land claims, it runs its own health services and owns companies. Everything is pulled together under that council. Balgo has an ATSIC grant controller - the third in a year - who has made little progress and costs a great deal of money. The people the grant controllers put into the community have now left, and after 12 months the community is back to where it started. No progress has been made. A private company was set up by the Catholic Church, which owns the airline and the store at Balgo. It has four Aboriginal directors, and it has a debt of \$1m. ATSIC is not interested in that problem, but until that problem is sorted out no progress will be made.

Hon Greg Smith: They will not let anyone come in and do it cheaper.

Hon MARK NEVILL: I do not know whether that is the solution, but it is allowed. A fast food truck comes from Derby regularly, and it provides Aborigines with the type of food that causes diabetes and the other problems to which Aborigines are susceptible.

Hon Greg Smith: Some people used to go there selling clothes.

Hon MARK NEVILL: They still do occasionally. The whole focus of ATSIC is too narrow to be of any real long-term use. These areas should be broken down into groups of communities, similar to shires, and the council covering that area should be funded so that all the problems can be addressed, rather than different problems in isolation. ATSIC's approach at Balgo has been absolutely unsuccessful.

I am trying to set up a council comprising the four communities of Balgo, Billiluna, Mulan and Yagga Yagga. Our first meeting will be held next month at Billiluna to deal with land claims, mining agreements, and ATSIC's grant cuts. At the following meeting the commonwealth Department of Health and Family Services and, possibly, the commander of the northern police region will visit the area so that the problems in the four areas can be addressed, as they have been addressed so successfully in the central desert. It is not perfect.

Hon Greg Smith: I hope the Government will support you in those efforts.

Hon MARK NEVILL: The State Government has been very supportive of that effort so far. It has yet to be seen whether it will be successful. I think it will, but at this stage I can only hope.

I will give an example to illustrate a problem in the health area. People go to hospital in Derby and when discharged

they are put on a Greyhound bus to Halls Creek. At Halls Creek they may wait a week or more for a lift to Balgo. Often, after waiting at Halls Creek, their health becomes worse than it was when they first left Balgo. We are trying to address issues such as that, where the health system does only half the job. By missing one component, the process often has a negative effect. In other words, people's health is worse when they return to the community than it was when they left. For example, recently the brother of a dialysis patient came to Perth to donate a kidney to his brother in a transplant operation. Because of the dispute in the hospitals, the surgery was cancelled. He was then flown to Derby, caught a Greyhound bus to Halls Creek, and spent three weeks in that town. As a result, his liver is now so damaged that the kidney transplant cannot be carried out. That person should have gone straight to Balgo, it was in Ngaanyatjarra lands and he could have been flown from Kalgoorlie to Warburton, instead of being dumped in a town where he had no accommodation. We know what the consequences of that are in some cases.

HON B.K. DONALDSON (Agricultural) [3.20 pm]: I would like to add my support to Hon Simon O'Brien's Address-in-Reply motion in response to the speech of His Excellency the Governor, Major General Michael Jeffery, at the opening of the second session of the thirty-fifth Parliament on Tuesday, 11 August. I think that His Excellency the Governor and Mrs Jeffery continue to endear themselves to all Western Australians. They continue to uphold the great dignity of the office in a very fine manner and they go about fulfilling their responsibilities in a friendly manner.

Hon Simon O'Brien: Hear, hear!

Hon B.K. DONALDSON: It is also very important to note that, because of the constraints of time, Hon Simon O'Brien unfortunately was unable to comment on the role of the sniffer dogs of the Australian Customs Service and the quarantine dogs at the airport - the little beagles with the little blue cases. Hon Simon O'Brien was involved with them for a long time as we all are fully aware. It is great to go to the airport and see the little dogs trotting around. I think anybody can approach them fairly safely; I do not think they would bite. They are playing a large role in the area of customs and quarantine protection, in the detection of both drugs and fruit, as some people may bring in fruit without realising that diseased fruit are a danger to industries in this State.

Hon Simon O'Brien: I am sorry that I was not able to cover that, but the President advised me I had to be brief.

Hon B.K. DONALDSON: I knew the member had constraints of time because many members had their guests and their wives or partners here and of course his time was cut short. I look forward to another occasion when we can be better informed by Hon Simon O'Brien on the real values and merit of these dogs, both the sniffer dogs and quarantine dogs at the Perth Airport.

I also put on record my congratulations to Hon Eric Charlton for the manner in which he carried out his responsibilities as Minister for Transport. He was not afraid to tackle the hard issues; he was quite courageous at times, and he certainly had great vision. I think he has set the blueprint for the future of transport in Western Australia.

Hon Derrick Tomlinson: Hear, hear!

Hon B.K. DONALDSON: I believe history will show that. While he was at times caricatured by cartoons, he took it in excellent humour which itself expanded his profile. Many people may have forgotten or may not be aware that Hon Eric Charlton and I contested the 1984 Central Province by-election.

Hon Derrick Tomlinson: I knew that.

Hon B.K. DONALDSON: I know that Mr President would well remember the day - it was 17 November 1984 - because that was the day that our current President of this Council was elected to the Parliament in a by-election for the lower House seat of Mt Lawley. I am always acutely aware of when our President entered Parliament; it is entrenched in my mind. We had a very hard-fought contest. Eric was successful and I assure members that during the six or seven weeks of campaigning, there was no malice between us and I believe we have remained good friends since that time. I have been very supportive of what he has been trying to achieve. I also recognise the benefits he has been able to provide in the area of transport to much of country Western Australia. I would like to have that on public record because we did not have the opportunity to say these things to him, but I certainly hope that at a later stage of this year he may join us and give us an opportunity to thank and congratulate him. After 1984, when you were the member for Mt Lawley, Mr President, I did not realise that eight years later I would join Eric as a colleague in this House as a member for the Agricultural Region.

I also take this opportunity to congratulate Hon Murray Criddle, another Agricultural Region member. We seem to do well in those stakes. I know Murray will do a very good job in his role as the new Minister for Transport. He is prepared to listen, he is very constructive in his approach and he has been a very valuable member of the coalition since he entered Parliament in 1993. I wish him well and he can be assured of my support.

I also welcome Hon Dexter Davies to the House. Dexter has been very much in the political limelight over a number of years as President of the National Party. I believe he brings some great experience into this House and will go on to make a significant contribution to the Parliament of Western Australia. It is interesting that Dexter's family lives at Wyalkatchem. I lived just up the road in Koorda. We have a very close affinity in the sense that the Koorda-Wyalkatchem hospital is the district hospital, based in Wyalkatchem, so there has always been a very close link between the towns. It is a very good representation when one considers that we currently have three members of Parliament coming from an area within a 50 kilometre radius. I do not like to say that too loudly -

Hon N.D. Griffiths: For the sheep.

Hon B.K. DONALDSON: Obviously we must have some very good talent in that area. I welcome Dexter and wish him well. I hope that he will enjoy Parliament as I am sure each and everyone of us does at the present moment. At times it is frustrating, but we still get a lot of enjoyment and fun out of it. If all members can remember to step back and laugh at themselves occasionally, we will all be the better for it.

I am always pleased to sit in the House when Hon Mark Nevill speaks because he has a great knowledge of the mining, oil and gas industries. I am aware of the considerable knowledge that he brought to that Energy Coordination Act debate. He pointed out a number of facts during his second reading contribution and history now records that he was absolutely right and there have been many changes made to that piece of legislation. I do not think it has resurfaced yet; if it has, I do not know about it. I know significant changes have been brought about by his expertise. I often look at Hon Mark Nevill sitting across the Chamber and think to myself, "What a waste; he would make a brilliant member of Parliament on this side."

Hon N.D. Griffiths: He cannot wait to get into government, and he will be there very soon!

The PRESIDENT: Order!

Hon B.K. DONALDSON: I think all of us on this side have a very healthy respect for Hon Mark Nevill and at times I wonder whether that respect is reflected in some of his colleagues - I do not know - but I urge them to listen to Hon Mark Nevill more often, because I think they could learn a great deal from him. None of us should ever walk away from the fact that we never stop learning. When people believe they are the sole font of knowledge, they are in really deep trouble. I am not looking at anybody. I might have been looking at Hon Nick Griffiths.

Hon Nick Griffiths interjected.

The PRESIDENT: Order!

Hon B.K. DONALDSON: One of the disappointing things for me in the past couple of days was to witness one of the most outrageous and scandalous things that I have seen or heard about for a long time. It was tied to the amendment to the Address-in-Reply motion of Hon Simon O'Brien. I know I must be very careful; I am trying to be as careful as I can.

Hon N.D. Griffiths: Try harder.

