



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
SECOND SESSION  
1999

LEGISLATIVE ASSEMBLY

Tuesday, 23 March 1999

# Legislative Assembly

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

## TELEVISION FOOTAGE - PREMIER'S STATEMENT ON CYCLONE VANCE

*Statement by the Speaker*

**THE SPEAKER** (Mr Strickland): I have authorised the release of television footage of the brief ministerial statement by the Premier on the Moora flooding and Cyclone Vance.

## VISITORS FROM THE SABAH LEGISLATIVE ASSEMBLY

*Statement by the Speaker*

**THE SPEAKER** (Mr Strickland): We have a group of members of the Sabah Legislative Assembly in the Speaker's gallery this afternoon. Hon Dr Ongkilli is the leader of the group, which is here on an unofficial study tour, visiting private sector projects in the areas of agriculture, forestry and eco-tourism.

[Applause.]

## VACATION SWIMMING CLASSES

*Petition*

Mr Prince (Minister for Police) presented the following petition bearing the signatures of 18 persons -

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

We, the undersigned petitioners, call on the Minister for Education to abandon plans to contract out vacation swimming classes as it could risk:

the current high standard of teaching  
the affordability of classes  
the availability of classes, particularly in country areas

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

A similar petition was presented by Mr McGowan (20 signatures).

[See petitions Nos 160 and 161.]

## CABARET LICENCE

*Petition*

Mr Bloffwitch presented a petition signed by 368 residents of Geraldton praying that a cabaret licence not be issued in Chapman Road.

[See petition No 162.]

## CARAVAN PARKS

*Petition*

Mr Prince (Minister for Police) presented the following petition bearing the signatures of 50 persons -

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

We the undersigned, call upon the State Government to amend certain laws which are seen as unfair, restrictive and discriminatory towards us, the Australian public.

We therefore ask that the following legislation be amended.

1. The Caravan Park 50 km protection zone be returned to its former 16 kms.
2. The 3 night Camping Law be amended to 28 nights on rate payers own property allowing for holiday visits by family or friends without having to seek special written permission from authorities.

3. That country road Park/Rest Areas limit of 4 hours be increased to 12 hours allowing long distance tourists, travellers and truck drivers to vacate roads during the hours of darkness if they so choose.
4. That en-route country Rest Stops of up to 12 hours be not defined as camping.

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

[See petition No 163.]

### **COOLOONGUP PRIMARY SCHOOL**

#### *Petition*

Mr McGowan resented the following petition bearing the signatures of 275 persons -

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

We the undersigned, parents and friends of Cooloongup Primary School request that the Government undertake the construction of a new car park at Cooloongup Primary School.

This car park has been committed to and needs to be constructed as soon as possible to alleviate the danger and traffic problems suffered by the staff, parents, friends and visitors to this school.

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

[See petition No 164.]

### **ONSLow HACC FUNDING**

#### *Petition*

Mr McGinty presented the following petition bearing the signatures of 205 persons -

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

We, the undersigned, as residents of Onslow, have considered the choice of a Multi Purpose Healthcare System for Onslow. We are aware that an MPS is combining the funding and service delivery for the Hospital, Community Health, Home and Community Care and Aged Care Packages.

After due consideration we, the undersigned, do not agree with the proposal to combine the health care delivery in Onslow, and ask that the HACC funding remains sponsored by the Shire of Ashburton.

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

[See petition No 165.]

### **MOORA FLOODS AND CYCLONE VANCE**

#### *Statement by Premier*

**MR COURT** (Nedlands - Premier) [2.12 pm]: Members would, no doubt, be aware that yesterday Exmouth experienced the highest ever recorded wind speed in Australia of 267 kilometres an hour when tropical Cyclone Vance crossed the north west coast. Homes and businesses have been flattened, there is widespread devastation, and clearly it is a natural disaster area. The State Government, through its relevant agencies and volunteers, has in the case of the flooding in Moora and the destruction caused by Cyclone Vance moved quickly to assess the damage, work out what facilities and infrastructure require urgent attention, and ensured people in the affected area receive prompt assistance. The state emergency management advisory committee has been operating. That committee is chaired by the Minister for Emergency Services and comprises representatives of state government service delivery agencies and the commonwealth defence forces. Because more than one area of the State is affected, a state recovery emergency committee has been formed. That committee is chaired by Hugh Samson of the Ministry of the Premier and Cabinet and will coordinate the recovery arrangements in each area.

I will now detail what we know has occurred and will then outline what the relevant state government agencies will be doing to restore some sort of normality to Exmouth over the next few days. About 300 homes in Exmouth sustained major structural damage, and an estimated 120 homes were destroyed. Power and water supplies are seriously affected. Only one of the town's water storage tanks is full. However, the lack of power supplies means that even that water is not chlorinated

and is undrinkable. Exmouth is cut off by road, and several roads north of Carnarvon are also inaccessible. The state operations coordination group has advised that the airstrips at Exmouth and Learmonth are intact and will be the site of some activity later today. Four rotary wing aircraft are currently doing reconnaissance and damage assessments in the Exmouth, Onslow and Carnarvon areas. At this point, there are no reports of any serious injury resulting from Cyclone Vance, which is miraculous considering the intensity of this category five cyclone.

The priorities for the State Government will be to provide temporary accommodation for those who have lost their homes and to ensure adequate water supplies for those who remain in Exmouth. About 10 tonnes of bottled water and four generators needed to chlorinate the remaining supplies will be flown to the town today using RAAF Hercules aircraft. I take this opportunity to thank the defence forces for their assistance. Relevant government agencies - the Police Service, Family and Children's Services, the Water Corporation, Western Power, the Health Department and Fire and Emergency Services - are all sending additional staff to Exmouth, and in some cases to Onslow, to provide assistance. While Exmouth appears to have borne the worst of the Cyclone Vance's fury, significant damage has also been done to the coastal community of Onslow. We have received reports of extensive damage to pastoral properties, but it will be several weeks before the full extent is known. The State Emergency Service reports damage to most houses and public buildings. Many were flooded and there has also been significant disruption to the town's power supplies.

Cyclone Vance has once again reminded us of nature's power and fury - the devastation has come just days after the extensive flooding of the wheatbelt town of Moora. Along with the Minister for Emergency Services, I visited the town yesterday, spoke with a number of residents and saw firsthand the water damage caused to more than two-thirds of its buildings. State government agencies and volunteers are working around the clock in all the affected communities to restore essential services and, in the case of Moora, to make the town safe for the residents evacuated at the weekend.

The State Government is committed to doing whatever it can to get these communities back on their feet. There is no doubt that the Government will be required to spend many millions of dollars to repair and restore essential infrastructure. That is its duty and that money will be provided. That assistance is in addition to the emergency assistance being provided to individuals and families in the form of accommodation, food, clothing, cash vouchers, medical care and counselling. For example, Family and Children's Services has been involved in finding short-term emergency accommodation for about 600 people from the affected areas.

Earlier today I contacted the Prime Minister's Office to provide advice about the situation in our State, and I have subsequently written and sent to the Prime Minister a letter giving him a more detailed assessment, advising him that we have declared this a natural disaster and requesting that the Federal Government consider providing whatever assistance possible to affected communities.

Finally, while Cyclone Vance has lost its initial intensity, authorities are still monitoring its effect as it heads further inland bringing heavy rain and winds to communities in its path.

## **PROGRESS RURAL WA**

### *Statement by Minister for Primary Industry*

**MR HOUSE** (Stirling - Minister for Primary Industry) [2.18 pm]: Last week I launched a major new initiative called Progress Rural WA. The Government has allocated \$10m over three years to this project. Progress Rural WA will provide funds for farmers, farm groups and rural businesses to support greater innovation to develop new businesses and to build on the strengths of rural communities. There can be no greater investment for this Government than supporting country people who contribute to the prosperity of Western Australia. Western Australia's fishing and agricultural sectors are among the most productive in the world, generating \$5.7b each year to this State.

Progress Rural WA is the expansion of existing programs that have been initiated in recent years. They are the doing more with agriculture program, the WA rural leadership program and the community builders initiative. These three programs have had unprecedented success in regional Western Australia. The development of leadership skills and innovative business ideas has already made a difference to rural communities. I am pleased to announce that Progress Rural WA will complement the existing programs with three new project areas: The New Rural Generation; Future Farming; and Bushnet.

The New Rural Generation project is aimed at people aged 18 to 35, with the primary objective of motivating young country people, boosting their levels of self-esteem and encouraging innovative practices. This will be achieved by working with young country people to create social and professional networks across rural areas and to improve levels of understanding through scholarships, study tours, mentoring and training courses.

Future Farming will assist primary producers to establish new commercial structures such as joint ventures, strategic alliances and the use of new technology. Future Farming will support innovative farm-related businesses to value add products and services.

Bushnet will provide support to rural communities enabling them to understand and effectively use the latest communication

technology. An interactive web site will provide a valuable source of agricultural and rural information. Funding is open to all people involved in agricultural and rural activities and the opportunities will consist of study tours, feasibility studies, value adding seed capital, the new knowledge program and scholarships for professional development.

Progress Rural WA's objective is to ensure that those who are dedicated to working and living in rural Western Australia are given every assistance to ensure that they and our State have the opportunity to develop to maximum potential.

### THE STANTON REPORT

#### *Statement by Minister for Employment and Training*

**MR KIERATH** (Riverton - Minister for Employment and Training) [2.21 pm]: The report by Stanton Partners was on a review of the Building and Construction Industry Training Fund, and the effectiveness of its subsidies for apprentice training. The BCITF has been reviewed on three previous occasions, and the second report stated that too little emphasis has been placed on the strategic needs of the industry and too much on the specific interests of the organisations represented on the BCITF.

The report noted that over 85 per cent of the fund's budget was spent on apprentices who comprise only about 3.5 per cent of the industry work force, and is primarily used as a wage subsidy. The existing funding also does not provide the flexibility for a more strategic use of funds to a broader range of skills needed within the industry.

Group training scheme providers all have a common formula to provide funding, except the Housing Industry Association, which has had a higher subsidy because of administration, workers compensation and other reasons. However, under the first term of reference, 5.1, the Stanton report made an important finding in regard to the Housing Industry Association, that the higher subsidy to the HIA has not resulted in a corresponding increase in the number of indentured apprentices when compared with other group schemes, and there is little evidence to support the higher subsidy to the HIA. Therefore, it is an important recommendation of the report that the BCITF subsidy to all group training schemes should be on the same basis.

Under the second term of reference, 5.2, there was an evaluation of the different rates of subsidies paid to group training schemes as opposed to those for apprentices directly indentured to employers. The report made another significant recommendation, that the BCITF reduce the subsidy to group schemes to bring them more into line with that provided to individual employers. A third term of reference was to evaluate how the subsidy is being used and its effectiveness. The report found that a majority of employers requested that the subsidy be increased; however, there was little evidence to suggest that there would be a corresponding increase in apprentice numbers, indicating that the BCITF subsidy was not the primary driver for indenturing apprentices. It was also noted that employers of approximately 928 apprentices did not apply for a subsidy, which may indicate a lack of awareness of the subsidy.

Two crucial recommendations were for a reduction in the subsidy to group training schemes by abolishing the administration subsidy and for the BCITF to review its policy on the manner in which information is disseminated to the industry. These are most important recommendations which I shall ask the new board, when appointed, to take into account.

[See paper No 815.]

### REGIONAL YOUTH DEVELOPMENT OFFICERS

#### *Statement by Minister for Youth*

**MR BOARD** (Murdoch - Minister for Youth) [2.24 pm]: The most important role of the Office of Youth Affairs is to coordinate youth services from a wide range of agencies to a wide range of young people. In order to accomplish that task, it is vital to have a system in place which allows easy access to all Western Australian youth services by all Western Australian young people. The Government is fulfilling another of its election promises by appointing regional youth development officers. The Government is piloting regional youth development officers to promote youth programs and issues in rural Western Australia. These officers will ensure that regional areas have an ongoing presence and representation from the Office of Youth Affairs and that youth services are coordinated statewide. The appointment of two regional youth development officers will be made by late March or early April for Kalgoorlie and the south west. A proposal is currently being developed for a further regional youth development officer in the Kimberley region.

The Government has already shown that it is committed to securing strong representation of young people in their own communities. Programs such as youth advisory councils, youth coordinating networks and the youth grants program are all working towards the goal of providing for the people who represent the future of this State. The implementation of regional youth development officers ensures that the Government's provision of services will be more cohesive and coordinated.

Twenty-five per cent of young people in Western Australia live in regional areas. It is vital that we meet their needs and even more important that we listen to their opinions. While young people statewide have many of the same concerns, regional youth have issues which are unique to them and need to be addressed as such. Young people who live outside the

metropolitan area are entitled to the same services and programs to which youth in the city have access. This program will go a long way to ensuring that happens.

These officers will be initiating and supporting the establishment of further youth advisory councils and youth coordinating networks, as well as providing advice to me on what young people in the country need, want and say. The most important role of the regional youth development officers is to increase the awareness of youth issues in local communities. It is vital that the positive image of youth is promoted from a community standpoint.

By ensuring that young people have a voice, we are giving them a stake in the future of their area and a sense of belonging to that community and to the State. This program will place regional local organisations on more of an even footing when it comes to applying for youth funding grants. Regional youth development officers will provide advice and assistance in regard to the delivery of programs to youth. The appointment of these officers will give regional youth a strong voice in Western Australia. The pilot program of regional youth development officers will increase both young people's and the community's awareness of youth programs in Western Australia. This is a vital part of ensuring that the whole of Western Australia remains a State in which young people are highly valued and included.

**[Questions without notice taken.]**

**REGIONAL FOREST AGREEMENT**

*Matter of Public Interest*

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

That this House condemns the Minister for the Environment over her handling of the Regional Forest Agreement in that she -

- (1) misled those attending the forest rally on 17 March 1999;
- (2) has made contradictory statements on the implications of the RFA for job losses since that rally;
- (3) has failed to make proper provision for worker assistance;
- (4) has wasted taxpayers' money on misleading and false information about forest management in Western Australia; and
- (5) continues to refuse to release the draft of the RFA for public analysis and comment.

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

[At least five members rose in their places.]