Hon B.K. DONALDSON: I place on the public record that I was very disappointed. It brought no credit to this place for people to justify the process attempted in this House on an eye-for-an-eye basis because it may have happened once before. We should be made of better stuff. I am disappointed that such action was taken, and in the people who supported it and voted accordingly. I will not say any more as you, Mr President, are looking at me suspiciously and I might be ruled out of order. However, I record that I was vigorously opposed to that process.

Hon N.D. Griffiths: How did you vote?

Hon B.K. DONALDSON: Last November when listening to debate in the House over some weeks, and upon reading *The West Australian* every day, I became tired of being told what a terrible State we live in, and that everything is wrong with this State. Hon Kim Chance took it the wrong way when I said that he should have a haircut and get a real job. Surprisingly enough, Hon Kim Chance had a haircut, as did Hon Ljiljanna Ravlich, before returning to the Chamber the following Tuesday.

Hon John Halden: Who got the real job?

Hon B.K. DONALDSON: Everybody had seen the light. For a while, a more positive approach to debate was adopted in this House. The House is slipping back into this bad trait at odd times. It is very negative. I said last November that I believed every young person aged from 17 to 20 years should be given \$20 000 to \$25 000 to travel overseas to see how other people live. Travel opens the eyes to how lucky we are to live in a country like Australia, and particularly in a State like Western Australia. We forget how lucky we are. Nevertheless, if one picks up the newspaper every morning, one is depressed before the day starts.

Hon N.D. Griffiths: You sound like a Dockers supporter!

Hon B.K. DONALDSON: I have been a great supporter of the Eagles; that is why I am on this side of the House as the coalition is successful. A great thing about this side of the House is its very positive approach. The Government is moving forward with vision. I see members opposite trundling along.

Hon John Halden: What is the white cane for?

Hon B.K. DONALDSON: Members opposite plod around in the past. It is a concern.

Hon N.D. Griffiths: Your leader never talks about the past!

Hon B.K. DONALDSON: I may not agree with what other members say but I respect their views. No-one in this House could say otherwise. Members opposite disappoint me. I know the role of Opposition is to oppose.

Hon Bob Thomas: You will get a lot of experience.

Hon B.K. DONALDSON: If members opposite see a chance for a free kick, that is fine. I will probably never get the opportunity to learn what opposition is all about. We are elected by the people of Western Australia to represent our regions and the people beyond our regions. I believe in constructive criticism, ideas and thoughts which, without giving the Government free kicks, could be raised in debate. I earlier alluded to Hon Mark Nevill, who brings such an approach to the House. His speeches are not vicious. He tells the Government where he think it has gone wrong, and usually he is not far wrong. I urge Hon Mark Nevill's colleagues to listen more closely to him and to adopt a more positive approach. I certainly urge the Greens to do the same. I often wonder what they expect of the people of Western Australia. Are we to replant trees over all Western Australia and sit in riverbeds and catch fish?

Hon Giz Watson: It sounds very pleasant.

Hon B.K. DONALDSON: It would probably be environmentally irresponsible to do so. At times, I wonder what the hell we are doing in this State. I am proud to live here. Certainly, I feel lucky to live in a land which presents opportunities to us all if we grab them with both hands. Why not make more positive comments rather than negativity day in, day out? That is the end of the sermon.

Hon John Halden: I think you would make a better Leader of the House than the current Leader of the House. How's that for positive?

Hon B.K. DONALDSON: I now take a tour through my electorate, which I share with Hon Dexter Davies, Hon Murray Criddle, Hon Kim Chance and Hon Murray Nixon. We are very fortunate. We are paid to work in this magnificent electorate which people pay a lot of money to visit. It is very diverse in many economic aspects, and has presented many wonderful opportunities to many people over many years. Activities in the electorate extend across a broad spectrum with tourism, industrial development and all forms of agriculture. We have the commencement of excellent fin fish and prawn production on the central west coast. We have seen growth - on the edge of the electorate, certainly - in the Yilgarn area. I am sure Hon Mark Nevill is aware of the encouragement of the latest exploration with even greater goldmining potential anticipated. We are very fortunate.

I now outline some of those tourism ventures in towns in this region. The National Party held its conference at Hyden not far from Wave Rock. The Rix family operate the Hyden hotel-motel, which is one of the best in . I understand 130 000 people have visited that hotel this year.

Hon M.J. Criddle: It may be more.

Hon B.K. DONALDSON: I was impressed by the fact that 12 000 people visited the hotel in the month of January three years ago. It gets damned hot in the wheatbelt, and this number of overseas, as well as domestic, visitors turned up in January. The Rix family extended the hotel. In fact, 17 new businesses have opened up in the Hyden townsite, and these have been generated by people with initiative and innovation and who take the positive approach to life. Opportunities exist. People are grabbing them and creating wealth not only for the township of Hyden, with resulting employment opportunities for many, especially young people, but also contributing to the wealth of the State. That is not an isolated case.

One can find some excellent ventures from Kalbarri to Esperance. The McKenzies in Esperance have a charter boat operation to Woody Island. People are grabbing tourist opportunities. A section of our coast has been untapped; namely, the central west coast has suffered from the cul-de-sac at Lancelin. It is necessary to back right out to the main highway before heading back to the coast at Cervantes. This access coast road is in the 2002 program. I referred to that road in my maiden speech in 1993. I know the previous Minister for Transport was very keen to pursue this venture as quickly as possible. I will be talking to my other colleague -

Hon M.J. Criddle: He is listening.

Hon B.K. DONALDSON: - urging him to create the linkage, the proposal for which Hon Eric Charlton set up.

I said to Hon Eric Charlton one day when he was opening a lime sands road that I would move in the party room that we scrap the name Indian Ocean Drive for the road that will extend from Jurien to Lancelin and call it the Charlton Highway, if he could get it built within 18 months. He said he would love to do that; however, there were some problems with the defence firing range. That road from Green Head to Jurien is now open, and it is surprising how much traffic and how many tourists use that road. The owner of the Green Head caravan park told us that his business has increased by 25 per cent since people have been able to access Green Head and get back onto the Brand Highway by a sealed road, because they will not tow a caravan on a gravel road. I can understand that, because a gravel road knocks the life out of the light caravans that many people use these days.

That coastline is magnificent, and Western Australia is very lucky to still have that coastline in stock. Access has been provided to much of the coastline, and once agreement has been reached about the road alignment for the defence firing range north of Lancelin and the road that links Cervantes and Dongara, that road will be well used by tourists and will open up new business opportunities. Some of the people who will be removed from their squatters shacks may purchase land in some of those towns so that they can grab the opportunities that will be provided.

The Oakajee project will also provide wonderful opportunities for many people. I know that some of my coalition colleagues, and other people, do not support that project, but employment opportunities need to be provided in the Geraldton and mid-west area. Geraldton always been a service area for the hinterland. A lot of mining activity takes place in that area, and it has a very successful lobster processing industry. Geraldton is a very vibrant town, yet for some reason it has lacked employment opportunities for young people. I hope that the Asian economic downturn will be redressed quickly so that these industrial developments can go ahead. If the Oakajee project does come on stream, it will also provide a deepwater port. I believe that the ancillary service industries for the proposed slab steel and direct reduced iron plants will be the start of many other projects, and that we will see the downstream processing of other minerals in the Geraldton region, perhaps at the Oakajee industrial park, and that in 100 years, Geraldton and the mid-west region will have a huge population. The upgrading and sealing of many of the roads in that area has been of great benefit, and the advent of cheaper gas - I agree with Hon Mark Nevill that it could be even cheaper - will reduce the cost of energy considerably and assist many of those industries to be viable.

The agricultural sector has a cyclical nature. In 1963 I bought a tractor called the king of the wheat fields. It was a Chamberlain Super 90.

Hon Simon O'Brien: Was it red?

Hon B.K. DONALDSON: No, it was orange.

Hon J.A. Cowdell: How many horses did it need?

Hon B.K. DONALDSON: It needed about 50 horses to push it to get it started. It is incredible to think what has happened in the past 30 years. Western Australian farmers have always been highly rated as among the most successful dry land farmers in the world. They have had to move with the times. They experienced some poor seasons during that 30 years, some low commodity prices and some cost escalations for fertilisers and chemicals, but they were true to form and tightened their belts, were very resilient, and made the necessary changes.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon B.K. DONALDSON: I am a bit concerned, following that lengthy break, that I might not be able to complete my remarks before we adjourn. Will the Leader of the House consider coming back tomorrow so that I can complete them?

Hon Ken Travers: We will extend your time.

Hon N.D. Griffiths: Why don't you just post your speech to us?

Hon B.K. DONALDSON: Before the afternoon tea adjournment I was talking about the resilience of our farmers.

Hon Tom Stephens: They need to be, under your Government.

The PRESIDENT: Order!

Hon B.K. DONALDSON: In the 1960s we grew primarily wheat and barley. In those days samples were taken from

all over the State and put into a bin at Fremantle, into which someone put a spear. The wheat taken out was judged to be a fair, average quality in bushel weight, protein, etc. The world took our grain until one day it told us to produce what it wanted to buy. As a result the growers had to make massive changes in their thinking and marketing strategies. Some strains of our wheat had to be upgraded. It is true to say that we have been fortunate in this State to have people within Agriculture Western Australia who are committed to improving the wheat we grow. The plant breeders have made a significant contribution over the years because they have been able to tailor the grain to world market demand.

Times have changed and the growth of lupins has exploded into some of our poorer light soils. The development of this legume crop greatly improved the productivity of that land. When we drive around these days and admire the beautiful yellow flowers in the wheatbelt we are looking at canola plants. We see also lupins, wheat and barley, but not many oats.

Agriculture being an export industry, these crops are subject to commodity price changes, which are cyclical, much the same as prices in the mining industry, which fluctuate wildly at times. At present, unfortunately, the grain market is depressed because it is enjoying an excellent season throughout Western Australia. Over the years, many farming practices have had to change to take advantage of different practices such as minimum till farming and making better use of the light rainfall we are now getting in true terms. Crops are now grown successfully in minimum rainfall conditions. That is due mainly to the use of chemicals to control weeds; the use of bigger plant and equipment, which enables farmers to put the crops in quicker; and the planting of better strains of crops.

We hope that in the next eight or nine months mother nature will take care of oversupply of grains around the world. Although we do not wish other countries, or even other States, poor seasons, unfortunately it happens to them, as it does to us. I have been involved in farming over the past 35 or 40 years and I know that just when things look bleak something happens elsewhere in the world which causes countries to be screaming out for certain types of grain. For example, only two or three years ago world wheat stocks were depleted to 31 days' supply.

It is also recognised within the Japanese food chain that Western Australia produces the best noodle wheat in the world for colour and consistency. That is a big plus for not only plant breeders but also farmers, who have made rapid changes in their farming practices.

The wool industry generally and the very depressed wool prices are a concern to pastoral areas and to people in the south west who have large numbers of stock. We face the continuing problem of what to do with the remaining stockpile of wool. Although the stockpile has been frozen, one of the major concerns is the second stockpile that farmers are storing not only in warehouses but also on their farms. The interesting aspect of wool is that it represents only 2 or 3 per cent of the textile trade. I am always amazed at the wild fluctuations in wool prices because, compared with the textile trade, the wool trade is a drop in the ocean. I can remember someone telling me that even if the grower almost gave away the wool to a suit manufacturer the price would come down only a few dollars. The product price is a small element in the overall picture.

The Asian economic situation has been causing great concern. It is ruining the live cattle export trade to Indonesia, which was a growing market. It has made a big difference to north west pastoral stations. Prices had been on the increase and they were able to get their cattle out with minimal transport costs. Now the market has almost dried up. They have found other markets, but all commodity suppliers will be pleased to see a restoration of the previous economic conditions in Asia.

Agriculture has benefited from the use of lime sands on soils. This has been around for a long time. It requires fairly heavy tonnages per hectare, but it is creating crops on some soils of a magnitude that did not seem possible some years ago. This has been a breakthrough as a result of science and technology. Full credit should go to the previous Minister for Transport for providing the road infrastructure so heavy haulage trucks could operate and move the lime sand off the coastal areas and into the wheatbelt where it was needed. That was visionary. People say that not much traffic uses those road, but when farmers are applying the lime sand there is a great deal of traffic. The former minister wanted roads where people could pass in safety. That is another thing for which the previous Minister for Transport can claim credit.

We are also fortunate that another industry is developing on the coast; that is, the farming of fin fish - bream, snapper, yellow tail, and skipjack. Let us consider the trend in the wild catch of fish. When there were 1.2 million fishing vessels around the world the catch was 100 million tonnes a year, but only 73 per cent of that was edible and the rest was used for stockfeed or chucked back into the sea because it was useless economically. During a 10 or 12-year period the number of fishing vessels increased to 3.5 million. At the same time, technology was moving at a great pace. With the global positioning system, sophisticated navigational equipment and sounders, one would have thought that we would see an acceleration of the catch because the effort was three to four times greater than it was previously. However, we saw no increase.

We have seen some action in the North Sea between Spanish fishermen and United Kingdom fishermen, and disputes between the Canadian and Alaskan salmon fishermen - even the blockading a ferry in Prince Rupert Sound north of Vancouver. When we visited North America last year I thought there might be a war between the United States and Canada. It was an emotive time in that region. It goes to show the desperate measures that people in that industry are now taking, simply because the catch is diminishing. Dr Meryl Williams, a former head of the Australian Marine Science Institute in Australia who now heads up the World Science Institute, predicted that by 2015 the world would need another 25 million tonnes of fish just to feed the existing population without anyone eating one extra ounce of fish. When we consider the world population growth and the fact that fish is a staple of so many countries, it is a huge ask.

We were in Norway to inspect the salmon industry. That industry has grown, but it is only scratching the surface. Thousand of tonnes of salmon are distributed throughout Europe and there is a real need to farm fish. That was something that most Western Australians probably never saw the need for, because we have been able to go out in a boat and catch fish such as jewfish, snapper, whiting, and herring. We have never given a lot of consideration to fish farming because we have had a plentiful supply.

Sydney's fish market is the fourth largest in the world. It sells 90 million tonnes each day, and half of that is either imported or farmed. Without that input even the Sydney fish market would be struggling to keep up with the demand. There is a huge demand.

We have a huge coastline. I am pleased that in the past couple of years the Minister for Fisheries and the Fisheries Department have started to focus on our natural advantages and develop the aquaculture industry by providing funding and expertise. That is a huge industry in the making which will provide widespread economic benefits to Australia and also meet the growing need for fish products around the world.

While in Norway we met a former fisheries minister. I do not know whether he retired or was beaten in an election. He said that the Norwegian Government had made a concentrated effort to encourage the salmon industry to grow through a regionalisation policy - we call it decentralisation. Although Norway has a huge oil and gas industry, about three times the number people are involved in fish farming. I see Hon Bob Thomas nodding his head. It is a great opportunity for employment.

Hon Bob Thomas: The multiplier effect from fish farming is enormous. The normal multiplier is two, but it is seven with fish farming.

Hon B.K. DONALDSON: Yes, because ancillary services grow around the industry; for example, a company was established to manufacture the polystyrene boxes and so on. Norway has a sophisticated approach to fish farming.

One of the large salmon hatcheries was located in the yards of the second largest steel mill in Norway. Salmon cannot be put into sea pens until they reach the smolt stage, which is the transition from fresh water to sea water. In the wild they are spawned in the lake systems and after 18 months they change their metabolism to adjust from fresh water to sea water, and they swim down the rivers and out into the ocean. It then takes another 18 months to two and a half years in the wild for a salmon to reach a reasonable size to be caught. In fish farming they are kept in the hatchery for about 18 months until the smolt stage and then they are transferred to sea pens. It then takes another 18 months to 20 months for them to grow to 4 kg, at which time they are harvested. The hatchery we visited was within the Arctic Circle, so everyone there works in extreme conditions. We were there in the summer and although the weather was reasonably good, we got a taste of the harsh weather before we left. We saw photographs of people working around the pens on boats and pontoons. There is ice and it is pretty miserable, but the salmon seem to enjoy it. They even use lights to keep the salmon thinking that there are more than four daylight hours to keep it eating from the self-feeders that are attached.

It was also very impressive to see the extension of the power grid. We could see a couple of overhead stanchions and the next thing we saw was a pole disappearing into the sea and then it came back up on a little island. We were amazed at the number of small islands in the Arctic Circle that all had power. They put their feed pens close by where they can utilise the power because, unlike our use of solar power with battery backup on the self-feeders on the pens at Jurien, they would not obtain much activity from a solar-powered generator.

The technology is huge and we have seen growth areas in the Mediterranean, in Greece and in some Asian countries. Some of those Asian countries do not enjoy the type of pristine environmental conditions that we have and run into a great deal of trouble. Recently, Hong Kong's fish stocks were wiped out in the farmed areas because of the environmental pollution. We are very fortunate that we have such great opportunities. It is not just a question of people making money out of it eventually; we have a responsibility as a nation because we must ensure that the people around us are being fed - hungry people do all sorts of funny things at times. From that point of view, not only will it be of economic benefit, but also we have the responsibility to pursue this type of farming.