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

**DR GALLOP** (Victoria Park - Leader of the Opposition) [3.02 pm]: I move the motion.

The motion on the important matter of forest management in Western Australia goes to the heart of ministerial responsibility and honesty. When ministers have responsibility for contentious areas and when they talk to the public about the issues that they face in those contentious areas, they are under an obligation to do two things. The first, of course, is to be honest with people - that is, to be honest in terms of what the issues are, how the Government is handling those issues and what the implications might be for those who are affected. The minister also has responsibility for consistency and clarity so that people in the community who potentially are affected by change know what circumstances will influence their futures. In relation to this issue we have had a lack of honesty and a lack of clarity on the part of the Government and the minister. The performance of the Minister for the Environment has certainly been less than adequate and it certainly justifies Parliament passing a motion of condemnation.

Let us consider the issues one by one. Let us refer to last week when, of course, a rally was organised by various people associated with the timber industry in Western Australia. Like many other organisations and groups, they came to Parliament House. For many years in Western Australia we have had a tradition whereby people who have a grievance and who want to press a point come to the Parliament and request representatives of the Government, the Opposition and other parties to speak at Parliament House. That rally, of course, was at a time of huge community interest in and debate on the Regional Forest Agreement. The central demand that the people engaged in the protest seemed to have was that the RFA be completed as quickly as possible. It was interesting at the rally that the representatives of the people attending were very keen to hear from the Government what its plans would mean for their jobs and communities. It was perfectly reasonable of those people to want to know what any change might mean for their jobs and communities. The convenor of the Forest Protection Society, in introducing the Minister for the Environment, actually asked the minister a specific question. Indeed,

she sought from the minister a guarantee about jobs and about the towns within which those people live. The minister gave what can be described as a very short speech, but in that speech she gave a specific answer to the question that was put to her about the guarantee on jobs and towns. Her answer was -

At the outcome of the RFA, it will deliver a balance for conservation outcomes and protection for your jobs and your towns . . .

The people there were very concerned to know about their futures. The minister who has responsibility for the matter was asked a question. Of course, she said the protection of their jobs and towns would be delivered. Is it not interesting that on the very day that the minister told those people that their jobs and towns would be protected, she had in fact briefed her parliamentary and party colleagues on the Regional Forest Agreement? Of course, the very next day, when *The West Australian* reported the day's events, it led with the headline -

Timber deal will cost 620 jobs.

The minister had been in her own party and parliamentary rooms telling her colleagues that as a result of the reservation increases and the logging reductions that would occur, 540 to 620 jobs would be lost. We subsequently found that out when it was also revealed that the day before that she briefed the National Party and said that an extra 170 000 hectares would be reserved under the Regional Forest Agreement. That was published in the *Sunday Times* of 21 March. It is interesting that when the *Sunday Times* published that article, the head of the Forest Protection Society, Trish Townshend, said that the revelations were totally inconsistent with what the minister had told her organisation. An article in the *Sunday Times* of 21 March stated -

Forest Protection Society convenor Trish Townshend said the claims were not consistent with anything she had been told by Mrs Edwardes.

There we have the Minister for the Environment giving one story to her parliamentary and party colleagues and giving another story to the timber workers, the timber industry and their representatives. Exactly that sort of behaviour by a minister of the Crown undermines trust in government, undermines the credibility of our democratic process and, of course, adds to the conflict and disillusionment in our community on this matter. It is very clear that the minister had a great opportunity to speak with some degree of honesty to those workers and the people from the industry. However, she chose to play politics with them and to mislead them. She chose to be consciously dishonest in what she said to them. That was reprehensible for a minister of the Government when she knew the Regional Forest Agreement would have implications for their jobs.

It is bad enough to have a minister who will not speak with honesty to people who will be affected by change. However, we should look at the statements the minister and the Government have made on this issue to see whether there is any clarity or consistency in anything they have been saying. After one day saying to the assembled workers and other representatives of the industry that their jobs would be protected, the next day the minister acknowledged that there would be pain for those people in that industry because of the prospective reservations. From saying she was dedicated to protecting their jobs, the very next day she went on to say that she was looking to find new jobs for the members in that industry who would be affected by the Regional Forest Agreement.

What is the truth about this important matter? Why is this Government so incapable of telling the people the truth about it so that they know how their futures will be affected? The trouble is there is no consistency or clarity from the Government. However, we get a lot of clarity from the forest industry. Right from the word go the Forest Industries Federation has said consistently throughout the debate in Western Australia that the RFA should not lock up any more of our forests. Indeed, the federation executive director said earlier this year -

Our position has been all along that there is a balance between harvestable area and reserves now and the RFA should not change that.

The federation has clarity; we know where it is coming from - we do not need any more reserves. What about the federal minister, Mr Wilson Tuckey? We also have some clarity from that minister. He says that the RFA would reduce areas of old growth forest open to logging but that jobs would not be lost in the industry because of the funds available to assist industry to increase the value it received from the timber cut available to it. He has argued this point consistently in his contributions to the debate. He also said that funds would be available to compensate companies if the RFA reduced the amount of available timber. He seems to be saying that any potential job losses as a result of some reservations will be replaced by new jobs as a result of extra value-adding and, if we like, getting more out of the smaller cut. His view on this issue is clear.

What is the position of the Government of Western Australia - the people who have responsibility for and who must ultimately make the decision about the future of our forests? What is the position of the Minister for the Environment on this important matter? We see from the Premier and the Deputy Premier's statements over the past 12 months that pain will be associated with the RFA. Only two or three days ago the minister acknowledged that jobs would be lost in the industry. That is not good enough. We need to know how many jobs will be lost, in what areas and, very importantly, whether the

State Government is pursuing policies that will lead to more job losses than Wilson Tuckey's value-added proposals could absorb? Therein lies the real question: Is the Government considering a plan that will lead to more job losses than federal minister Wilson Tuckey claims can be created as a result of further value-adding funds to industry restructuring?

It is about time this Government provided some clarity and consistency on this matter and told the people the truth about what it is considering in the RFA. It is not as though the RFA has evolved only in the past few days. This Government has been dealing with the RFA throughout its term in government. It is about time the people who could be potentially affected by these policies knew their implications.

This leads me to the third and important issue we placed on the agenda of this debate; that is, the question of worker assistance and industry restructuring. The Labor Party came into this Parliament in June last year and initiated a debate on the Regional Forest Agreement. At that time we said that for this debate to be progressed, and if trust were to be gained between those affected and the Government, it was absolutely necessary to develop a worker-assistance industry-restructuring package as part and parcel of the RFA process, rather than as an optional extra. We brought that issue into the debate and the response we received from the Government was that it would look at that question only after the RFA was signed. One of the weaknesses of the Government's approach to the RFA has been its refusal to integrate into its thinking, its policy-making or its processes, concern for the workers or the community, the people who will be affected by change.

The Government has continued to hold this position this year. In February, when federal minister Wilson Tuckey said that the Commonwealth and the States should each contribute \$10m to assist the industry shift from harvesting to value-adding, processing and manufacturing, the state minister responded by saying that she would not consider any package until the RFA harvest levels were finalised. That is a reiteration of the Government's position indicated in the Parliament last year. That is the minister's mistake. An industry package should be dealt with upfront as part of the process from the word go.

In answer to a question asked in the Legislative Council in April 1998, the minister went so far as to say that "structural adjustment assistance was identified as a commonwealth responsibility". She is not only failing to deliver on the question but also trying to buck-pass the issue by saying it is a commonwealth responsibility. That is the position that the Government adopted on this matter until in response to an article I wrote on the RFA, the following article was published in *The West Australian* on 11 March 1999 headed "The RFA will underpin forest emotion with facts" -

Both the State and Federal governments have already committed funds to support timber workers if, as a consequence of the final RFA, there is a need to assist the industry to restructure.

On what date in February or March did the policy on the State Government's commitment change? More importantly, where are those funds? How much money do they amount to? To what purposes are those funds to be put? This leads me to this very important issue: What does the Government actually mean by "industry assistance"? Yet again in this important debate, which goes to the heart of the future of communities, we have absolutely nothing from the Government that can provide certainty for people as they contemplate the future. There is a very important distinction in this area between industry restructuring and worker assistance. We have yet to hear from the Government about worker assistance. The federal minister has mentioned industry restructuring. The state minister referred to industry restructuring money when she responded to my comments in a newspaper article, but not to worker assistance. The Premier's response to the crisis in Kambalda indicated that the plight of workers is not an issue in the universe of this Government.

Mrs Edwardes: What do you mean by "worker"?

Dr GALLOP: Those employees or those engaged in small business who would be affected. It is no wonder we have uncertainty in the south west communities about worker assistance when we have yet to hear from the Government about it.

The New South Wales Government has developed a specific program of worker assistance titled "The NSW Forest Industry Structural Adjustment Package Worker Assistance Guidelines" which is available for mill workers, employees of log harvesting contractors, self-employed log supply and transport contractors and employees of log haulage contractors. They are the workers; the people we are talking about.

Mrs Edwardes: Is it working in New South Wales?

Dr GALLOP: It is certainly working.

Mrs Edwardes: Are you confident about that?

Dr GALLOP: I have been there. I have talked to people about it. I have read the literature. Where is the minister's worker assistance package? Where is her commitment to the workers of the south west of Western Australia? Has the Western Australian Government carried out the detailed work that has been done in New South Wales? Has the Government involved the trade unions in that process? Where is the process within the bureaucracy to deal with that project? There is none. No wonder the workers are angry. The minister has no credibility.

Mrs Edwardes: I talk to more workers in this industry than you do.

Dr GALLOP: The minister has been dishonest with those people. She has not done her homework on this issue. The worker assistance package in New South Wales has provided a model framework within which this issue can be addressed in Western Australia. My colleague the shadow spokesperson on forestry matters will deal with the other two issues that were raised in the motion today.

We saw a disgraceful performance last week from the Government of Western Australia. On the same day the Government briefed its members on the job losses that would result from the regional forest agreement process, it failed to tell the workers involved what the job losses would be and how it would manage that process. That revealed that the Government had not even thought about that process. It has done no work on that issue, which has been clearly exposed in the debate over the past 12 months. We should condemn the Minister for the Environment. The minister's failures in this issue have undermined the confidence of the community of Western Australia in the processes of government and have made it completely impossible for people who live in the south west to have any knowledge or certainty about their futures. The responsibility for that lies with the Government of Western Australia, but more particularly with the Minister for the Environment.

**DR EDWARDS** (Maylands) [3.23 pm]: The motion underlines the grave concern on this side of the House about the manner with which the Government and the Minister for the Environment are handling the regional forest agreement process and matters to do with the forest in general. I will paraphrase the member for Cottesloe who two weeks ago said this issue was one of the most important issues that the Parliament had dealt with in the past decade. We must get it right. We must work together. Once the RFA is signed, it will affect Parliaments of all colours for the next 20 years. We must ensure that what we have is right, so that the State can move forward. Central to that process is managing, caring for and looking after the people who are involved in the process.

I will move straight to the issue of jobs. I was pleased last week that an article in *The West Australian* reported the Government's saying that there will be job losses associated with the RFA.

Mr Osborne: You were pleased about that?

Dr EDWARDS: I was pleased that the truth was out. I am not pleased about any job losses. I have been in the situation of applying for jobs that I did not get. It is disappointing, and is not good for one's self-esteem. We have known there would be job losses for ages. Even the Premier in early February warned there would be job losses. However, the Minister for the Environment denied that fact until the day after St Patrick's Day. It is now out in the open. Last Thursday the minister said that between 540 and 620 jobs would be lost if there was a 10 per cent cut in jarrah and karri logging. That was an interesting figure. I looked at some log volumes provided by the Department of Conservation and Land Management. Let us consider CALM's 1997 figures for the total production of sawlogs from native forests. CALM's report documents the total sawlog volumes from crown land from 1994 to 1996. In 1994, the figure was 767 000 cubic metres; in 1995 that figure dropped to 665 309 cu m; and in 1996 to 615 000 cu m. This data was supplied by CALM in reports that are available to the public and show that the total crown sawlog volume dropped by over 150 000 cu m over a two year period. That was nearly a 20 per cent drop in that period. Last week the minister said that 620 jobs will be lost; and this was linked with a figure of 10 per cent. Although there has been a 20 per cent volume cut in sawlogs, and we are told saw logging drives this industry, we have not seen a proportionate drop in the number of jobs. Has the south west economy totally collapsed? It has not. If we believe the local members, it has improved dramatically. The difficulty the public has is following anything that the minister says. On CALM's own figures, there has been a 20 per cent drop in the sawlogs volumes, yet that has had no influence on jobs. I have watched closely the minister's media releases.

Mrs Edwardes interjected.

Dr EDWARDS: There were job losses in the timber industry recently, and the union put out a media release decrying that. However, those job losses were in Wesfi Manufacturing Pty Ltd, in plantation softwood, and not in saw logging in native forests. The minister is running a scare campaign saying that if there is a 10 per cent cut immediately, up to 620 jobs will be lost. Yet, the figures CALM submitted to the EPA, which are publicly available, indicate that where there was a 20 per cent drop, we did not see the same impacts. What is the truth? The problem we have with the Regional Forest Agreement is that people doubt the data. We are not being told the underlying methodologies being used to produce the data. It is a huge shemozzle. Part of CALM's submission was an analysis of public sector employment and what will happen to its employees under the various options. Despite this seemingly good work, CALM states that no job-specific analysis has been conducted of the potential impacts. We are being asked to trust the RFA process because it is science. However, when one asks for basic data and methodologies it is not provided. The minister has stated that when the RFA is signed, we may have the documentation, access to the 30 000 submissions, to the way in which they have been analysed, and have the analyses audited. However, we can see none of that until after the RFA is signed and we are bound to this process for 20 years. I believe that for this matter, which is very serious and that the whole community wants to get right, we need to have a better performance from our Government.

I turn now to the large, full-page advertisements in *The West Australian* for which the Government has been paying. The

first advertisement appeared, coincidentally, on the day of the huge rally that took place outside Parliament House. The Government has stated in those advertisements that overall more than one million hectares of the State's forests is protected from logging. When we asked about that matter in this Parliament, we were told in the other place that we could not get answers. I was pleased last week when the minister referred me, in response to a question without notice, to page 76 of the public consultation paper on the RFA. However, that did not assist me a great deal, because it does not contain any evidence that over one million hectares of forest is preserved. Peppermint, coastal heath, rocky outcrops and sand dunes are preserved.

Mr Pandal interjected.

Dr EDWARDS: I have heard of peppermint forest, but I have never heard of rocky outcrop forest! Shrub, herb and sedge lands are preserved, and swamps are preserved. The figures that CALM released late last year show that the total crown land within the RFA that has been placed in formal reserves is only 507 000 hectares. Admittedly, 196 500 hectares has been placed in informal reserves, and this amount increases when we include all the other things that the minister has talked about, such as sand dunes, swamps, western wheatbelt vegetation and water. However, my point is that if we are looking at jarrah forest and woodlands, karri forest and wandoo forest, the figure is only half of what the minister said.

The whole RFA process has been handled abysmally by this minister. It is no wonder the community has little faith in the outcome, let alone the process.

**MRS EDWARDES** (Kingsley - Minister for the Environment) [3.33 pm]: To suggest that I have been less than honest with the timber workers and the green movement, or with any of the people to whom I have spoken, is an absolute nonsense. I say categorically that I have been totally consistent in all of the public comments I have made -

Dr Gallop: It depends on who you were talking to at the time!

Mrs EDWARDES: Not at all. The RFA is all about achieving a balance between conservation and jobs. The RFA will deliver both world-class conservation outcomes and world-class forest-based industries. In order to demonstrate that I have taken a consistent position over the past year, I table a number of media releases.

[See paper No 817.]

Mrs EDWARDES: The Regional Forest Agreement supports regional employment as well as industry development. It protects the region's important environmental and conservation values. It is far more than just the short-term political comments that members opposite are making. The opposition spokesperson for the environment tells the timber workers that their jobs will be protected and we will not see any losses, let alone a reduction in the sustained yield. The Leader of the Opposition tells Liz Davenport that the Opposition will protect all old-growth timber. What is being put by the Opposition is totally inconsistent, because it does not have a forest policy. It does not have a policy with regard to the RFA. The timber industry knows -

Dr Gallop: You went out there last week and dishonestly told those people that their jobs would be protected. You were asked a question, and you answered it.

Mrs EDWARDES: I will get to that. The timber industry knows that it will need to continue to reduce the harvest level. In 1994, the harvest level for jarrah was 490 000 cubic metres, and, that will need to be reduced to 300 000 cubic metres by the end of 2003. The timber industry knows that it will need to continue to make better use of timber through value adding. The timber industry knows that it will need to use more of the tree by using whole bole logs. The reason I can say what the timber industry knows is that I have sat down with people involved in the timber industry far more than have members opposite. I have probably sat down with the timber workers unions far more than have members opposite. They know that additional reservation will have an impact on jobs. However, we are talking about a balance between a reserve design and the protection of jobs. Although more old-growth forest will be reserved than ever before, the timber industry knows that both the Federal and State Governments are working to provide those workers with jobs and to maintain those jobs within the towns, because it is very important to maintain the fabric of local communities. We want the timber workers to be able to use the same skills in the same or similar areas. We do not want the timber workers to have to go to Perth or to the north west and work in McDonald's. We are talking about real jobs - short-term and long-term jobs. Some people refer to zero net loss. I prefer to refer to the balance. I say categorically that the briefings that I gave to the members of the joint party were nothing more than the briefings that I gave to members opposite, to the media, and to the Liberal Party members at the conference in Dunsborough. I will continue to give those briefings, because nothing indicates that at those meetings I said that Western Australia has a finalised position in respect of a reserve design and jobs, because we are still finalising a reserve design.

Dr Gallop: You can set up a process.

Mrs EDWARDES: A process has been set up. Until such time as a reserve design has been finalised, we will not know about the impact on jobs. There is no way I could have given briefings indicating the position in Western Australia in

respect of job losses, because the reserve design is still being finalised. I outlined some of the approaches in the public consultation paper -

Dr Gallop: You have not agreed on a reserve design after six years!

Mrs EDWARDES: Not yet, because I have always thought it was important in leading up to the final decision-making process that as much information as possible be made available to the public and to members of Parliament, because it is a complex issue, and difficult decisions need to be made. We want to strike a balance. The approaches that were identified in the public consultation paper were ones that I went through with those members of Parliament so that they could understand the issues that needed to be considered in coming up with a final Regional Forest Agreement. We know that if we stop the logging of all old-growth forest, 2 880 jobs will be lost, and 6 770 people in the community will be affected. The impact of the forest alliance proposal will be the loss of 6 686 jobs, and 16 700 people in the community will be affected. That is a lot of people. From where would the Leader of the Opposition get those jobs?

Dr GALLOP: We do not trust any of those figures. They are about as trustworthy as you. They are not trustworthy.

Mrs EDWARDES: The public consultation paper that was released last year gave a range of approaches and methods for detailing those impacts. One does not need to be a Rhodes scholar to read it and get an understanding of the impact of any decision that will flow from the Regional Forest Agreement. It is quite clear and it is out there in the community.

Dr Gallop: You need to be honest though, and tell the truth, and you are not honest.

Several members interjected.

Mrs EDWARDES: I have been totally honest in all -

Dr Gallop: You have not. You were asked a question last week and you were dishonest to those people.

Mrs EDWARDES: Not at all.

Mr Osborne interjected.

*Withdrawal of Remark*

The DEPUTY SPEAKER: I ask the Leader of the Opposition to withdraw the remark calling the minister dishonest.

Dr GALLOP: Could I just take a point of order, Mr Deputy Speaker, and get an explanation?

The DEPUTY SPEAKER: No. I have asked the Leader of the Opposition to withdraw the remark.

Dr GALLOP: I withdraw the remark, Mr Deputy Speaker.

*Debate Resumed*

Mrs EDWARDES: In the balancing act, the public consultation document identifies very clearly the types of decisions that must be made in order to achieve that balance.

Dr Gallop: You are disingenuous, minister. You went out onto the steps of this Parliament and misled those people. You wouldn't know the truth if you fell over it.

Mr MacLean interjected.

The DEPUTY SPEAKER: Members, the minister has the right to be heard by the whole House. I have given some latitude to the Leader of the Opposition, but absolute screaming, as is going on, cannot be tolerated.

*Point of Order*

Mrs ROBERTS: The member for Wanneroo is interjecting while he is out of his seat.

The DEPUTY SPEAKER: That is for me to pick him up on.

Mrs ROBERTS: Do you or do you not want to operate by the rules?

The DEPUTY SPEAKER: I thank the member for Midland for her comment. The member for Wanneroo will not interject out of his seat.

*Debate Resumed*

Mrs EDWARDES: The Regional Forest Agreement is about achieving a balance between conservation and jobs; that is the balance that this Government will achieve. Until such time as a reserve design has been finalised, there is no way that we can say what will be the direct impact of the Regional Forest Agreement.

Dr Gallop: So you haven't even got one?

Mrs EDWARDES: When members opposite say that on one hand I indicated 620 jobs would be lost, then on the other hand I went out onto the steps of Parliament House and said -

Dr Gallop: Not me; Trish Townshend said that. You are telling her that there will be no job losses. Is she telling the truth?

Mrs EDWARDES: I would speak to Trish Townshend more often than would the Leader of the Opposition.

Dr Gallop: Is she telling the truth?

Mrs EDWARDES: Those in the timber industry know that both the Federal and State Governments are working very hard for the workers.

Dr Gallop: For the workers? You wouldn't know them if you fell over them.

Mrs EDWARDES: What did members opposite come up with? They came up with the New South Wales proposal which has been a total failure. That is as much as they could do and that is exactly where they come from.

Dr Gallop: That is why they will be re-elected on Saturday, is it?

Mrs EDWARDES: It is a sad day, Mr Deputy Speaker, when timber workers go home at night thinking that they are the scum of the earth because of what people believe about them.

Dr Gallop: Rubbish!

Mrs EDWARDES: What support do members opposite give them?

Dr Gallop: Total support, minister, unlike your disingenuous comments to them.

Mrs EDWARDES: We tell them the truth. They get no support whatsoever from members opposite. Very few people who go to work each day can say that they add to the ecology of an area. The timber workers and foresters can say that; they actually add to the ecology of the areas in which they work.

Dr Gallop: Why are you going to increase reserves?

Mrs EDWARDES: What does the Leader of the Opposition do?

Dr Gallop: Why are you going to increase reserves then, minister?

The DEPUTY SPEAKER: Order!

Mrs EDWARDES: Timber and forestry workers can say that they go to work and actually add to the ecology of the area.

Dr Gallop: Why are you going to increase reserves? Answer that question. Why?

The DEPUTY SPEAKER: I say to the Leader of the Opposition that it is very quiet in here and he does not need to yell. If he wishes to interject he may do so, but he should try not to scream.

Dr Gallop: If they add to the ecology, minister, why are you going to increase reserves? You cannot answer those questions.

Mrs EDWARDES: The State Government entered into an agreement with the Federal Government to participate in the regional forest assessment process.

Dr Gallop: So, it is not a sustainable industry currently?

Mrs EDWARDES: It is a sustainable industry.

Dr Gallop: Why then are you adding to reserves?

Mrs EDWARDES: Because we have now entered into an agreement to meet some targets. There are criteria -

Dr Gallop: This has nothing to do with ecology then?

Mrs EDWARDES: Oh go away!

Dr Gallop: Go away with the questions? You can't cope with the hard questions. You don't know what you are talking about. You are a disgrace. You were disingenuous to those members and you misled this Parliament.

Mrs EDWARDES: And the Leader of the Opposition offers them no support whatsoever.

Dr Gallop: We offer total support.

Mrs EDWARDES: He offers no support whatsoever.

Dr Gallop: Total support, minister, unlike you.

Mrs EDWARDES: The timber workers' unions know he does not support them; that is why the Leader of the Opposition is trying to deflect the issue to me. The timber workers' unions know the Leader of the Opposition does not support them, because they meet with me far more often than they meet with him.

Dr Gallop: What are you telling them, minister?

Several members interjected.

The DEPUTY SPEAKER: Order, members. If the minister would address her remarks to me instead of the Leader of the Opposition, members will probably be able to hear her speech.

Mrs EDWARDES: Mr Deputy Speaker, as I indicated before, this matter is about achieving a balance between conservation outcomes, jobs and the community.

Dr Gallop: If the ecology is protected, why are you increasing reserves? Answer that question.

Mrs EDWARDES: Mr Deputy Speaker, that just goes to show the ignorance of the Leader of the Opposition on what I said. I will refer to some of the questions and myths in the community. Another member will go through all the points raised on the advertisements and some of the comments made by the member for Maylands.

Dr Gallop: That is your job. Why don't you do your job for a change?

The DEPUTY SPEAKER: Order!

Mrs EDWARDES: I will answer a few of the more frequently asked questions so that I can state in this place some of the facts to try to dispel some of the myths. One of the questions asked of me regularly is: Why do we chop down our forests for woodchips? The answer is: We do not chop down our forests for woodchips; we chop them down for sawlogs. It is the residue that constitutes the chips which are used for high quality paper. If that residue was not used, it would be burned or left on the forest floor. What are some of the other questions frequently asked?

Dr Gallop: They are not being asked today. Deal with your disingenuous comments to those workers.

*Point of Order*

Mr MASTERS: Mr Deputy Speaker, I refer you to Standing Order No 149 which says that no member shall converse aloud, interrupt or make any noise, etc. With respect, I must say that the Leader of the Opposition is going way beyond the bounds of what most people in this place would think -

Dr Gallop: Go back to Margaret River and have a glass of red wine. It might make you a bit more sensible. What a stupid interjection.

The DEPUTY SPEAKER: Order!

Mr MASTERS: Mr Deputy Speaker, I ask you to consider Standing Order No 149 and, if you choose, to apply it more rigorously.

The DEPUTY SPEAKER: I thank the member for Vasse for his point of order.

*Debate Resumed*

Mrs EDWARDES: People frequently ask if the plantation industry can replace all the jobs that potentially could be lost from the native timber industry, why does not the industry stop logging totally?

Dr Gallop: Minister, why did Trish Townshend say in the *Sunday Times* that you are telling her a story different from that which you are telling the public and your colleagues?

Mrs EDWARDES: Because she knows what I told our colleagues.

Dr Gallop: So, your colleagues didn't hear what you were saying in your reports to the media.

The DEPUTY SPEAKER: Order! Would the Leader of the Opposition please allow the minister to continue her speech?

Mrs EDWARDES: It has been known before for the media to misinterpret comments that have been made. However, let us return to the question: Why do we not replace our native timber industry with plantations in respect of jobs? Western Australia has actually had the largest tree crop and plantation program in the whole of Australia. Currently we are planting in excess of 28 million trees per annum which equates to about 25 000 hectares per annum. Although this is part of our salinity action plan, it takes time for the trees to grow. What did the Labor Party do about plantations when it was in government for 10 years? How did it contribute to the replacement of our native timber industry, as it might argue it did?

Mr McGinty: There was a massive expansion of plantations while we were in power.

Mrs EDWARDES: We know what the Labor Party allowed the cut to be at that time. We also know that when in Government -

Mr McGinty interjected.

The DEPUTY SPEAKER: The member for Fremantle will come to order.

Mrs EDWARDES: We also know that members of the Labor Government deferred increasing royalties. Now in Opposition they suggest that royalties should be increased. When they were in power, what was our experience of their action? They did absolutely nothing for the plantation industry and royalties.

The other myth which I will address, and which to a certain extent I addressed last week, is that animals and plants are becoming extinct because of logging. That is totally untrue. The Kingston study put out a report in 1996. We all know that the real villain is the fox. The Western Shield program is internationally acclaimed. Where foxes have been controlled, native animal populations continue to expand, despite roading, harvesting and burning. Some of the myths permeating the community are trying to override the facts. The point the member for Maylands raised about the advertisement that we put forward in an endeavour to try to put some of those facts forward is clearly wrong. Conservationists make direct contradictions. We say that Boranup forest was clear-felled; the conservationists say that it was not. We say that no animals are lost as a result of logging; conservationists say they are. One must go back to science.

Dr Gallop: When you say that Boranup forest was clear-felled, did that mean then what it means today?

Mrs EDWARDES: I will give the Leader of the Opposition another copy of the document. He has not read the document which I tabled last week because he is not interested. Members opposite have no forest policy. They are prepared to sacrifice workers' jobs and their towns for short-term political gain. That is where members opposite are coming from. The Regional Forest Agreement is about more than that; it is about a long-term decision which supports a viable timber industry and will lead to more reservation based on science.