Jurien Bay has the biggest commercial fin fish hatchery in Australia and it is in the process of building a bigger one and is looking at other sites off the coast. With the modern technology it can go into deeper water. It is like a submarine in that the sea pens are submerged, water is pumped into them and then air is pumped in to raise them. Doing it this way allows them into deeper water which is at a more stable sea temperature, which is important for fish like schnapper and bream. It gives a greater opportunity for quicker growth and also stops sunburn. Surprisingly enough these fish are farmed in 10 metres of water - naturally the nets are off the bottom to allow the nutrients to flow past and wash away. Fish such as schnapper are brought out of a depth of water of about 100 and 120 feet into close confines and there are enough ultraviolet rays to sunburn the fish. It takes about three to four weeks undercover with a net over it, whether it be shade cloth or in a controlled environment, to bring a pink schnapper back from what looks like a black fish. The flesh is just the same - beautiful - but it must be returned to that nice colour of pink schnapper which the world demands. There is nothing worse than dumping a product onto the market that does not look too good. I do not think I would buy one. I ate them, they were beautiful because I know what they taste like, but I do not worry about the skin. That has been picked up along the way.

One of the great detractors from this issue of fish farming has been that they rely very heavily on brine shrimp; or *Artemia* as they are called. They are farmed in the Great Salt Lakes of the United States. After the larvae hatch they feed on the cysts from that brine shrimp.

Hon Muriel Patterson: Tell members how small it is.

Hon B.K. DONALDSON: It is about the size of a pinhead. They have experienced a couple of terrible harvests, so the price has accelerated. The Great Salt Lakes of the United States supply the rest of the world. At the moment, we are finding a distinct shortfall of this necessary feed at the hatching process. Western Australia is blessed once again with some of those natural resources. We have another brine shrimp which is more commonly known in Western Australia as a parartemia. There are about 20 different species of parartemia, nine of which are being concentrated on at the moment. The group of fish farmers at Jurien have just received a grant from the federal development research foundation which they have had to match dollar for dollar to develop and commercialise the parartemia in Western Australia. It has the ability to make significant dollars for Western Australia. It can be turned out every nine days in a laboratory. Every salt lake in Western Australia has parartemia, but farmers would not be worried about harvesting in those salt lakes; they would simply do it under a controlled environment and literally stockpile it.

Hon Muriel Patterson: They keep it up indefinitely.

Hon B.K. DONALDSON: It is an amazing process. I found it difficult to understand all this. Another problem was found with the *Artemia* from the Great Salt Lakes of America: a small ring of bacteria. Members can imagine the size of the pinhead that can be identified around this little egg and it is this little rim of bacteria. In the hatching of, say, bream in fresh water, there were no problems. However, once they moved into a saltwater variety, such as pink schnapper, they found a very high mortality rate. They could not understand why. They were doing everything the same as the bream in fresh water. Luckily, the hatchery manager was a scientist and he started investigating this issue and he was able to identify this rim of bacteria. He set up a very simple process - which is now his intellectual property and intellectual capital - of splitting the egg and taking away the little rim of bacteria. Since then there has been a 96 to 98 per cent survival rate. That is not a problem with the parartemia in Western Australia; we do not have that little rim of bacteria. It is a fascinating thing to witness. I really appreciate the fact that a person can take a fresh fish out of the pens; there is nothing better than that, Mr President, as you would be well aware.

There are great opportunities on our central west coast, part of which is the attraction of tourists to this type of operation. Once again, we see another spin-off of ancillary services. They have already sent a trial shipment to Sainsburys in the United Kingdom. Sainsburys would take every tonne of fish that we can provide for the next few years. It has some 400 outlets throughout the United Kingdom and Europe which are in fish retail. They were absolutely amazed when they flew here. They were so delighted with the black bream that they flew over to see the sort of conditions in which these fish were being farmed. They could not get over the pristine conditions and the environment in which these fish are grown. From that point of view, Sainsburys needed to be assured - following the mad cow disease in the cattle industry - that what it was buying could be sold with an absolute assurance of the type of product, from where it came and that it would not be subject to heavy metals.

We are seeing opportunities which people are grabbing. There are a million stories like this. A chap in Yarloop produces a little warning device for when the oil in refrigeration compressors drops down to a certain level. He has developed a very simple thing which sends a signal when danger arises.

Every supermarket with big refrigeration and anything with reasonably sized compressors will use that little product. BMW and Mercedes-Benz have approached him to use that product rather than the gauges that are currently used to measure oil pressure. It is very simple. I will close my remarks; I could keep going much longer.

Debate adjourned, pursuant to standing orders.

JOINT STANDING COMMITTEE ON THE ANTI-CORRUPTION COMMISSION

Assembly's Message

Message from the Assembly received and read acquainting the Council that -

- (a) Assembly Standing Order 415A permits the Joint Standing Committee on the Anti-Corruption Commission to continue notwithstanding any prorogation which would otherwise terminate the committee, but it does not enable the committee to meet during a period of prorogation, and accordingly no amendment of the standing order is necessary; and
- (b) the Assembly has appointed Mr Bloffwitch, Dr Constable, Mr Thomas and Mr Trenorden as members of the committee.

Motion

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.01 pm]: I move -

That the Council not insist on the amendment it requested be made to Assembly Standing Order 415A and that the order appointing the members of the Council to the joint standing committee have effect.

Briefly, the message from the Assembly indicated that, although it sees the committee itself surviving prorogation, it may not meet during the period of prorogation, and that is as applies to our standing committees.

Question put and passed.

ADJOURNMENT OF THE HOUSE

Special Adjournment

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

That the House at its rising adjourn until Tuesday, 8 September.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.03 pm]: I move -

That the House do now adjourn.

Workplace Agreements - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [5.04 pm]: Only yesterday, I referred to workplace agreements and proposed changes to taxing arrangements which could take effect after the next election, depending on the outcome of an election based on a goods and services tax. I am particularly concerned about the number of public servants who are on workplace agreements. One way in which the Government has enticed them onto workplace agreements is by offering them salary packaging arrangements. Under a proposed GST, obviously those salary packaging arrangements will come under some threat. Salary packaging allows a certain percentage of an employee's pay to be tax-free. That is not unique to the State Public Service; the arrangement is available across a range of industries.

In the public sector, the Government has used salary packaging as a carrot to entice workers off the award system and to get them onto workplace agreements which the Government has argued are more flexible and which therefore are advantageous to the Government as an employer. However, given the proposed tax changes under a GST which will require employers to include details of fringe benefits on group certificates, and given that the Australian Taxation Office will then include the benefits in its calculations of a taxpayer's assessable income, there will be little or no benefit to public servants who may be left on workplace agreements without having any of the financial benefits of remaining on them.

The Federal Government proposes that from April next year employers disclose on group certificates the grossed-up value or the full cost of any fringe benefit paid to employees. Those benefits would then be included in deciding whether they should be subject to surcharges or eligible for the means test benefit. That will lead to 3 200 public servants in Western Australia being worse off under the proposed taxing arrangements. As opposition spokesperson for public sector management, I think the Government should be obliged to advise public servants what is in store for them.

At question time yesterday, I asked about the impact of the proposed tax changes and the impact of the GST on employees who currently have workplace agreements. The minister replied that parties to workplace agreements are

free to negotiate their agreements either at the end of the agreement or by agreement during the life of the agreement. It concerns me that the Government has not been evenhanded in dealing with worker choice. It has said that it will offer employees choice, but when it has come to the crunch it has used several underhand strategies to deny choice to Western Australian public sector workers. A recent strategy is that in some organisations in which an employee refuses to go onto a workplace contract it is not unusual for his or her job to be abolished and for the person to be redeployed, only to find out subsequently that the job is advertised and re-established under a different name and is offered to employees who are prepared to take on a workplace agreement. The Government has been party to such underhand strategies to deny choice and rights to public sector workers.

The bottom line is that with a shift in taxing arrangements, many public servants will not be fully informed of the possible personal financial implications for them. Many apparent advantages of government salary packaging may no longer apply for the 3 200 employees across 40 public sector agencies in which staff have taken up salary packaging schemes. Because the Government will not disclose full information to those 3 200 employees, it is beholden on me at least to draw to their attention that if we end up with a GST, and I sincerely hope that we do not, it will have a substantial impact on them and on arrangements as they currently stand. They will need seriously to consider the implications of their current arrangements. I advise those employees to review their arrangements as soon as possible and to obtain independent financial advice on the implications of any tax changes as a result of the GST. In some cases, they should seriously consider the cost-benefits of staying on an agreement versus the benefits offered through an enterprise bargaining agreement. I hope that the Government will honour its commitment by ensuring that it will not penalise workers who are affected by the GST and changes to tax arrangements and that it will not discriminate against workers who choose to go back to an award system.