The RFA is based on the most comprehensive knowledge and data that has ever been gathered in respect of the south west forest. Tremendous data is now available for the plants, animals and the whole of that RFA south west region. We have not heard from members opposite about their policy. We heard the Leader of the Opposition on Sattler's program on 18 March. He said that every statement he had made on forest policy - whether it was interventions in the Parliament or statements he had made the previous day - was based upon the policy Labor put up at the last election and on its platform. He said it was very interesting to look at what that policy would have meant in Western Australia had Labor been in government from 1993 to 1999.

When the member for Maylands goes out to see timber workers, she says that she will protect their jobs. When the Leader of the Opposition speaks to people who are interested in stopping the logging of all old growth forests, he tells them that is part of Labor's policy. Labor's policy is either constantly on the run or linked to opinion polls. The Leader of the Opposition said that Howard Sattler should look at his policy and what it would have meant had Labor been in government from 1993 to 1999. It would presumably be very little because if one searches on the Internet, one cannot identify a Labor Party policy remotely connected with forests. I suggest that the Labor Party does not have a policy. Where is the Labor Party's policy? It is totally without credibility on this matter.

**MR MASTERS** (Vasse) [3.57 pm]: It is something of an understatement to suggest that there is a little bit of hypocrisy in this debate from the state Labor Party and the key activists in the green movement. So many untruths, half truths, misleading statements, misrepresentations and other inaccurate statements are being made in this debate that a six-hour debate on this issue would not be enough. I am opposed to this motion and I will touch on a few small points.

Paragraph 4 of the motion claims that the Government has wasted taxpayers' money. I refer the ALP and members opposite to the fact that in 1992 when the Resources Assessment Commission came out with its final report, one of its recommendations very specifically said that State Governments should be spending money on educating the wider community on issues relating to forestry. It mentioned some very complex issues were involved in the forestry debate. It admitted that the complexity and the emotional nature of that debate meant every likelihood that without proper consultation and information, it would lead to extreme community concern. I have spoken to members of the Government, encouraging them to do more by way of advertisements similar to the ones that are subject to paragraph 4 of the motion about the advertisements on forest management. The 1992 Labor Governments of Paul Keating in Canberra and Carmen Lawrence in Western Australia existed when the Resources Assessment Commission said that there must be more public consultation and information. To say that this advertisement is in any way, shape or form a misplaced spending of money is absolutely wrong.

I refer members opposite to one of their own. In 1983, "Diamond" Jim McClelland, a former minister in the Whitlam Government, presided over a case in the New South Wales Land and Environment Court in which a group of residents took

the local shire council and a government agency to court because they wanted to stop the discharge of treated waste water into the ocean via an ocean outfall. "Diamond" Jim McClelland listened carefully to several weeks of debate from a wide range of people. In his conclusion, not only did he dismiss the opposition to the ocean outfall but he also said words to the effect that he had a nasty feeling that the public who had represented themselves in that court hearing wanted to enshrine in planning law a new concept, which was that, by itself, a public belief that something was wrong, even if it were in a total absence of any scientific, technical or other evidence to support that belief, would be enough to stop development or action. He rejected their case. I fear that in this debate on forestry in Western Australia at the moment, the political activists in the green movement are exploiting some very false beliefs in the wider community. They are successfully motivating people to take the stand that because they believe something is wrong, the Government should act on it. I totally reject that and I reject all of the false statements put forward by the green movement.

In conclusion I will quote from Dr David Indermaur, who recently wrote an article in *Uniview* magazine. He was talking about the solution to crime in Western Australia but his comments very accurately reflected on the current debate. He wrote -

The problem is that what is popular is not always what is right. The problem is that what we feel to be right is not always the best guide to what is indeed right. We have the burden, as well as the benefit, of a mind to determine whether our actions are effective and our policies do achieve the results we want.

He concluded -

The challenge for the politician and us as a community is to understand better the nature of the problem we are facing and to deal with the real issues, even if the gains may be quite moderate and long in coming. Giving in to the shock jocks tough talk is like a junkie's quick fix, it provides a quick rush, a cathartic release that feels good. In Western Australia it is time we got off the punishment 'junk' and did the hard work necessary . . .

I strongly urge all people in the community to realise -

Dr Gallop: Do you agree with that?

Mr MASTERS: Of course I do.

Dr Gallop: On crime?

Mr MASTERS: In relation to forestry. I urge everyone who is interested in the forestry debate to reflect on those words and try to understand that deliberate distortions are being made by people who want green issues to be foremost in the public mind at the next state election. I am disappointed that to date the only significant achievement of the green movement has been the loss of Senator Dee Margetts' seat at the last federal election. If the green movement was genuine about trying to achieve political change, it would be doing something other than perpetrating, as it is currently, distortions and half truths.

**MR HOUSE** (Stirling - Minister for Primary Industry) [4.01 pm]: It seems that many members of this House have forgotten that two rallies have taken place outside Parliament House in the last couple of weeks. The first of those was led by many people who are concerned about the logging of old-growth forests, the woodchipping and the clear-felling. I guess it is fair to say that they are people with a strong environmental bent and a feeling for the forest. The second rally, as outlined by the Leader of the Opposition, was led by those people involved in the forest and timber industries. I do not think there would be any member of this Parliament who did not have some degree of sympathy with both points of view. That is indicated by the number of members of Parliament who appeared outside Parliament House and spoke with those people. The process through which we have gone to reach some conclusion on the Regional Forest Agreement has not been easy.

Dr Gallop interjected.

Mr HOUSE: That is right. The clear focus on this issue revolves around those who work in this industry. That is of concern to all of us. A range of figures indicating how many people are involved in forest industries has been bandied about by various people. It is no secret that I come down on the side of those who have a more green attitude to the forests rather than those who want to clear-fell them. I have made no secret about that and I never will. However, I am concerned about the jobs of those who are involved in the forestry industry. The Leader of the Opposition asked what the government is doing about it. Last year some 25 000 hectares of plantation forestry were planted which brought the total area in this state to around 150 000 hectares. That figure increases by about 25 000 hectares every year.

Mr Pendal: Is that the plantation figure for harvesting?

Mr HOUSE: Yes.

Mr Pendal: That is not the figure that the minister previously gave to me. Much of that is for salt mitigation and other purposes. I would be interested to get to the bottom of that.

Mr HOUSE: Sure. I am certainly not intending to mislead anybody.

Mr Pendal: I am not suggesting you are.

Mr HOUSE: That is the figure that has been given to me. I presume that it is accurate. However, if it is not, I stand corrected. The point I am trying to make is that there is a large investment in plantation forestry, which will absorb many of the jobs that are currently in the old-growth forest area. Some of that plantation forestry is coming on stream quite quickly. Indeed, some is already starting to be logged, although much of that is solely for woodchipping. It is blue gum plantation timber, which can be used for hardwood production as well. If those jobs in the forest can be transferred across - the figures I have seen indicate that already about 1 500 jobs in this State are attributable to that area - that will quickly resolve much of this problem. The quicker we can move people into those plantation forests, the better. A number of other jobs are now becoming available in areas that have traditionally relied on timber production. The tourism industry is probably the best example of that.

Dr Gallop: That is not what the minister was talking about. You have a different position completely.

Mr HOUSE: No, I have not.

Dr Gallop: Yes, you have.

Mr HOUSE: I could add much more to this debate but obviously my time has expired.

**MR MCGINTY** (Fremantle) [4.05 pm]: About a month ago the member for Warren-Blackwood was threatening publicly to resign his ministry if there was not an acceptable result regarding the forests. What we have seen here today is a minister who is prepared to sacrifice an entire forest to save that one log. Her integrity is very much impugned by her duplicity on the issues involved. She had the opportunity to answer some simple questions on this matter, and I am disappointed that she did not take the opportunity to do that during the course of this debate. I ask the minister when she expects the Regional Forest Agreement to be signed?

Mrs Edwardes: As quickly as possible.

Mr MCGINTY: When does she expect the RFA to be signed? She is in charge of the process. I presume it is her signature that goes on it.

Mrs Edwardes: No, you are wrong in both respects. It is a joint process. It requires the signatures of the Prime Minister and the Premier. I will be moving this along as quickly as possible. However, a number of things still need to be done.

Mr MCGINTY: Will it be signed this year?

Mrs Edwardes: I expect it to be done this year.

Mr MCGINTY: Will it be in the next few months?

Mrs Edwardes: I hope it will be in the first half of this year.

Mr MCGINTY: The minister is not being honest. She should tell us when the RFA will be signed. Cannot the minister do that? She cannot tell the truth. She could not tell the truth if she tried. She was given the opportunity and she blew it.

**DR CONSTABLE** (Churchlands) [4.06 pm]: At the beginning of this debate, I came in to listen to both sides. Having done that, I am confused by the response from the minister. I was prepared to vote according to what I heard, and I still am. I have not heard enough to convince me to support the minister's side of the argument. What we have had from her today has been a confused performance as she has tried to explain and answer the motion which is before us. She commenced by saying that she was hurt or upset that it was suggested that she was less than honest. I do not know where the honesty lies in any of this because of the confusion in the minister's presentation. Firstly, we heard that it was a complex matter which involved difficult issues and she did not know what job losses there would be. If she does know, she did not make that clear. She talked about something called "balance", and I do not know what the "balance" referred to.

I am more confused now than I was at the beginning of this debate. For that reason alone, I will support the motion, particularly because I have not been convinced by the minister about item 5. Why on earth can we not see a copy of the draft RFA before it goes for its final signing? I do not know what the minister's argument is. What is she saying? What is she trying to tell us as to why we cannot see it? In the name of government accountability and transparency, the people of Western Australia deserve to see the draft RFA before it is signed. Twenty years is a long time. To set an agreement in stone for 20 years and not allow the people of Western Australia to see the detail before it is signed is a great travesty.

I wrote notes on a piece of paper, one of which was: What is the minister afraid of? Why is she afraid of public scrutiny in this matter. Why does she not want people to know? What are the answers to these questions? We have not heard them today. Community values need to be taken into account, and the community needs to see this document. There is a new order in Western Australia when it comes to the environment, and the minister's side of this debate has missed that totally. That new order is reflected around the world in the preservation of forests and people being involved in having a say as to what happens to their natural environment.

I cannot sit down without referring to the minister's comment that people who go out clear-felling forests add to the ecology. I am yet to understand what she meant by that. I am sure that no-one else in this Chamber understood what she meant when she said that that sort of practice adds to the ecology of our forests.

Mr Masters: I will explain it to you.

Dr CONSTABLE: It has not been explained in this debate. It is not the member for Vasse's job to explain, it is the minister's. Many facts are yet to be clarified. I will give the House an example: The minister and others cited 25 000 hectares of plantation forest planted in the last year. This varies dramatically from the answers received to questions on notice asked by members, particularly the member for South Perth. The member for South Perth asked for the details of plantings over the past 15 years. This matter must be clarified because I understood that that 25 000 hectares referred to not only plantations but also other plantings where salinity and other factors come into the picture. I am disappointed. I wanted answers today and I have not received them; therefore, the people of Western Australia have not received answers from the minister.

Question put and a division taken with the following result -

Ayes (20)

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

Noes (24)

Mr Baker	Mrs Edwardes	Mr Marshall	Mr Prince
Mr Barnett	Dr Hames	Mr Masters	Mr Shave
Mr Barron-Sullivan	Mrs Hodson-Thomas	Mr McNee	Mr Trenorden
Mr Board	Mrs Holmes	Mr Minson	Dr Turnbull
Mr Bradshaw	Mr House	Mr Nicholls	Mr Wiese
Mr Day	Mr MacLean	Mrs Parker	Mr Osborne ( <i>Teller</i> )

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Pair

Mr Grill

Mr Tubby

Question thus negatived.

**JURIES AMENDMENT BILL**

*Second Reading*

**MR BARNETT** (Cottesloe - Leader of the House) [4.15 pm]: I move -

That the Bill be now read a second time.

The jury system is a significant public contribution to the operation of the criminal justice system. Each year thousands of Western Australians are empanelled and serve on juries. Given its pivotal role in the criminal justice system, it is important therefore that the jury system remain under scrutiny so that any emerging problems can be effectively addressed. For that reason, this Government has previously committed to reviewing the jury system processes of selection, election and supervision. To address these fundamentals, the Bill now before the House has been drafted to provide a more effective method of serving jury summonses, allow more widespread use of computer technology in the jury selection process, increase the age limit for prospective jurors, and exclude persons from jury service when they have been subject to a suspended imprisonment order. The Bill also contains provisions to remove the Crown's right to stand aside jurors during the selection process. Taken together, with the exception of a matter I will address later, these provisions will significantly enhance the operation of the jury system in Western Australia, with benefits to prospective jurors and the community generally.

Juries are intended to be representative of the community and to reflect its diversity. It is, therefore, important to provide for the more senior members of the community to participate in the justice system through jury service. Section 5(a)(ii) of the Juries Act 1957 currently provides that a person is not eligible to serve as a juror if he or she has attained the age of 65 years. The Bill allows for persons to be eligible to serve as jurors until they reach the age of 70 years. This amendment provides senior members of the community with greater opportunity to participate in the justice system if they so wish. The Bill also recognises that there are situations, however, where, for a variety of reasons, citizens at this stage of life may not

be inclined to participate in jury service. Therefore, in order to strike a balance between increasing the age of eligibility for jury service to 70 years and the desire of some senior members of the community to be exempt, it is necessary that those citizens be provided with the means to be excused. Part II of the second schedule to the Juries Act lists those persons who are excused as of right from serving as jurors if they claim to be excused. Under the Bill it is proposed to amend the second schedule to include provision for jurors over 65 years of age to have an automatic right to be excluded without giving reasons.

Another important proposal relates to enhancing the integrity of the justice system by ensuring that juries are protected against the possibility of panels containing members of the community who have been the subject of serious criminal proceedings. The current provisions of section 5(b) of the Juries Act disqualify persons as jurors if they have, among other things, served any part of a sentence of imprisonment. However, the current provisions are silent on the question of suspended prison sentences. This type of penalty was introduced under the Sentencing Act 1995. This Bill excludes persons from eligibility for jury service if, in the previous five years, they have been sentenced to such a penalty.

The Standing Committee of Attorneys General has agreed to a consistent approach across all States to protect the confidentiality of jury deliberations and to prevent the disclosure of the identity of jurors. Similar provisions to those contained in the Bill have already been enacted in New South Wales, Queensland, the Australian Capital Territory and the Northern Territory.

Just as the jury system needs to remain abreast of changes to the law, so too it needs to remain abreast of changes in technology. The use of technology in the management of the jury process is an initiative that has progressed significantly in the past two years. Technology has been used to streamline jury management, resulting in reduced inconvenience to jurors. The change to the use of computers has addressed a major area of complaint by jurors. Section 29A(1) of the Juries Act allows a summoning officer to empanel a jury for a civil trial in a Circuit Court by use of a computer, instead of manual performance of the task. However, the description "Circuit Court" as currently used in the section, does not include the Supreme Court or District Court sitting in civil jurisdiction at Perth. Accordingly, an amendment is sought to allow the use of a computer in these jurisdictions. Although juries are seldom used in either jurisdiction, it makes sense to have the practice consistent with practice in the administration of juries in the criminal jurisdiction. This will reduce costs and inefficiencies in the existing manual system.

The Bill also seeks to address other inefficiencies in the system, specifically in the area of serving jury summonses. Current inefficiencies predominantly result from legislative restrictions to the use of current information on the addresses of citizens selected for jury service. The current inability to update information in the Jurors' Book regularly in the issuing of additional juror summonses, in order to achieve an acceptable number of citizens for the jury pool, results in unnecessary cost and adds to inefficiencies in the jury system.

Section 33 of the Juries Act provides for the service of jury summonses or notices by personal delivery or prepaid to a person at the address listed in the Jurors' Book. These addresses are obtained from the Western Australian electoral roll as at 1 July each year. However, although the Electoral Commissioner continually updates elector postal and residential address information from elector claim cards, this information cannot currently be used to update the Jurors' Book.

The Bill allows for jurors' addresses to be updated during the term of the Jurors' Book, rather than the static address information obtained on 1 July each year being used. It also allows the summoning officer to serve the summons to a juror at either a juror's postal or residential address known to the Electoral Commissioner. The amendments will assist in reducing the number of summonses that need to be issued to ensure the attendance of the requisite number of jurors.

**Peremptory Challenges and Stand Asides:** As members will be aware, one of the necessary complications of empanelling a jury is that the defence and prosecution have the right to peremptorily challenge jurors. Additionally the Crown has the right to stand aside jurors. As it now stands for a single defendant, the Act requires a minimum of 28 citizens to be called to empanel a jury for a single defendant. This is made up of the panel of 12, as well as eight challenges each for the prosecution and defence. In addition to this right of challenge the Crown may seek to stand aside four jurors rather than challenge them. In this instance the jurors who are stood aside are not precluded from being selected, but are only reconsidered for selection if the pool of potential jurors is exhausted prior to the panel of 12 being selected. Under the Bill as amended in another place, it is proposed that the number of peremptory challenges remain as is but that the provisions allowing jurors to be stood aside be removed.

The Government is of the view that stand asides and peremptory challenges need to be looked at together in the context of the effective and efficient operations of the jury system. Merely taking one out that does not change the burden on the public is just burying one's head in the sand. It is the Government's view that no change should be made in the area of stand asides without at the same time making adjustments to reduce the number of peremptory challenges. On that basis, I indicate to the House that it is the Government's intention to move an amendment to the Bill so as to restore the stand-aside provisions to what the Act now provides. This is the exception to which I previously referred.

Of course, the Government's position remains that it would prefer to repeal the stand-aside provisions and at the same time

reduce the number of peremptory challenges. The Bill now before the House seeks to provide for a more efficient jury selection process, resulting in less inconvenience to the community and saving valuable court time.

I commend the Bill to the House and I table the clause notes to accompany the Bill.

[See paper No 818.]

Debate adjourned, on motion by Mr Cunningham.

## **CHILD WELFARE AMENDMENT BILL**

### *Committee*

Resumed from 18 March. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mrs Parker (Minister for Family and Children's Services) in charge of the Bill.

#### **Clause 4: Part VIIIA inserted -**

Progress was reported after the clause had been partly considered.

Mr NICHOLLS: I shall not move the first amendment in my name on the Notice Paper because the Committee did not support the previous amendment which would have required the inclusion of the name of the offender and required agencies to notify the register when they receive an allegation. Consequently, my amendment no longer applies; therefore I seek leave to move the next two amendments in my name.

[Leave granted.]

Mr NICHOLLS: I move -

Page 8, line 15 to page 9, line 17 - To delete the lines.

Page 9, line 18 to page 10, line 2 - To delete the lines.

The Bill provides for parties to be notified of information recorded on the register. I understand the desire to provide information to the community, and I understand that in the normal process we all would support the notion that people be made aware of their personal information being recorded. However, my concern is that the register is truly confidential. If the data on the register is not new data but information from files that are held within agencies and those files are accessible via freedom of information, and if all parties are to be written to or contacted unless the manager or, presumably, a court determined that it was not in their best interests, somebody needs to draft, merge and then send the letters. On the one hand we are saying that no-one can have a list of all the names that are held on the computer, but on the other hand we are saying that the normal process will be to correspond with all those families and provide information indicating that a child's name or children's names are on the register. If there is a requirement to write letters, there will be a requirement to collate the address, the child's name and the details that are recorded. Therefore, someone could easily access that database, the mail-merged document, or the documents that are held on file and access the information that is replicated on the register.

That defeats the purpose of having a confidential database. If we argue that no-one will know what is on there because it is encrypted but that we will write to everyone to tell them that their information is on the database, someone will need to keep a copy of the letter and someone will be responsible for ensuring that the letters are written. Therefore, I envisage the integrity of the register being compromised.

The DEPUTY CHAIRMAN (Ms McHale): Order! I have read the next amendment in the name of the minister. It will require a test vote, so I propose to deal with the member's amendments separately.

Mr CARPENTER: The member for Mandurah is dealing with matters in which I am interested; I would like to hear his comments.

Mr NICHOLLS: The source of my concern is that any process that would require information that was held on the register to be communicated to the parties, either the next of kin or the children, would severely compromise the confidentiality of the database. In normal circumstances people should be made aware if their names are on the register; in reality people are aware that their names are held on agency records. The member for South Perth highlighted the situation of one of his constituents. I believe that the process of pursuing knowledge will occur in those agencies on the basis that any child maltreatment allegation that is substantiated will be placed on the register. Parents who are notified by agencies that allegations concerning their children have been substantiated can assume that the information will be on the register. Although there will be no centralised collation of documents - letters, memos, etc - there will be hard copy or electronic copy substantiating the information from a mail-merged document or from the computer that is used to draft those letters. I urge members to support my amendment to reinforce the view of the Chamber that such a register must be confidential. The minister has assured the Chamber that the information will be encrypted, which is the least we should do. At the risk of repeating myself it seems useless to encrypt the information held on the computer if letters that are sent to families, guardians

or children are held on hard copy or electronic copy. If we do not support the amendment it will be easy for people within the community to conclude that the register will be easily compromised. Horrendous responsibility will be placed on staff who draft the letters or process the correspondence to families and there will be a conflict of interest between notifying those people whose children are on the register and the notion that the register is not accessible.

Mrs PARKER: The Government will not support the two amendments that the member for Mandurah has moved which effectively will delete provisions in the Bill to notify the parents and/or the child - if the child is over 12 years of age - and the convicted persons, whose names are held on the register. It is important to respond to the concerns and anxiety of the member for Mandurah. There is no merge of correspondence that will be sent to the parent, the child or to the convicted person. Each contact is made individually, and no record is kept of the correspondence. A record is kept on the child's file to indicate that notification has been made. The only record that is kept is through the encryption system or on the departmental file.

The member for Mandurah also said that information is in the community. The information is not available to the community. It is made available to the parent of the child and also the person who has been convicted of the offence and whose name appears on the register. The information is sent out to those persons who have been registered or are a parent or guardian of someone who has been registered. It would be easy not to notify a person who is on the register. However, the Government believes it is important, and the right thing to do, to advise parents or the child - if the child is over 12 - unless the manager deems it is not in the best interests of the child to know. Even the convicted persons are advised that their names appear on the register. It is in the context of knowing it is the proper thing to do. We are committed to the security of this information that safeguards are in place so that no merging of a name and information can occur at the press of a button. The contacts are made individually. In some cases it is a face-to-face meeting and there is no correspondence, only a note that the notification has been made.

The DEPUTY CHAIRMAN (Ms McHale) We are dealing only with the first amendment under the member's name. We need to test the vote on the second amendment, because that will affect the minister's amendment.

*Point of Order*

Mr NICHOLLS: The two amendments are joined and the normal process is that the test vote is taken on both. To speed up the process of the Chamber we should allow the test vote to go right through. It is effectively a notification that the two amendments are not separate in any way. I am happy to debate until the minister's amendment is voted on. Dealing with one amendment rather than both does not add anything to the workings of the Chamber.

The CHAIRMAN: Because the two amendments appear on the notice paper as separate amendments, in theory we need to deal with them as separate amendments. However, if the member wishes we will deal with the two amendments as one.

*Debate Resumed*

The DEPUTY CHAIRMAN: The member for Mandurah will have to seek leave to withdraw the two amendments and substitute the new amendment.

Mr NICHOLLS: I seek leave to withdraw my amendments.

**Amendments, by leave, withdrawn.**

Mr NICHOLLS: I move -

Page 8, line 15 to page 10, line 2 - To delete the lines.

Are the contacts the responsibility of the manager of the register or the agencies that are substantiating the allegations?

Mrs Parker: It is the responsibility of the manager to make the notification. In some cases, because the agency that has made the registration has contact with the family concerned, the manager has the notification made through that process because of the rapport between the professional in that agency and the client. It is the manager's responsibility.

Mr NICHOLLS: The basis of my argument is that the manager will need some evidence of fulfilling his or her responsibility to notify. For the minister to suggest that there will be no copy of correspondence, no record of the notification -

Mrs Parker: A record of the notification is kept on the electronic file.

Mr NICHOLLS: Held were?

Mrs Parker: On the register.

Mr NICHOLLS: An electronic file on the register will contain a copy of either the correspondence or some reference to the way in which the contact is made with families.

Mrs Parker: It has some reference that the notification has been made.

Mr NICHOLLS: Presumably that electronic file will be able to be sourced so that the manager can verify that he or she has fulfilled his or her responsibility in ensuring that notification as per the legislation has been carried out. I am concerned that we then have an electronic file that can be accessed on the basis that someone needs to verify that the manager has fulfilled his or her obligations as per the legislation.

Mrs Parker: Yes.

Mr NICHOLLS: We have an encrypted register containing the substantiated cases of maltreatment and the names of the victims. We have another electronic file that provides detailed information -

Mrs Parker: It is the same file.

Mr NICHOLLS: We will have an encrypted file containing the child's name, data on the child and so on that can be accessed by the manager. The notion of encrypting it is not to ensure that it cannot be downloaded, but one must have the code to read it.

Mrs Parker: Yes.

Mr NICHOLLS: Therefore, if people wished to download the information, they could do so as long as they had access to the code.

Mrs Parker: It cannot be downloaded.

Mr NICHOLLS: If the database can be searched to bring up a name and details, it can be downloaded. There is no doubt about that; it is basic.

Mrs Parker: It can be written down by hand.

Mr NICHOLLS: This is a computer with a hard drive, the ability to attach a magnetic tape, to zip up files and to move them to another separate hard drive. If searches can be run to find people and list them, the information can be downloaded.

Mrs Parker: The software has been designed so that it cannot happen.

Mr PENDAL: I will not support the amendment. However, the member for Mandurah has come to the core of this debate. I will take the matter one step further by dealing with it not in the abstract, as the member for Mandurah has done, but by referring to a matter that affects a constituent of mine. This is not the constituent to whom I referred last week - the grandmother who was the subject of data on file at the Princess Margaret Hospital for Children - but someone else with whom I have been dealing for several years.

This constituent was in my office yesterday as a result of his treatment at the hands of Family and Children's Services and a Family Court decision handed down several weeks ago. This case goes to the very heart of what the member for Mandurah refers to and what the Parliament has spent a week debating. The person's name and the data that the department has on file about him is merged and is about to be disseminated to the Activ Foundation.

Mrs Parker: Is this a suspect?

Mr PENDAL: Yes.

Mrs Parker: Any identifying detail of a person who is suspected but who has not had an allegation confirmed in court does not go on the register. That is covered by proposed new section 120F(1)(b).

Mr PENDAL: I regret that the minister has said that. I will now cite a case in which the data has not only been put on the record but also has been used by the department. It intends to explain this person's background to a prospective employer. The man in question has been coming to see me with his elderly mother for two or three years. The allegation is that on at least two occasions in the early 1990s the man interfered sexually with two children of his marriage. Allegations have also been made about the paternal grandmother. Not only has this man steadfastly denied all the allegations relating to sexual molestation but on two occasions a judge of the Family Court has said that he does not believe them. In addition, Dr Ross Meadows, a psychiatrist, has examined the children and has found no evidence of molestation. Somewhere in the papers that I have, the point is made that at some stage the department has acknowledged that there is no evidence against this man. Coincidentally several weeks ago, while he was waiting for the Family Court to hand down a judgment in his application to have access to and custody of his children, he received a letter from Family and Children's Services. It says -

Dear Mr . . .

I will refer to him as Tom. Continuing -

I refer to your letter to Ms Gupta dated 1 February 1999.

I confirm that Family and Children's Services has received a request from ACTIV Foundation for record clearance in respect of yourself. ACTIV Foundation has forwarded to the Department a consent form signed by yourself.

This was done because he gave the foundation that clearance.

Mr NICHOLLS: I would like to hear the end of this specific reference.

Mr PENDAL: I thank the member. The letter continues -

Family and Children's Services proposes to release the following information to ACTIV Foundation:

"Family and Children's Services has knowledge of . . . initial contact having occurred in September 1990.

Case files contain the following information in relation to allegations of child sexual abuse:

Bear in mind that the man is being named here. It continues -

1. Allegations of child sexual abuse by . . . were investigated in December 1991 by Family and Children's Services, the conclusion being that the allegations were "substantiated".
2. Allegations of child sex abuse by . . . were investigated in August 1994 by Family and Children's Services, the conclusion being that the allegations were "substantiated".