My fear is that probably what will happen is that those people will find that they have lost their financial benefit and will want to go back to an award system. In one way or another they will be frozen out or allowed to slip out of the state public sector. I hope that it will not occur but I suspect there is a possibility that it might come to fruition. The State Government should not stand in the way of staff who choose to return to the award system if the packaging arrangements no longer provide the benefits that the Government promoted to draw people onto workplace agreements in the first place.

The Government says that it supports choice in the workplace. If that is the case, it should let its employees decide what is the best financial deal for them and their families. That is the bottom line. Those workers who seek financial advice and are advised that there would be no benefit to them in staying on workplace agreements should not be hindered in any way when trying to move back onto the award system. My intention is to monitor the situation very closely. I will certainly bring to this place any future concerns that I might have on behalf of Western Australian public sector workers to ensure that their interests are indeed protected.

Perth Water Supply - Adjournment Debate

HON KEN TRAVERS (North Metropolitan) [5.13 pm]: I take the opportunity to make some comments on an answer and a statement earlier this week by the Minister for Water Resources in the other place concerning Perth's water supply and where we are at. The minister's statement indicated that if significant rainfall did not occur before the end of October, we would be facing very severe water restrictions this summer. It is unfortunate that this understates the problem we are facing this summer. During question time today I asked a question to try to get some further information on how bad the problem is. The answer I received has given me no joy about the real extent of the water shortage we will be facing this summer. In the answer I was told that we would need something in the order of 250 mm to 300 mm of rain between now and the end of October to avoid water restrictions. One needs to compare those figures with the averages for these months. In 1996 the average for August was 135 mm. As we are about halfway through August, we need 70 mm of rain. The average for September is 80 mm and for October it is 55 mm. We are probably looking at best at somewhere around an average of 200 mm of rainfall. We need to get somewhere between 50 mm and 100 mm of rain over and above the average between now and the end of October.

My other question was about the filling of the dams. Over the past 13 years on only four occasions have the dam levels increased by the 50 million kL which, by the Water Corporation's figures, are required to avoid severe restrictions. That gives me great concern. I suspect that would see us having only in the order of 250 million kL in the dams. The consumption of water from our dams was 132 million kL in 1996-97 and 115 million kL in 1995-96. That is saying that effectively by the beginning of this summer in the order of two years' supply will be held in our dams.

Regardless of whatever rainfall we get between now and the end of October, we are facing water restrictions this summer. That needs to be made very clear to people. They do not need the sort of statement we got from the Minister for Water Resources earlier this week, when he said that there was some possibility we would be able to avoid it. It would take an extraordinary set of circumstances in our weather for us to avoid severe water restrictions. We need to prepare the community for that and action needs to be taken. For too long this Government has sat by

and not put in place the necessary mechanism to reduce water consumption. A report from the Water and Rivers Commission last year highlighted this fact. All that has been done is some expensive advertising, which seems to have achieved little in reducing the community's water consumption.

I do not want to be critical because, considering the position it has been put in with its conflicts of interest, the Water Corporation has done a reasonable job. It is about time the Government started to look at taking the role of water conservation out of the hands of the Water Corporation and handing it to a body like the Water and Rivers Commission or the Office of Water Regulation. The conflict for the Water Corporation is, on the one hand, arguing that we should be conserving water and, on the other hand, knowing that its business is to sell it. It is unfair for the Parliament and certainly unfair for the Government to place that sort of pressure on the Water Corporation. Conservation needs to be taken out of the hands of the Water Corporation, although it should still fund it.

We need to get serious about putting in place some processes. One of the options is to put in place more sources of water. That is not the sole answer. They would be very expensive because the capital costs would be enormous. Instead of spending money on capital works to increase our access to underground supplies or build new dams, we should be looking at ways of encouraging people to change their habits. One that I would suggest - being always a positive person in this place - is to look at giving some sort of assistance to pensioners and seniors to change their gardens over and put in place water-wise principles. Some of the keenest gardeners in our society are elderly and seniors. I am sure that most of those would be happy to change their gardens over. What stops them is that it is a costly practice to pay for the layout and the earthworks and also buy the less water-using plants. We could look at some way of assisting them, whether it be by extra rebates on their water bills or direct grants.

We should be promoting greater use of our underground water supply in the Perth metropolitan area by encouraging domestic bores. The reality is that urbanisation raises the water table, so bores will not have too many environmental effects. Instead of using very high quality, potable water on our gardens, we would be able through domestic bores to use a lower quality water which is perfectly adequate for the garden. An office whose job would be to encourage small groups in our society, such as three or four householders, to get together and set themselves up as a cooperative and put a bore down to service three or four houses in an area, would be a very good idea. We could assist them by giving them standard contracts and advice on how they could do it. We could look at whether it was possible to give some sort of discount on the water rates of people who put in place domestic bores. That would transfer a lot of pressure from our scheme water system and use a water resource which under most of Perth is underutilised and can be tapped into without too much environmental damage.

I draw members' attention to a comment made in the estimates committee at page E854 by Mr Payne, the chief executive officer of the Water and Rivers Commission. In answer to a question from Hon Bruce Donaldson, he commented -

My view, which is not necessarily the Water Corporation's view and has yet to be debated, is that greater use should be made of the groundwater in the short term. We expect that in the next few months leading up to the summer we will have intercourse with the Water Corporation about the best way to get more water with the fewest environmental complications.

Obviously I cannot speak for the Water and Rivers Commission; however, I suggest it should look at encouraging the greater use of domestic bores, rather than necessarily expanding our bore fields in the Gnangara and Jandakot areas. I put those suggestions forward as positive measures. The severity of the problem we face as a community has been understated by the Government this week. We must face up to the fact that we in Perth live in a very dry climate and we must use our water to the best advantage of all concerned.

Question put and passed.

House adjourned at 5.20 pm

QUESTIONS ON NOTICE

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

SCHOOLS

Drug Education Program

19. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Family and Children's Services:

I refer to the launch in March 1998 of a drug education program to be tested in Western Australian schools -

- (1) When was this drug education program introduced in the 55 WA test schools?
- (2) Of the schools in the test program, which of those schools are in low socio-economic areas?
- (3) What has been the cost of implementing this program?
- (4) Are there on-going costs involved for this program?
- (5) If yes, what are they?

Hon M.J. CRIDDLE replied:

- (1) The drug education program referred to is the curriculum development component of the School Drug Education Project. The School Drug Education Project is a joint initiative of the Association of Independent Schools, the Catholic Education Office and the Education Department of Western Australia and is consistent with the WA Strategy Against Drug Abuse.

The School Drug Education Project also includes school and teacher professional development, drug policies for schools and parent and community involvement. The curriculum development comprises:

- (a) the kindergarten to year 12 Teacher Support Document which provides an overview of the drug education curriculum and how it fits with the Curriculum Council Curriculum Framework;
- (b) sample drug education lessons for teachers to develop specific lessons appropriate to the needs of students from kindergarten to year 12; and
- (c) activities that involve parents in drug education.

The draft materials were introduced into 70 trial schools in March 1998.

- (2) The 70 trial schools reflect the full range of socio-economic areas. On a socio-economic status (SES) scale of 1 (high SES) to 10 (low SES) approximately 46% of the government schools involved in the trial have a rating of between 6 and 10. This SES assessment does not refer to the non-government schools involved in the trial as comparable information is not available.
- (3) The estimated total cost of implementing the drug education curriculum trial material to date has been \$82,399.
- (4) Yes.
- (5) A further \$119,601 has been allocated in 1998/99 to cover the re-writing, printing and distribution of the drug education curriculum support materials to all Western Australian schools for the commencement of the 1999 school year.

CHILD PROTECTION COUNCIL

Ethnic Representative

31. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Family and Children's Services:

- (1) What process was followed to select the person, representing the ethnic communities, on the Child Protection Council?

- (2) What are the special skills, qualifications and experience the appointee has to qualify him for the position?
- (3) Were any of the following organisations, with expertise in the area, consulted in respect of filling this position -
 - (a) Child Care Resource Unit;
 - (b) Ishar Multicultural Women's Health Centre;
 - (c) Ethnic Communities Council of WA;
 - (d) Northern Suburbs Migrant Resources Centre;
 - (e) Catholic Migrant Centre; or
 - (f) Fremantle Migrant Resource Centre?
- (4) If yes, who was consulted?
- (5) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) The Minister for Family and Children's Services wrote to Ministers and WACOSS requesting nominees following which Cabinet endorsed the membership selected by the Minister. Community representatives on the Council are appointed in their own right, and not as representatives of organisations or particular groups.
- (2) Members were selected from the government agencies and the community sector with a direct or indirect role in the prevention of child treatment for the delivery of services to children who have been maltreated.
- (3)-(5) Refer to (1).