This man has never been charged, and the matter has never been near the police. I put it to members that the allegations had not been substantiated. Who said, and by what definition, that those allegations of child sexual abuse, against a man about to be named, were substantiated? The answer is found in the next part of the letter, which provided the department's definition of "substantiated". Members must bear in mind that no court of law has decided this matter, and that no policeman has ever been in a sufficiently sound position to create a charge against Tom. Nevertheless, the department stated that anything is substantiated provided it meets the definition in the Case Practice Manual. I will seek leave to table that document in a few minutes. The letter continues -

According to Family and Children's Services Case Practice Manual, substantiation requires:

*". . . sufficient information to form a professional judgment that a child:*

*has been significantly physically or emotionally harmed or injured;*

*is at risk of a significant physical or emotional harm or injury;*

The crunch comes in point three as follows -

*has been exposed or subjected to sexual behaviour or activities which are exploitative or inappropriate to his or her developmental level;*

In other words, it is no longer necessary for a person to be convicted in a court of law. This person is convicted in secret, and insidiously in a way he is unable to defend and which affects his job prospects. It gets worse. Lex McCulloch, the executive director of metropolitan service delivery, wrote this letter not one year ago or 10 years ago, but on 5 March of this year. He wrote -

At my request, a senior professional officer within Family and Children's Services has reviewed the relevant files and, on the basis of the files confirmed the appropriateness of the two "substantiations".

We had two, not only one, secret courts determining a person's guilt! The officer was asked to carry out this "review". The letter further reads -

However, prior to providing information to ACTIV Foundation, I would like to give you the opportunity -

This is pretty decent; we will not hang the bloke just yet!

- to present further information regarding the notations on Departmental files.

The man has been doing exactly that for eight years, but he could not move the department to act! If I make another five-minute contribution, I will read to the Committee what two judges, not one, said about this man's level of credibility. If that does not convince anyone, I will quote from Dr Manners, the psychiatrists who examined the child to determine whether she had been interfered with, or whether it was some form of illusion on her part.

Dr CONSTABLE: The member for South Perth has raised a number of fundamental issues and questions about natural justice and the presumption of innocence. It is very important that the Chamber hear more about this example.

Mr PENDAL: I will quote at some length from a judgment handed down, again, not one year or five or 10 years ago, but as late as 8 March of this year, by Justice Anderson in the Family Court of Western Australia. As far as I am aware, I have altered the document only to the extent that it contains identifying information about my constituent, to whom I refer as Tom. I refer to Judge Anderson's reference to another judgment in which the same problem arose for this man. I quote page 4 of that judgement -

All the facts and issues up to November 1991, were aired in the case before Ferrier J. Ferrier J. concluded his reasons with the following comments:

A lot of indented comments then appear in this judgment; this correctly separates the comments from Judge Anderson's. The quote reads -

This leads to a difficulty in formulating orders that would be of benefit to the welfare of the children by taking into consideration and minimising such causation such as were attempted with the concurrence of the husband upon the basis that the wife had a subjective though unfounded belief that he had actually molested the children . . .

This is now Judge Ferrier talking in 1991. Further -

My findings in these proceedings are tantamount to a statement that the wife does not have a belief professed to be held by her that the husband has molested or has even behaved in a manner inappropriate to the welfare of the children.

The same judgment - namely, that of Judge Ferrier as quoted by Judge Anderson - on one of those dreadful Family Court situations, further reads -

. . . an otherwise faultless mother, so obsessed by a desire to remove the children from contact with a loving and caring father as to attempt to destroy their relationship with him by deceit and the induction into their minds of a response to and acceptance of falsity or whether their needs for a proper perception of the truth and a stable emotional development would so outweigh her thus limited capacity as a parent as to lead to a change in the principal caregiver to the children."

That was the end of Judge Anderson's quotation of Judge Ferrier from 1991. The judgment then brings the matter up to 1997. I quote Dr Manners from page 8 of the judgment -

The writer understands the officers of the Department of Community Services made independent extensive investigations of their own, and concluded that sexual abuse of the children by their father was unlikely to be occurring.

I turn to page 9, in which Judge Anderson again quotes Dr Manners -

The writer understands that the Department of Family and Children's Services has done very careful investigations of the allegations of sexual abuse of the children by their father and possibly by their paternal grandmother over the years. The Department has not been able to discover any evidence that the sexual abuse was occurring as far as the writer is aware.

He is only the consultant child psychiatrist called in by the court to try to make something of this dreadful case.

I do not intend to quote any further from the judgment handed down in the Family Court 13 or 14 days ago. I will now put it in the context of this debate. We have been given assurances by the minister - I have never suggested and I would not suggest she is anything other than honest - but I am seriously doubtful of the voracity of the information that is being presented to her. I am trying to put this in the context of the debate today and of last week in which we are being told that people who are no more nor less than suspects will not find their way on to a register which in turn will find its way to wider society.

I have just presented the example in which that system has broken down. The minister said in this Chamber last week -

The arrangements for the security of the documents which are held on the register are equal to the best that I have ever seen.

She further said -

Everything is coded . . .

It is not coded.

Mrs Parker: It is not from the register.

Mr PENDAL: I am not sure what the minister calls a register; at this stage I am not even interested in what the department or the Government say. This is a narrow register, a book, a database on a computer. I am simply saying that if the minister reads the dictionary references, she will be told that a register is something used for the gathering and keeping of central information. I do not care whether the minister calls this a register. A man has been convicted by the department, by a secret court, because he applied for a job. He quite willingly signed the release form for the department because, according to what he has told me, he had the chance to research the information through FOI. He was confident of his own position. Whether we are talking about that information being stored on the register, on the database, in the filing cabinet or behind the front

door, it is information gathered by Family and Children's Services. It has never been tested in court. The closest it has reached a court is an intervening Family Court hearing in which no fewer than two judges said it is not accurate, additional to which the expert child psychiatrist said no evidence exists. If no evidence exists, on whose authority does this department write a letter or a proposed letter of that kind? Either we have courts of law that determine guilt, or we revert to what I say is this insidious secret-court practice that is not only being sanctioned by this legislation, but apparently has been in operation for several years. I continually become concerned at reading references in *Hansard* that the way we do things on the register is A, B and C. I thought we were creating a register. Apparently, one has already been created. I will pursue this until I find out why it is that a constituent of mine has never been charged, but has been tried in secret by the department and now it affects his capacity to secure a job. I want to know why we are even now dealing with almost peripheral things of what is and what is not a definition of a register when someone's human rights, someone's presumption of innocence, can be so mongrelised as to put a man in that position - a position he has held for eight years.

Mrs PARKER: The member for South Perth raises important issues. I will take a little while to respond to them. In essence, we return to the debate regarding registering allegations of abuse on the register which was moved by the member for Mandurah and which the member for South Perth and I opposed for the very reasons that the member for South Perth talks about. The case he raises is an issue that I would be happy for him to raise in a grievance and I am happy for him to raise it now. I am happy to meet with him and for him to raise the issues that are of concern to his constituent.

Mr Pendal: I want to raise them now; I do not want a grievance. It is very rare, as you would appreciate, that legislation of a broad abstract generic nature can ever be introduced just at the time when a member has a precise example, and therefore I am not waiting for a grievance; this is the place for it.

Mrs PARKER: The issue the member raises returns to the debate we had about the issues of natural justice and putting on a register information about a person suspected of abuse against a child, and the suspicion for which has not been tested in court. We debated that and we had full agreement on that matter. We must consider the case that the member has raised today, which is a sad case and one which causes great distress, because allegations have been made against a person who strongly defends his innocence. That is the reason we cannot and would not put that allegation and the information about that person on the register; it would violate the principle of natural justice. The information the member talks about has not been -

Mr Pendal: It is there in the letter form.

Mrs PARKER: It is on the files in Family and Children's Services where it should be. The identifying information against that person would not be made as a registration on the child protection services register.

Mr Pendal: They simply write to Activ Foundation which copies it and before long 62 copies are circulating.

Mrs PARKER: It is fundamental to our system of justice that we protect the presumption of innocence until it is tested. For those reasons I could never accept the proposals put by the member for Mandurah last week and I will always defend that position.

Mr Pendal: I want you now to defend it in this case.

Mrs PARKER: I do not have the details apart from what the member has presented to me and I would like some time to have a look at those concerns and work through that case with the member. Does the member understand that the department has its own system of keeping files and recording information? If it did not, it would not be able to professionally manage the cases.

Mr Pendal: I understand that. Do you not understand that this information was not to be kept under security or in a locked drawer? It was proposed to be written to an employer saying that he should not employ this bloke because he is a sexual pervert.

Mrs PARKER: It is a concern.

Mr Pendal: A concern? It is central to what you and I are talking about.

Mrs PARKER: Absolutely, and for that reason I would like to look at this matter, perhaps during the dinner break tonight. It is critical. However, this person's name would not be placed on the register and no identifying information would be provided on the register for the reason we debated last week, that it would be a violation of natural justice. I am not sure whether the member for South Perth understands the difference between the information collected on the departmental file and the information recorded on the register. I agree with the issues raised by the member for South Perth, but they do not relate to the register.

Dr CONSTABLE: I tried to follow the debate last week and today. The minister has said the register will be set up and that the identity of people convicted of child sexual abuse will be protected by fancy electronic and computer means so that access to their names on the register will be difficult. However, she has also said that files in her department, containing

the names of people against whom allegations have been made, are open to the sort of abuse referred to by the member for South Perth. There is an enormous lack of logic in that process. People convicted of crimes will have some protection but the procedures in the department do not provide the same protection for people against whom allegations have been made. That is very frightening. People against whom allegations have been made could find that so-called professionals in Family and Children's Services will draw the conclusions referred to in this example and cause enormous harm to perhaps innocent individuals but certainly those who have not been convicted or whose names have not been brought to the attention of the police with regard to alleged crimes.

The minister should rethink what is happening not only with this register, but also with the procedures in her department. It is a very serious set of circumstances which lack logic and contain many inconsistencies. I cannot accept the procedures in Family and Children's Services which allow files containing this information to be open to this potential abuse.

Mrs PARKER: My concern is particularly with the member for South Perth and whether he understands the process whereby a file is kept within a department - in this case Family and Children's Services - for the purpose of recording information to manage a case when it is suspected that a child is at risk and undertaking a thorough investigation. The issue raised about a breach of the security under which that information is held is a serious matter, and I would like to look into this during the dinner break and return to it later.

In response to the matter raised by the member for Churchlands, with regard to the security of the register I have always maintained that the information on the register will be far safer than the information held in government agencies, and for very good reason. The Government has made a commitment to ensure security for that information.

Dr Constable: It lacks logic.

Mrs PARKER: I trust the member for South Perth understands the difference between the two. I refer to the purpose of the register. It is being created - it has been in existence since the middle of 1996 and it has been the subject of public statements - and it currently holds 2 600 registrations. Not all government agencies have participated because some - particularly Disability Services Commission and the Police Service - do not have the legislative protection that allows them to be involved. Approximately 1 per cent of the 2 600 registrations have had their notification deferred, and not many complaints have been made about names being placed on the register. The register is designed to coordinate information across government and that information must be secure. Information on a person who is suspected of having perpetrated the abuse must not be placed on the register unless it has been tested in a court.

Mr Pendal: We both agree with that.

Mrs PARKER: However, with regard to an internal database and the substantiation of allegations - I understand this is an issue that can cause great distress - which have not been tested in court, we have heard time and again that some cases cannot be tested in court because of the young age of the children involved. However, those involved in child protection work in Family and Children's Services have a professional responsibility to make a judgment as to whether a child has been abused, and steps must be taken to protect that child. I cannot respond to the issue raised by the member for South Perth regarding the practice in my department on the case to which he has referred and the information that might be released. I am concerned about that and I would like further information on it. However, that person's name would not be placed on the register.

Mr PENDAL: I assure the minister that I understand the distinction she is drawing between a register which is to be institutionalised by this legislation and other information which exists on the department's files.

Mrs Parker: And the files of other agencies.

Mr PENDAL: I understand that perfectly. However, is the minister seriously saying that the information in the register is sacrosanct but the information contained in all the other departmental files, which should be sacrosanct, is not? Effectively, that is what she has said. How many other letters have been written by her department to prospective employers advising that the department has allegations indicating that certain people have sexually molested children and the department has substantiated them; that is, a court has not substantiated the allegations but the department has in its secret court that does not bother about lawyers and civil rights? How many letters of that kind have been written in the past year, notwithstanding that people are innocent until proved guilty?

Mrs Parker: I am advised that to the knowledge of my adviser, for the purposes of safety screening of that nature, two letters have been sent.

Mr PENDAL: So someone else, not just my constituent, is in that position - uncharged, unproven and no court appearance. That did not happen even in Stalinist Russia in the 1950s. At least they went through the pretence of putting on a bit of a show of a court of law. Now, two people -

Mrs Parker: I am advised that the constituent to whom you are referring signed a consent form for clearance of that information to be made available.

Mr PENDAL: Yes, that is right; he did. I said that earlier. It is said in the letter that he signed it, confident in the knowledge that he was guilty of no offence. Would not anyone do that? You would do that, Mr Chairman. Someone might say, "You are running for Parliament; it's a public meeting; would you give us permission to check out your name with the authorities to see whether you are a pervert, bank robber or a person of ill repute?" If one had no convictions, what would one do? One would say, "Go ahead. Not only have I never been convicted but I have never been charged or arrested." So there is the difference.

Mrs Parker: He signed a document to release the information on the file. I am advised that under the FOI legislation he is seeking to have access to the file or to have an amendment of the information on the file.

Mr PENDAL: He signed a release form - it is described in the letter - in the belief that the department held no information that would affect his employment by the Activ Foundation. He would come to that conclusion after saying to himself, "I've never been charged with anything and I've certainly never been near a court of law; therefore I've never been convicted of anything. Not only have I not been to a criminal court on this matter but we have dealt with the matter ad nauseam in the Family Court for eight years and on two occasions two judges have said in passing that there is no evidence."

[The member's time expired.]

Mr CARPENTER: If the member for South Perth wishes to continue, I would like to hear more; it is excellent.

Mr PENDAL: As the minister asked what I hope were rhetorical questions about whether I understood, I now repeat: Does she understand the distress of that man who not only has not been charged but also has never been near a court of law? Incidentally, I pressed him on that matter yesterday and in the end he admitted that he had a conviction. He was up for a parking offence several years ago. He absolutely assures me that is the closest he has ever been to having something recorded against his name. He denies the grotesque charges, which, if true, are certainly grotesque, but they are more grotesque when they are made unfairly and without justice.