DR VICTOR CHAN

147. Hon N.D. GRIFFITHS to the Attorney General:

- (1) With respect to the charge against Dr Victor Chan not proceeded with in July 1998, what precisely was he charged with?
- (2) What material facts are alleged to have given rise to the charge?
- (3) What was the evidence in support of the charge?
- (4) Has the Attorney General discussed any aspect of the charge with the Director of Public Prosecutions?
- (5) If so -
 - (a) when; and
 - (b) what was discussed?

Hon PETER FOSS replied:

- (1) Unlawfully used surgical procedures with intent thereby then to procure the miscarriage of a woman (section 199 *Criminal Code*).
- (2)-(3) The DPP has advised that the material facts and evidence (which, because the charge was withdrawn on 30 July 1998, have not been presented to the court) are:

On Monday 25 November 1996, the complainant, who was 10 weeks pregnant, attended at the Nanyarra Clinic, 2 Cleaver Terrace, Rivervale. It was her intention to have an abortion. The complainant had not previously been provided with a formal referral from any medical practitioner.

At the clinic the complainant received counselling from a problem pregnancy counsellor. Notes were made of that service.

The complainant was then introduced to Dr Chan and another medical practitioner who referred to the counselling notes. The other medical practitioner conducted an examination of the complainant for the purpose of administering a general anaesthetic.

A general anaesthetic was administered which rendered the complainant unconscious. Whilst in that state a surgical operation was performed which caused a miscarriage and removal of the foetus.

Prior to and during the performance of this operation it was alleged by police that both medical

practitioners were of the knowledge that the complainant was in good physical health and the pregnancy would not be a threat to her life.

It was further alleged by police that both medical practitioners were of the knowledge that the complainant underwent the operation due to mental stress, an unwanted pregnancy and socio economic grounds.

The evidence in support of the charge was principally the complainant and the video record of interview with Dr Chan.

(4)-(5) No.

LEGAL AID COMMISSION

159. Hon N.D. GRIFFITHS to the Attorney General:

- (1) What is the contribution to the Legal Commission of Western Australia (Legal Aid WA) Budget for each of the financial years ending -
 - (a) June 30, 1995;
 - (b) June 30, 1996;
 - (c) June 30, 1997; and
 - (d) June 30, 1998?
- (2) What has the Commonwealth promised to contribute to the Legal Aid Commission's Budget for the financial year ending June 30, 1999?

Hon PETER FOSS replied:

- (1)
 - (a) \$7,874,000
 - (b) \$8,179,000
 - (c) \$8,249,000
 - (d) \$10,306,000
- (2) Base funding \$8,250,000. This excludes funding for special purposes and community legal centres as these amounts have not been confirmed to date.

QUESTIONS WITHOUT NOTICE

GOODS AND SERVICES TAX

Guarantee to Western Australia

92. Hon TOM STEPHENS to the Minister for Finance:

- (1) Has the State Government sought a guarantee that Western Australia individually will not be financially worse off as a result of the GST tax package?
- (2) If it has, did the Federal Government provide that guarantee? If it has not, why has the State Government not sought that guarantee prior to the forthcoming federal election?
- (3) Has the Federal Government provided a guarantee to any State that it will not be financially worse off as a result of the package?

Hon MAX EVANS replied:

As I stated yesterday, we have been told that we will not be worse off. I suggest that the member arranges for that question to be put on notice to the Premier; he is the one who will have contact with the Prime Minister, not I.

GOODS AND SERVICES TAX

Distribution

93. Hon TOM STEPHENS to the Minister for Finance:

I refer to the minister's answer yesterday that the distribution of a GST will be a topic for discussion at the Special Premiers Conference which is planned to be held post-election.

- (1) Is the minister concerned that the Government's opportunity to negotiate Western Australia's share would be determined only subsequent to the forthcoming federal election, when that election could effectively determine the outcome of the GST proposals?
- (2) What strategy has the Government developed to ensure that the Western Australian Government will have sufficient leverage to protect Western Australia's interests at any such Premiers Conference?
- (3) Is the minister concerned that the Western Australian Government supports the proposed tax package without knowing how it will impact upon the State's federal allocation?

The PRESIDENT: Before I call the Minister for Finance, the question in that form is not unreasonable as long as it is clearly understood that it relates directly to the minister's portfolio and only the minister's portfolio. The minister does not speak for the Government unless it is about his portfolio.

Hon MAX EVANS replied:

I consider it to be a hypothetical question. The member should put it to the Treasurer; he is dealing directly with the Federal Government on what will happen, not I. I wish that I could but I do not.

BAIL AMENDMENT BILL

Introduction

94. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Why was the proposal to introduce a major bail amendment Bill not referred to in His Excellency's speech which was given on the opening of this session of Parliament?
- (2) Why is there no reference to that measure in the documents produced by the minister's office and distributed in July of this year that deal with the overview of the legislative program? Why is it not referred to under the heading "What's Planned for 98"?

Hon PETER FOSS replied:

I am very lucky to have been given considerable priority on matters on which I previously did not have priority. I am pleased that that attitude was taken by the Leader of the House in the other place. We all often have to queue for a place in the queue, and I am very pleased that I have been able to secure a better priority than I previously had.

Hon N.D. Griffiths: A supplementary question, Mr President.

The PRESIDENT: The answer is not finished.

Hon PETER FOSS: I am waiting to be condemned once again by the Opposition because the review of the Bail Act which will bring in major amendments to the Bail Act took place under the previous Labor Government, and it took place quite early under the previous Government. Most of the people who were involved in that are now sitting on the Supreme Court bench. It is well overdue. Unfortunately, many pieces of legal technical legislation are not regarded as being as important as they are. Much of it is quite mundane and technical, but it is a major amendment and it has been a long time coming. I am sure that the member will welcome the fact that it has been given a priority by the Government which it did not have under his Government.

Hon N.D. GRIFFITHS: A supplementary question, Mr President.

The PRESIDENT: A supplementary question must be directly on a point and it cannot be said to be a second question.

Hon N.D. GRIFFITHS: I would not seek to call for a supplementary question unless it were.

The PRESIDENT: The member can ask the supplementary question and I will see whether it is on the point.

BAIL AMENDMENT BILL

Introduction

95. Hon N.D. GRIFFITHS to the Attorney General:

On what date did that change of priority occur?

The PRESIDENT: Was that part of the first question?

Hon N.D. GRIFFITHS: It is supplementary, Mr President, because it relates directly to the answer to the first

question. The Attorney General said that he had been given a change of priority which had not occurred before and I am merely asking when that occurred.

The PRESIDENT: I am not sure what Hon Nick Griffiths is asking about at the moment. Does it relate to a Bill? Is that the date that we are talking about? I do not understand what the date is meant to represent.

Hon N.D. GRIFFITHS: You might recall, Mr President, that the question that I asked was with respect to the proposal to introduce a major bail amendment Bill not being referred to in certain documents.

The PRESIDENT: Yes.

Hon N.D. GRIFFITHS: The explanation was that there had been a change in priority.

The PRESIDENT: So that is the Bill to which the member is referring?

Hon N.D. GRIFFITHS: My supplementary question was: On what date did that change in priority occur?

Hon PETER FOSS replied:

I cannot tell the House the exact date but I can give some idea. It occurred prior to the delivery of the Governor's speech but after the Governor's speech had been formulated. I am not sure precisely what that date was, but obviously it was a reasonably short time ago.

Hon N.D. Griffiths: That is unbelievable.

Hon PETER FOSS: I am terribly sorry. I do not necessarily write down every day all the things that happened on that day, but I know enough to give an idea of when it was. If it were material or important, I could probably ascertain it by inquiry and define the date - if it were particularly important, and I do not think it is, and I do not think it is worth putting so much effort into it. I think I have given enough indication for it to be useful for Hon Nick Griffiths to operate with.

INTERAGENCY INSURANCE COMMITTEE

96. Hon RAY HALLIGAN to the Attorney General representing the Minister for Emergency Services:

- (1) What is the current status of the report of the Interagency Insurance Committee which was established to examine the levels of insurance cover and compensation that exist within the State's 20 000 volunteer emergency services personnel?
- (2) When are the final recommendations likely to be released?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The previous Minister for Emergency Services released the Interagency Insurance Committee's report "Emergency Services Volunteer Insurance and Compensation" for comment by interested parties until 31 July 1998. This deadline was subsequently extended to 7 August 1998. Seventy-three responses have been received and are currently being collated and analysed.
- (2) Final recommendations are expected to be submitted to the minister for consideration by 30 September 1998.

WESTERN POWER

Polychlorinated Biphenyls

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

- (1) How much of the 450 tonnes of polychlorinated biphenyls stored by Western Power in three locations in Wattleup, Hope Valley and Welshpool are scheduled for destruction this year?
- (2) If none, when will this take place and how much is scheduled for destruction?
- (3) Who will destroy these PCBs, and where will it be done?
- (4) Are guidelines promised by the Department of Environmental Protection in 1996 to encourage industry to send its hazardous waste for destruction now in place?
- (5) If not, why not?

- (6) When will these guidelines be available?
- (7) Why has the Government not required industry to dispose of stockpiles of hazardous waste?

Hon MAX EVANS replied:

I thank the member for some notice of this question. Providing the information in the time required is not possible and I request that the member place the question on notice.

NALTREXONE TRIAL FUNDING

98. Hon NORM KELLY to the minister representing the Minister for Health:

Last year the Government agreed to provide \$180 000 funding through the Health Department to support a formal trial of naltrexone in this State.

- (1) How much of this funding has been provided to date?
- (2) What aspects of the trial have been assisted by this provided funding?
- (3) Why has the remainder of the funding not been provided for the trial?
- (4) When does the minister expect the remainder of this funding to be provided?
- (5) What is the estimated number of users who would benefit from such a trial?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) An amount of \$60 000 has been provided to Dr O'Neill and \$20 000 to the University of Western Australia.
- (2) The funds provided to Dr O'Neill are to assist with the monitoring and data collection functions of his trial, and the funds to the University of Western Australia have been provided to carry out an evaluation of a specific cohort of Dr O'Neill's patients.
- (3)-(4) The application for these funds is pending the report of the review group.
- (5) This is not known. However, Dr O'Neill advises that he has treated some 800 patients with naltrexone.

PERTH'S WATER SUPPLY

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

I refer to the statement on 18 August by the Minister for Water Resources concerning the level of Perth's water supplies.

- (1) What is the approximate level of rainfall required before the end of October to avoid water restrictions this summer?
- (2) In which previous years has the storage level in Perth's dams increased by 50 million kilolitres or more between August and the end of October, and by how much did the storage increase?
- (3) What volume of water does the corporation estimate will be available for Perth's scheme from underground sources during the 1998-99 summer, and on what rainfall level is this estimate based?
- (4) What volume of water was drawn for Perth's scheme from underground sources during the 1997-98 summer?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The rainfall required between now and the end of October to avoid restrictions this summer would be approximately 250 to 300 millimetres.
- (2) Over the past 13 years there have been four years when Perth's dam-storage levels have increased by 50 million kilolitres or more between 19 August and 30 October.
- (3) The Water Corporation estimates that between 110 and 114 million kilolitres of underground water will be available for Perth's scheme in 1998-99.

- (4) The volume of water from underground sources to Perth's scheme in 1997-98 was 101.4 million kilolitres.

METROPOLITAN RAIL NETWORK

100. Hon JOHN HALDEN to the Minister for Transport:

Given that one of the options being considered for the Government's convention centre is the Wellington Street Bus Station, what consideration has the minister given to the impact of such a decision on providing for the future needs of the Perth Railway Station for the expansion of the metropolitan rail network?

Hon M.J. CRIDDLE replied:

I have not had an opportunity to look at the issue. Obviously the bus station is a very vital link in the Perth area. I will take the issue up and follow on. I will let the member know at some time in the future.

GOODS AND SERVICES TAX

Local Government Charges

101. Hon LJILJANNA RAVLICH to the minister representing the Minister for Local Government:

Given the Federal Government's commitment that shire rates will be exempt from a goods and services tax -

- (1) Where councils charge an annual security service fee, will this fee be exempt from a GST?
- (2) Will the State Government landfill levy be exempt from a GST?
- (3) Will the rubbish removal levy be exempt from a GST?
- (4) If yes to (3), will there be any increase of this levy due to local government authorities incurring greater costs in their inputs for rubbish removal?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of the question. I request that the member put the question on notice.

COMMUNITY WORK SUPERVISORS

102. Hon MURIEL PATTERSON to the Minister for Justice:

- (1) How many community work supervisors are currently employed by the Ministry of Justice in the Albany region?
- (2) How many offenders are currently under supervision?
- (3) What sorts of projects are currently being undertaken?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Ten.
- (2)

Juveniles	16
Adults	110.
- (3) There are 150 community projects currently being undertaken in the Albany region, including Narrogin and adjoining districts. These include assistance to Aboriginal pension units, Activ Industries, women's refuges, hospitals, churches, an injured wildlife program, tidy town projects, the Salvation Army, football clubs and numerous others.

SCHOOLS

Toilet to Student Ratio

103. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

- (1) Does the Education Department have guidelines that determine the ratio of toilets to students in schools in Western Australia?
- (2)
 - (a) If so, what is that ratio?
 - (b) If not, how is the number of toilets to be provided in each school determined?

- (3) Does this guideline comply with public health regulations governing public buildings?
- (4) Does the number of toilets at Castletown Primary School in Esperance comply with -
 - (a) Education Department guidelines?
 - (b) public health regulations?
- (5) Has the Education Department or the minister received any complaints in respect of the toilets at Castletown Primary School within the past two years?
- (6) What maintenance or improvements have been carried out to the toilets at Castletown Primary School within the past two years?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) (a) The ratio is determined by the requirements of the Building Code of Australia 1988; Sanitary and Other Facilities Class 3 to 9 Buildings. Schools are listed as class 9b buildings under the code. The code specifies a sliding scale dependent upon population to determine the requirement for toilet provision. For a school the size of Castletown Primary School the code specifies 13 female toilets and 5 male toilets plus urinals.
- (b) Not applicable.
- (3) Yes.
- (4) (a) The existing toilet accommodation at Castletown Primary School exceeds the requirements of the code.
- (b) Yes.
- (5) Yes. The matter was raised during the minister's visit to the school and also in a letter from the parents and citizens association.
- (6) Following the minister's visit to the school, the student toilets were inspected and painted internally in 1997.

GOODS AND SERVICES TAX

Sporting Associations

104. Hon KIM CHANCE to the Minister for Sport and Recreation:

Would sporting associations be required to pay a goods and services tax on any of the following items under the Howard Government's proposed GST and, if so, which ones -

- (a) facilities leased;
- (b) equipment and clothing used;
- (c) advertising purchased;
- (d) sponsorship of a sporting association or a sporting event representing the sale of advertising to the sponsor;
- (e) admission charges and programs to sporting events;
- (f) catering rights sold for sporting events; will caterers have to charge GST on products sold; and
- (g) membership fees?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (a) Yes. The lessor will include the GST in the cost, replacing the current stamp duty on leases.
- (b) Yes. The sellers will include the GST in the prices, replacing the current wholesale sales tax on equipment of 22 per cent - clothing does not attract wholesale sales tax.

- (c) Yes. The advertising provider will include the GST in the cost.
- (d) No. The sponsor will pay the GST if the sponsorship is clearly represented as the sale of advertising.
- (e) No. The spectator will pay the GST.
- (f) No. The caterer, and subsequently the consumer, will pay the GST.
- (g) No. The member will pay the GST.

AMPOL FUEL STORAGE AND BLENDING SITE, FREMANTLE PORT

105. Hon GIZ WATSON to the minister representing the Minister for the Environment:

In relation to the Ampol fuel storage and blending site, Fremantle Port Authority lot 50a -

- (1) Did the Department of Environmental Protection/Environmental Protection Authority receive a report on or about December 1997 by Fluor Daniel GTI which found that significant hydrocarbon surface contamination existed in an area previously declared free of any surface contamination in a report by Woodward-Clyde for Ampol in January 1995 - Project No 2499/3?
- (2) Is it the fact that the DEP/EPA's acceptance of the "no action" option in relation to contamination of FPA lot 50a was influenced by the commercial/industrial zoning of the site at that time?
- (3) Does the DEP/EPA consider the ocean at Port Beach at risk from the westerly migration of hydrocarbon contamination originating from the previous abandoned Ampol site - EPA lot 50a?
- (4) If yes, what action will the minister take to prevent pollution?
- (5) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The issue is currently a responsibility of the Department of Environmental Protection and the first, third, fourth and fifth questions are answered on the basis of the information available to that organisation. The Environmental Protection Authority was involved in the 1995 decision on the level of assessment.

- (1) Yes.
- (2) It was a consideration.
- (3) No.
- (4) Not applicable.
- (5) The information received to date by the Department of Environmental Protection does not provide evidence of pollution migrating from lot 50a to Port Beach.