On two occasions, Family Court judges have said in writing - in material that I have read into the record - "We see no evidence of child abuse. We might think it is inappropriate for that man to have custody of his children for other reasons", and they do. That is largely because of the tension and anger that has built up between the two former spouses over the years. The judge probably correctly concluded that to allow access would be more traumatic for the children involved, but it is not on any suggestion that the poor devil is guilty of any child sexual molestation. Quite the contrary; the two judges, seven years apart, said that they believed him. Members have heard me read that one of them said that the wife has unduly talked herself into that very sad perception, but expert testimony was called from Dr Manners. He was able, as best one can, to unscramble the egg after all those years of hatred and tension and, to him, injustice. He was able to conclude that that activity did not take place. If it did not take place and if we are to institutionalise the register, why will that man's name be passed on to a potential employer, in this case Activ Foundation, when the words "we have found that child sexual abuse has been substantiated against him" are used on two separate occasions?

I said, "There you are, Mr Tom, the game is up; they have been substantiated", and he rightly says, "No, they haven't." Whom do we have under our system of law to substantiate charges? We have only one body that I know of, and that is a constituted court of law. It weighs up the evidence. Sometimes a court says that one is guilty and sometimes it says that one is innocent. Arising out of that, people can launch appeals. Courts determine such serious matters that have affected that man's entire life and his aged mother who has also been the subject of the same sort of allegations. I now have no confidence that information held on a register about suspects -

Mrs Parker: It will not be on the register about suspects.

Mr PENDAL: That is right; we dealt with that matter last week. More fundamentally, I have no confidence that any of that information will be treated judiciously and with great care and discretion, because I know that the department can intend to write a letter to a prospective employer and say, "On two occasions this man sexually molested children, and we have substantiated it, not by the rules of court but by the rules that we set up in our case manual." I request the minister to table a copy of the case manual to which departmental officers have access for dreadful cases like that.

Mrs PARKER: I will certainly seek a copy of the case practice manual and I will table it after the dinner break. The issue is that the gentleman has signed a release for the information in his file to be made available to the prospective employer. He has signed for the information to be released.

Mr Pendal: In the belief that the department would not be allowed to circulate the information which did not result from a conviction in a court of law. He rang the department and challenged the contents of that letter only a few days ago. The person took the point. They could understand what I have been saying because they said, "We will check it out; you seem to have a good point; we will come back to you." Do you know what has happened? Nothing. He has not heard a thing.

Mrs PARKER: I will follow up that matter. I understand that the member for South Perth spoke to Mr Lex McCulloch, who said that he would undertake to follow up that matter. The man signed the release for the information in the file to be made

available to the prospective employer. I am advised that the file had been subpoenaed to the Family Court, so he was aware of the contents of the file when he signed for the release of the file and its contents to his prospective employer.

Mr Pendal: If the Family Court is able, upon subpoenaing his file, to reach the conclusion that there was never any child molestation on the two occasions, how is it that the department persisted in the belief that there was? What makes the department's powers of judgment superior to those of a court of law?

Mrs PARKER: Last week we spoke about the difficulty because this area of professional practice does not deal with formulas. In this case a senior officer of the department reviewed the file and made a professional judgment.

Mr Pendal: What makes that review officer's judgment superior to that of a judge sitting in the Family Court who has had the chance to review a case and to say that the evidence presented does not substantiate such a charge?

Mrs PARKER: The most senior psychologist in the department reviewed the file. Obtaining a conviction is difficult in child protection cases because of the age of the children involved.

Mr Pendal: I do not want a guilty person to get away, and neither do I want an innocent person to be besmirched for the rest of his life. The department's work has followed this bloke around for eight years.

Mrs PARKER: For that reason the information would not be placed on the register. However, the person can sign a release so that the information on departmental files is available to his prospective employer.

Mr Pendal: No, his understanding was that the department cannot release to a prospective employer information which has never been tested in a court of law. That is why, when he received the letter that I have now given the minister, he telephoned Mr McCulloch of the department to say it was outrageous that the department had passed on its suspicions. The minister agreed last week that suspicion is not enough.

Mr CARPENTER: If this were a game of chess the minister would be about to move checkmate. We are now into the fourth day of agonising about the sensitivities attached to information collated on the register. What is the point of that when information that is even more sensitive than that which appears on the register is disseminated by the department?

Mrs Parker: A release was signed by the person.

Mr CARPENTER: The understanding of the person who signed the release was that the information about him would not be released, and I would be interested to know the understanding of the person to whom the minister referred who has had similar information disseminated about him or her. What is the point of debating hour upon hour about whether sensitive information about individuals collated and stored on a register can or cannot be accessed by other people if the department is disseminating information which is considered to be too sensitive to be put on the register? What is the point of a philosophical argument over whether mere accusations of child abuse should appear on the register when the department disseminates information of that kind in any case? The nub of the problem is the necessity or desirability of the register. It is not necessary and probably not desirable. The member for South Perth gave an example of that. The Opposition's view on the amendments is that if we have a register of this nature people have a right to be notified.

Mrs Parker: So you do not support the amendment?

Mr CARPENTER: I did not say that. In the case brought forward by the member for South Perth, I believe that the person had a right to be told in specific detail exactly what information would be disseminated to a prospective employer. That person has also been to my office, although not since the last court judgment. From what he said, it appeared he was not aware of the precise nature of the information that was about to be disseminated by the department to an employer. I believe he has a right to know every bit of information that pertains to him that is retained by the department, especially if it is the intention of the department that at some stage in the future that information could be passed on and used against him. The receipt of that information by a prospective employer could hardly have done his employment prospects any good. The member for Mandurah's amendments would take away the right to know, and that is not advisable.

I will go one step beyond that. From the minister's argument and the factual information that has been presented, it does not appear that the register is necessary or that it will, on balance, produce a positive outcome for people with whom the department deals. How can the minister verify the assertion she has made that in 99 per cent of 2 600 cases on the register the parents or the child's custodians have been advised that their child's name is on the register?

Mrs PARKER: The member for South Perth has provided me with a letter from the executive director of Family and Children's Services to the gentleman who has been the subject of discussion regarding the information that would be provided to the prospective employer. The member for Willagee has said that the gentleman had a right to know what would be passed on. The information has not been passed on. The letter advises the gentleman concerned what information is contained in case files. The gentleman had already obtained this information in the Family Court. He is outraged at what is contained in the file. The letter also sets out a definition of substantiation which explains that it is not a test of a court of law but a test used by professionals in the child protection field.

Mr Pendal: That is not explained; it simply says that this is the definition in the case manual. Fortunately, the man is reasonably literate about the law and can see through that.

Mrs PARKER: The letter also states that substantiation requires -

*. . . sufficient information to form a professional judgment that a child:*

*\* has been significantly physically or emotionally harmed or injured;*

*\* is at risk of significant physical or emotional harm or injury;*

This person is being advised - the member for Willagee said that he should know - that he signed a letter of release. The department has written to him saying that it has a copy of the release and advising him of the content of the file. The executive director stated that he has requested a senior professional officer to review the files and to confirm their appropriateness and the two substantiations. He then goes on to state -

However, prior to providing information to ACTIV Foundation, I would like to give you the opportunity to present further information regarding the notations on Departmental files.

Please provide me with any further information within a week of the date of this letter.

I would also like to take this opportunity to inform you of section 45 of the *Freedom of Information Act 1992* regarding the right to apply for information on a Departmental file to be amended. For further information regarding the procedure pursuant to the *Freedom of Information Act 1992*, please contact . . .

First, he signed a release. He was written to and told what information was on the file and what would be released. He was told that the file had been reviewed by a senior professional and that before it would be released he had a right of appeal and he was invited to use that right.

Mr Pendal: That is exactly what he is doing.

Mrs PARKER: And so he should. However, no information has been provided to the prospective employer.

Mr Pendal: I never said it had been.

Mrs PARKER: He signed the release and the executive director wrote to him stating that the department had been advised that he had signed the document authorising the release of the information. He was also told what his file contains and that it had been reviewed by a senior professional in the department. The department also advised that he has the right to apply to have the information amended before it is passed on, and the procedure for doing so was outlined. No further action would be taken until he responded to that invitation.

Mr NICHOLLS: The issue that has been raised goes to the heart of the concerns members have expressed. I sought to amend the legislation so that the name of the alleged offender could be on the register, but no-one could download or access it. It is to be included in case there are further allegations about that person.

The member for South Perth raised specific issues about natural justice. The debate suggests to me that the argument about natural justice is waning. On the one hand it is not permissible to put someone's name on a totally confidential and inaccessible register, but on the other hand it can be held on files.

Mrs Parker: It is transferred after permission has been gained and the content is divulged. If there is a concern about the content, the person concerned is advised about the process whereby that content can be amended before it is released.

Mr NICHOLLS: We are talking about the recording of the alleged offender's details. We have spent a long time on this amendment. Other opportunities exist for members to raise this issue. I suggest that we move the debate along, but without depriving the member for South Perth of the opportunity to pursue his point further.

In response to the member for Willagee, my amendments are not designed to stop people being notified that an allegation has been substantiated and therefore that their name will be recorded, but so that the manager does not have a responsibility under the legislation to undertake that notification. If the notification is made as a matter of course by the agency that is holding the file, there is no way of centrally collating that information. That reduces any potential to download or create a file and enhances the minister's argument about confidentiality. However, the notion that the database can be worked through in respect of other issues is a problem for many members. The objective of this amendment is not to deprive people of the knowledge that the allegation has been substantiated and that his or her name is being placed on the register, but to remove the requirement under legislation for the manager or the manager's delegate to provide that notification.

The other benefit of requiring the department holding the file to provide the information is that the family or individual can identify easily which department has provided the information and determined that the allegations have been substantiated.

I would like to see the debate progressed and this amendment resolved. If members can assist, we may get through this

amendment, deal with some of the others and the member for South Perth can deal with the issues he has raised in debate on subsequent amendments.

Mr PENDAL: I understand that the member wants a decision on his amendment. I am happy to spend two or three minutes responding to the minister and then for the Committee to proceed along the lines that the member for Mandurah has indicated. It does not alter the fact that my concerns pervade the Bill.

In suggesting an out for my constituent, the minister quoted from the letter I provided. She referred to the fact that the executive director offered my constituent the opportunity to present further information regarding the notations on the department's files prior to its being provided to the Activ Foundation. We agree that that offer was made. However, the letter then requested that my constituent provide any such information within one week of the date of the letter. What would have happened had the man been driving in Queensland or on holidays in Bali for a fortnight? The next paragraph contains an additional reference to other unrelated provisions in the Freedom of Information Act.

Mrs Parker: That is a fair comment; I accept that. I had not seen the letter prior to today.

Mr PENDAL: I am pleased to hear the minister acknowledge that.

In order to accommodate the member for Mandurah, I will not pursue this case before dinner.

I also raise some other concerns about which I have been informed in fairly recent history; namely, the ease with which sensitive information can be accessed from the department. The member for Mandurah has indicated the nature of his amendment, and the minister has responded. I intended to support the minister and the Government on this amendment; nevertheless, I will pursue the nub of the question before the Committee which is central to the issue under debate for seven or eight days.

Mr CARPENTER: I hate to disappoint the members for Mandurah and South Perth, but I have given them a good run. Some concern is held about this provision relating to the "Notification of report" which is the subject of the amendment. I would like a matter addressed. The member's amendment is not unreasonable. However, it falls down because of the very existence of the register. I understand that other departments which gather information must notify the person about whom they have information. However, even if the amendment were passed, the register will still exist.

Mr Nicholls: It is not totally confidential - you're right. If it were totally confidential and no-one could get information, it would be simply a collation of information for no other reason than to provide coordination.

Mr CARPENTER: Let us assume that the register was totally confidential. A person who is the subject of a report placed on a register in some government department has a right to know about that report.

Mr Trenorden: I agree.

Mr CARPENTER: Yes. That is my problem with the amendment. I understand that if the manager were not required to notify people, other government departments would have to notify that information had been gathered about a person. This register will still exist even if the amendment were passed. If a register which gathers information into a central point is to be used, people have a right to know about that report of information.

Mr Nicholls: My argument is that they are notified from the agency which provides the information to the register, as opposed to having a requirement on the register custodian to provide that information out of the central clearing house.

Mr CARPENTER: I understand that point. We could enter several stages of argument about the desirability of the reporting agency notifying people; I believe it is probably better to come from a central agency. However, my problem is that the register will still exist. The register cannot be 100 per cent confidential by its nature; that is, information is passed in and out. We know that three people will have access to all the information on the register, and that other approved people will have access upon application. That raises a couple of points made earlier by the member for Mandurah in support of his amendment. The minister indicated earlier in debate that 2 600 names and case details were on the register so far. The minister said in answer to a question that, on advice received, a parent or custodian guardian had been advised of their child being on the register in 99 per cent of the 2 600 cases. How do we know? How does the minister know, and how can Parliament know that that information is correct? How can we know that the assertion is accurate that parents were notified that their children were placed on the register?

Mrs PARKER: Proposed section 120G, under "Notification of report", refers to keeping of non-identifying statistical information. That is how we can tell the number of reports made, and who has been notified. That information was used to provide the advice to me that 2 600 registrations had been made, and that notifications were deferred in one per cent of the cases. Notification was made in all other cases.

Mr CARPENTER: I accept the minister's comment, but it does not answer the question. How can the assertion that all these cases were notified be tested? The assertion cannot be tested under the minister's explanation. Do the manager and the other two custodians know the precise details of everyone who has been notified? Do we rely on the word of the manager and

the other two custodians that people were notified? There appears to be no way in which Parliament can be assured in a verifiable way that notification has occurred.

Mrs PARKER: The amendment of the member for Mandurah on page 9 of the Notice Paper to proposed section 120P outlines that the manager will report annually to the minister. I have accepted that amendment and acknowledged the benefit in having the manager report to the minister. Therefore, some scrutiny will be involved. Proposed section 120F refers to "such other information as prescribed"; this refers to non-identifying information and statistics. We can tell maybe how many registrations are made, how many notifications of those registrations are made, how many are deferred and so on. Provision is made so that recording material will be incorporated into the report as outlined by the member for Mandurah. What is to be reported will be prescribed in the regulations. That will provide the information the member seeks. At present, non-identifying statistical information is kept. The acting manager has been able to provide those figures from that information.