TAX PACKAGE

Analysis by Hong Kong and Shanghai Banking Corporation Ltd

106. Hon MARK NEVILL to the Minister for Finance:

- (1) Is the minister aware of the analysis of the proposed tax package of the Howard Government by the Hong Kong and Shanghai Banking Corporation Ltd which shows that over 50 per cent of the benefits of the tax package - \$6.6b - will go to the wealthiest 20 per cent of the Australian population?
- (2) Is that why the State Government continues to support this package?

The PRESIDENT: Order! I am battling to relate this question to the portfolio of the Minister for Finance. Perhaps I did not hear the question accurately.

Hon MAX EVANS replied:

- (1)-(2) I felt the same way. I thought that perhaps I might have this as a question on notice to a minister whom I represent in this Chamber. However, I cannot put my hands on it. People all over the world make statements about many things. I can make a statement, but it will not be reported in the Press. I do not want to buy into this argument.

REGIONAL FOREST AGREEMENT

107. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:

- (1) Have any representatives of the Government, including representatives of the Department of Conservation and Land Management, or the regional agreement task force, met with representatives of the Western Australian timber industry to discuss the use or allocation of structural adjustment funds as part of the regional forest agreement?
- (2) Have any such meetings occurred to discuss the use or allocation of any other form of government funds, including compensation funds, as part of the RFA?
- (3) If so, will the minister table minutes of those meetings?
- (4) If not, are any such meetings planned; if so, what is their intention and format?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(3) There have been only informal discussions of a general nature about the potential to use government funds to assist the development of value adding technology in the timber industry.
- (4) No formal discussions are planned until assessment of submissions of the RFA are completed.

ALBANY CITY COUNCIL

108. Hon BOB THOMAS to the minister representing the Minister for Local Government:

Has the Government given any money to the City of Albany in relation to the formation of that new local government authority?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. He will not be happy because I do not have an answer. I request that he put this question on notice. As with the earlier question, I will follow it up and try to speed up an answer for him.

WESTRAIL

Sale of Freight Business

109. Hon TOM STEPHENS to the Minister for Transport:

- (1) Does the minister stand by the media statement dated 30 July 1998 in which he said that State Cabinet had approved the sale of the freight business of Westrail and that Westrail's freight business would be disposed of as a vertically integrated operation, meaning inclusion of rolling stock and the track network? Alternatively, does he accept the view of the Deputy Premier that the Government does not have any plan to sell Westrail's freight business and, rather, that approval has been given for the establishment of a task force to examine the prospect of a sale of Westrail?
- (2) Does the minister share the view of the Deputy Premier that one must be cautious of what a journalist might write for a minister as a prepared statement?
- (3) In view of this acknowledged unreliability of the government media statements prepared for the minister, will he table the relevant cabinet decision sheet to put this issue beyond doubt?
- (4) Finally I draw the minister's attention to a message from the Acting Commissioner of Railways dated 30 July 1998 in which he says that the Government will sell Westrail's freight business and will retain ownership of the urban and country passenger services and that it is expected the sale will be completed in the second quarter of 1999. Exactly what is going on?

The PRESIDENT: Order! The question contains imputations in respect of a particular individual. In that regard, that part can be disregarded by the Minister for Transport.

Hon M.J. CRIDDLE replied:

- (1)-(4) Cabinet has agreed to the disposal of the Western Australian government railways freight business and to the establishment of a subcommittee. I am to report to the Cabinet on the recommended sale process.

Today I announced that the task force will consist of Dr Chris Whitaker, the Director General of Transport, who will be the full-time chairman; Mr John Langoulant, the Under Treasurer, who will be deputy chairman; Mr Stephen Wood from the Ministry of the Premier and Cabinet; Mr Graeme Harman from my ministerial office; and Mr Tim Sharp from the Crown Solicitor's Office. They must put together a very complicated process. As a result they will come back to me with recommendations and, as I said earlier, I will go back to Cabinet to recommend the sale process.

Obviously, at the end of the day, the sale will depend upon quite a few factors. In the same way as a house is sold, if we put stipulations around the sale process, we must make a decision on what are the recommendations. Tenders will be submitted and at the end of the day decisions will be made. It will depend upon the recommendations that go back to the Cabinet and Cabinet will make a decision at that time on whether we will proceed with the sale and the stipulations that are placed on the sale.

GOODS AND SERVICES TAX

Tourism Industry

110. Hon E.R.J. DERMER to the Minister for Tourism:

Given that under the Howard Government's proposed goods and services tax package the price of accommodation, dining in cafes and restaurants will rise by an estimated 6.7 per cent; domestic airfares by 8.4 per cent; and coach tickets by 4.4 per cent, and given the fact that, as the minister said on Tuesday, exempting the tourism industry from GST is not a bad idea as it is an export earner, I ask -

- (1) Will the time down the track to which the minister referred as being the time for arguing against a GST on the tourism industry be before or after the forthcoming election?
- (2) If before, when is the minister planning on arguing that case and what will he be arguing precisely?
- (3) Will the minister join with the tourism industry, the Australian Labor Party and others who have an interest in supporting tourism in their opposition to the GST?

Hon N.F. MOORE replied:

(1)-(3) I did not say that the industry was GST exempt; however, that is what the member has said I have said.

Several members interjected.

The PRESIDENT: Order! The minister will give his answer and members on my left can ask the questions later on.

Hon N.F. MOORE: Even if members opposite do not want to give me notice of these questions, I wonder whether they might just give me a copy of a very long question like this so that I can go through it point by point. My memory is not such that I can remember all the questions that have been asked in this five minute question. I will do my best. I have said that the tourism industry will be arguing that, because it is an export industry, it should be exempt from the goods and services tax. I have made the point that that is worth arguing and it has been argued by me and others for a long time in respect of this industry. For various reasons the Federal Government has decided, within the context of this tax package, that it will not be considered as an export industry and, therefore, GST exempt. There are other things I would not mind seeing in this package; for example, the removal of payroll tax. Hon Max Evans talked about that yesterday. However, in the context of the package, it was not possible to deliver that without increasing the size of the GST of 10 per cent. If we wanted to set it at 15 per cent or 20 per cent, I suspect a lot of other things could be done with the revenue that will come from a GST that might meet the requirements that have just been raised.

It might meet the requirements of a number of other industries that also think things should be better for them. I will continue to put the point of view, as I always do on behalf of the industry, that if the Government is able to modify the tax package it should take into account the argument that tourism is an export industry and should therefore be GST exempt. In the meantime I accept the pros and cons of the package and that it is not possible to do that without increasing the level of the GST.

On the assumption that somehow the Australian Labor Party is supportive of tourism, a word in the standing orders relates to making statements in questions that bear very little relationship to the truth. I cannot think what it is at present! To imagine the ALP is supportive of tourism or some of the associated tourism activities is wide of the mark. In fact I heard the other day that the Leader of the Opposition, Dr Gallop, is opposing the convention-exhibition centre, which is a significant part of our tourism plans for Western Australia.

Hon Bob Thomas interjected.

Hon N.F. MOORE: He wants to spend the money on hospitals. He will spend it about 14 times over between now and the next election because every time someone asks where the money is coming from he will say that it is coming from the convention centre fund. Industry knows that the ALP does not support that part of the tourism industry, which is important for Western Australia. It has been estimated that the convention-exhibition centre we have in mind for Western Australia will generate about \$2.2b of revenue for this State over the next 10 years and employ thousands of people.

This Labor Party, that claims to be supportive of tourism, criticised the State's endeavours to develop Brand WA, the Elle Macpherson campaign and every positive attempt by this Government to increase tourism.

Several members interjected.

The PRESIDENT: Order! Other members are waiting who have not yet had an opportunity to ask a question. I also have members wanting to ask a second question. If members cease their interjections we might make progress.

Hon N.F. MOORE: I again remind the House, particularly members opposite, that the growth in tourism from the international market to the end of April 1998 was 2 per cent. The national figure was 0.1 per cent. In that period a 30 per cent reduction occurred in the significant tourism market of Indonesia. It has collapsed, not because of anything we did but because of problems within Asia. The growth in tourism from Singapore is 9 per cent and from the United Kingdom, 22 per cent. This Government has a good tourism policy which is working.

Everything the Government does, including making plans to build an exhibition centre, is attacked by the Labor Party. It does not support tourism; it would not know what it is.

FOREST MANAGEMENT AMENDMENT REGULATIONS No 2

Explanatory Memorandum

111. Hon J.A. COWDELL to the minister representing the Minister for the Environment:

Will the minister table the explanatory memorandum for the Forest Management Amendment Regulations No 2, 1998; that is, the anti-protestor regulations which appeared in the *Government Gazette* of 18 August 1998?

Hon MAX EVANS replied:

The explanatory memorandum will be formally tabled in Parliament. In this case I am tabling a copy of the explanatory memorandum for the information of the member.

[See paper No 99.]