Mr CARPENTER: I accept the internal logic of the argument; that is, the minister has outlined the best way in which the assertion that notification has taken place can be made. The problem is that if one does not accept the logic of the necessity for the register in the first place, the internal logic of the verification of notification fails any test.

Mrs Parker: It is not logic - it is the process used.

Mr CARPENTER: There is no way, other than to accept the information provided to the minister by the manager in a non-identifying way, that verification of notification can be known to have taken place other than on an individual basis; namely, going to every person on the register and asking him or her whether notification took place. This highlights a difficulty in the maintenance of a register of this nature; that is, its secretive nature means that one cannot test the validity of assertions made about it. One cannot test whether the register is being misused or abused because of the very nature of the legislation which establishes and legitimises it. That is a problem. For example, how were the people involved in the 99 per cent of the 2 600 cases notified of their presence on the register?

Mrs PARKER: I am advised by the acting manager that some of those people were advised in writing, some by face-to-face contact - often with the agency dealing with the case - and some by telephone.

*Sitting suspended from 6.02 to 7.30 pm*

Mr CARPENTER: I asked the minister how people gained access to information which will allow them to know that a family member, their child, has been placed on the register. I understand that she said the notification would basically fall into three categories; written, face-to-face and telephone. Concern has been raised with me about the security of information and the provision of that information by telephone. How is it possible for the department to maintain the strict regime of security inbuilt into this legislation, by implication at least, when people are notified by phone?

Mrs PARKER: I have previously advised the Chamber that notification can occur either through the manager, the professional in the reporting agency or the person who is involved with the case on a day-to-day basis. The acting manager advises me that he uses only a written notification process if he notifies the person concerned. In many instances it is the case worker or the person working with the child who makes the notification. That notification will be made by contact with the parent and/or the child involved, or in some other cases by a follow-up phone call with a person with whom they have had frequent contact because they have been involved with the case, so there is an assurance about who is the person. I can see where the member is coming from regarding the issue that was raised last week in which a member of the public expressed concern that advice had been given over the telephone. The advice referred to last week was not given from the register; it was given by the consumer advocate. However, I am advised by the acting manager that telephone contact is made by the professional who has been working on a day-to-day basis as a follow-up to the number of contacts they have had in working with the child.

I am advised by the acting manager that notification is not seen as a punitive measure by the parents of the child involved. We realise that most of the abuses committed against children are by someone known to the family. The member for Willagee spoke about the problem of notification, but it is not seen in any way as a punishment. It is different from the issue of its being vexatious that was raised in the debate about allegations of abuse by suspected persons; that is when people see notification as distressing. I can understand the member's reaction to the notification being made by telephone. The phone calls are usually undertaken by the agency that made the registration and the person working with the case because it is done in the context of the relationship and the rapport that has been developed.

Mr CARPENTER: The punitive aspect to the notification had not crossed my mind in the context of my question, but it did occur to me in relation to some of the people who have come into my office and also in regard to proposed section 120G, which states that if the child has reached the age of 12 years, the child should be notified. I ask myself about the effect that notification would have on a child aged 12 years. Many problems relate to that issue of how old the child should be when he or she is notified that they have been placed on a register of abused children. However, I am not an expert.

Mrs Parker: That is why it is absolutely imperative to have section 120G(3) which states -

The manager may -

- (a) defer notification . . . or
- (b) dispense with notification . . .

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

The member raises the valid point that in some instances it will not be appropriate to tell the child; that assessment would be made before that information was given.

Mr CARPENTER: I understand that. I also understand that it is clearly a subjective judgment on behalf of the manager on whether a child aged 12 years is capable of dealing with the fact that he or she has been placed on a register of abused children and that information will remain there at least until the child attains the age of 18 years. That creates all sorts of problems. As to the punitive aspect which the minister raised - I did not intend addressing that now but later - the people who have contacted my office about their child being placed on the register fall into a couple of categories. One category is parents of a child who has been sexually abused by a person, who is not a member of the family, who has been dealt with by the courts. The parents see no reason for placing their child on a register of abused children. They see a punitive aspect to it, which is unnecessary and negative to the wellbeing of the child. I still have not heard a reasonable explanation from the minister of why in those circumstances the child should be placed on the register. We might be able to explore that later.

I now deal with the notification of report. From the minister's explanation in response to a question raised by the member for Mandurah before the break, it would appear that no identifying information can be made available to the minister or anybody else beyond the manager that notification has occurred, because the minister said that no record of notification is kept. I find it impossible to believe that no record is kept. It is probably not advisable that no record of notification is kept. However, the minister went on to say that in the case of the manager advising approved persons who then advise the parent or child that the child is on the register, in 100 per cent of cases, the manager does that in written form. If the manager passes on information to every person who has sought it, is the minister saying that there is no record of the correspondence that the manager has entered into?

Mrs PARKER: The record is kept on the register which contains the child's name, address, and other details that have been described in the legislation. It is noted on that registration whether the notification has been made. The individual file on the register indicates that the notification has been made, and that is where the record is kept. As to keeping the documentation, in the great majority of cases, the notification is made by the case manager in the agency because he has the rapport with the child.

Mr Carpenter: In those circumstances, the manager notifies the case manager, who is obviously an approved person, that the registration has taken place. The case manager then notifies the person.

Mrs PARKER: In the history of the register to date, the approved person has largely been the case manager from Family and Children's Services. Other agencies have not participated because they do not have the legislative capacity to do so. Therefore, the approved person has made the registration.

Mr Carpenter: No, the approved person makes the report; he does not make the registration.

Mrs PARKER: The approved person advises the manager and makes the registration that there is a child about whom there has been a substantiation of abuse and that services are being provided.

Mr Carpenter: The manager makes the registration. I know what the minister is saying.

Mrs PARKER: That is right. The manager then advises the parent or guardian, and/or the child, depending on the age - there is a discretion - that they need to be notified, and they are.

Mr CARPENTER: I apologise if I am labouring under a misunderstanding. I thought the minister told us that in at least some of the cases, the manager notifies the approved person who made the report in the first place that the registration has taken place. That approved person then notifies the parent and child that registration has taken place.

Mrs Parker: Yes, and then he notifies the manager that the notification has occurred.

Mr CARPENTER: I know we are anxious to vote on this, but I crave the minister's indulgence on a couple of other points.

I do not wish to cast aspersions on people who hold down the role of manager and/or custodian. However, I want to explore the minister's suggestion that it is impossible for information to be downloaded and her earlier assertion that it is impossible for a list, shall we say, of sexually abused children to be created. How can that possibly be the case? The manager has access to all of this information. He has generated documents. On the minister's own advice, he writes to 100 per cent of the people and advises them in writing that notification has occurred.

Mrs Parker: No, I said that in a large proportion of the cases, the notification is undertaken by the case manager.

Mr CARPENTER: As I see it, the scenario that the minister has explained to me is that in 100 per cent of cases the parents and/or the children are notified.

Mrs Parker: In 99 per cent of cases, yes.

Mr CARPENTER: They are notified by either the approved person who made the report in the first place or the manager. However, the approved person can notify the concerned person by phone because he has had regular contact with that person, and presumably the approved person can identify these people by phone.

Mrs Parker: Yes.

Mr CARPENTER: On the other hand, the manager, in 100 per cent of cases, notifies the approved person or the affected person in writing.

Mrs Parker: That is what I am advised, yes.

Mr CARPENTER: Therefore, in 100 per cent of cases the manager has generated the document which provides details of a person's case and confirms to that person, or to the approved person dealing with that person, that he is registered on this central database. It is inconceivable that the manager who is generating a document in 100 per cent of the cases, which confirms certain information, could not compile a list.

Mrs PARKER: We have dealt with the list.

Mr Carpenter: Only to the extent that you said it was impossible to create it.

Mrs PARKER: The register and the software used are such that a list of the cases cannot be downloaded. When the member for Mandurah first introduced this amendment, he talked about making a merge of a letter and the person on the register for the purpose of a notification. There is no mail merge. As members might know a mail merge in our electorate offices is for the purpose of sending out correspondence to people who have sent a petition or something like that to us. Once the registration is made, a notification must be made. A letter of notification is created and sent to the appropriate person, whether it be the case manager, the guardian or whomever. No record of that is kept. The record that is kept is that on the electronic file -

Mr Carpenter: How can a record not be kept? Does the manager handwrite it and then destroy all traces of his activity? It is inconceivable that no record is kept. If no record is kept, how is it known if the information is accurate?

Mrs PARKER: The acting manager advises me that a form is sent to the case manager stating that the registration has occurred and that notification needs to be made. When the notification is made, the form is returned to the manager, advising that the notification has occurred. The notification is then documented on the electronic system to indicate that it has occurred, and the form is destroyed.

Mr CARPENTER: We have probably run into a dead end in our capacity to resolve the difference of opinion. I put it to the minister and to anyone who has looked at this objectively and rationally, that if the manager of a register of encrypted information is generating documents 100 per cent of the time to confirm the content of that register, it is unlikely that no record of those documents exists. Also, it is totally inconceivable that the manager cannot generate a list. He may be able to do it only one case at a time - the minister said he had access to information only one case at a time - but if he is generating documents which confirm 100 per cent of the cases, as opposed to reading encrypted documents, he is generating documents which are readable to either the case manager or the person directly concerned and he must be able to generate a list. There is no other possible outcome.

Mrs PARKER: The Committee has debated the list and the security for many hours, and the member for Willagee has indicated that he does not want to pursue this matter. The member for Mandurah is happy for it to be put to a vote and we must make progress. It is an important issue but it is time to deal with some of the new issues. We have been through the security of the information.

Now the member is talking about the integrity of the person who is charged with responsibility for managing the register and the two assistants involved. When I appoint the manager, the highest degree of scrutiny will be involved. This gets to the issue of safety screening and, no matter what the position, people must have confidence that anyone involved in the care and protection of children, particularly children at risk, in government and non-government agencies, can manage the responsibility with the highest level of integrity. Although no system is foolproof, I assure members that before appointing the manager of this register, the highest level of police security and professional checks will be carried out and character references will be sought. It is an extremely responsible position and I will need to be sure that the person appointed satisfies all the requirements. If people have no confidence that a range of professionals caring for children, across government and non-government agencies, conduct themselves with professionalism and integrity, it is a very sorry situation. As I said last week, the back-up is that the Government has the highest commitment to making sure that it has the best security checks for all workers who have direct contact with children. At this stage, Western Australia is ahead of all other States in pursuing these matters.

Mr CARPENTER: I accept what the minister said without reservation. However, she should have no misunderstanding about what she has said. She is wrong in asserting that it is impossible to make a list; she has just confirmed that it is possible and no-one can argue differently. The minister has also taken the next step by saying that people must rely on the integrity of the people in charge of the information. I agree with her 100 per cent. We shall rely on the integrity of the person in control of this information, and that is the problem with the register. The minister's assurances and assertions are not true. We must rely on people not to abuse the capacity to make a register of abused children, and that is the fundamental problem people have raised, in its many manifestations, in relation to this legislation.

The CHAIRMAN: There are two conflicting amendments to this part of the clause. In order to preserve the rights of the member for Mandurah and the Minister for Family and Children's Services, a test vote will be taken. The amendment proposed by the member for Mandurah is to delete the words from line 15 on page 8 to line 2 on page 10, and the minister proposes to delete the word "request" on line 1 of page 10 and substitute "apply for".

I pose the question, as a test vote, that all words from line 15, page 8 up to and including the words "right to" in line 1 on page 10 be deleted. If the deletion is agreed to, the remainder of the member for Mandurah's amendment will be put to the Committee. If the initial deletion is negatived, the minister will be free to move her amendment.

**Amendment put and negatived.**

Mrs PARKER: I move -

Page 10, line 1 - To delete "request" and substitute "apply for".

This amendment relates to the amendment made to line 12 on page 6 whereby the words "the manager" were deleted and "a judge" were substituted. While a request may be made to a manager, it is more appropriate to apply to a judge. That is the reason for the amendment.

**Amendment put and passed.**

Mr NICHOLLS: I do not propose to proceed with my next amendment on the Notice Paper because, although I object to the information being provided, it is my intention to also touch on page 11 of the Bill at a later stage. It appears that the Committee intends to provide access to information on the register to just about everyone. There has been much debate about who has access to this information. Proposed section 120I relates to the circumstances in which access is permitted. We are arguing that this is a confidential, very tightly kept, strict, encoded piece of data; yet a long list of people can access this information, and can appeal. The courts can apply to have information provided. Earlier a comment was made about subpoenaing information on the basis that it was on the register. That is a bit of a nonsense, given that under the provisions in proposed section 120L a judge can seek information when determining an appeal. Effectively it applies to people who would like to appeal against their information being kept on the register. As we have gone through amendments, I have made my point on this matter very clear. I move -

Page 10, lines 17 and 18 - To delete the lines and substitute the word "shall".

If the amendment is passed, proposed section 120J will read -

. . . On receiving a report in respect of a child, the manager shall . . . notify the approved person who made the report of the existence of any other information in the register in respect of the child and permit the approved person to have access to it . . .

I find it mystifying that the minister can bring forward a Bill with a provision that the manager may at his or her discretion choose to notify the approved person or to permit any other person to have access to the information, if the information simply replicates what is on the file of the approved agency that has provided it. I ask the minister this: If this register is to operate as a coordinating mechanism, why should a prerogative be built into the legislation that allows a discretion on behalf of the manager to decide whether he or she will provide information to approved persons? Presumably these people are actively involved in the interests of the child, have the highest police clearance, have been checked out fully and are actively involved in a case or an allegation pertaining to these children. For the life of me, I cannot work out why the manager should need a discretion to notify an approved person in an agency, presumably dealing with that child, in line with the child's interests. This amendment is pretty straightforward. I cannot understand why the minister will not support it. I do not understand why the manager should have the prerogative to decide whether he or she provides the information.

Mrs PARKER: When the Bill was drafted, this provision proposed to give discretion to the manager so that advice may not be given. I am advised by the acting manager that that discretion has not been exercised on each occasion notification has been made. Because of that, I am prepared to accept the amendment.

Mr CARPENTER: I find myself in an unusual situation because I do not want to oppose the amendment on which there seems to be some concordance of opinion. I seek further explanation. It seems that it is not a bad thing that the manager of the register should have discretion over who should have access to information. To remove that capacity for discretion

could throw up some unexpected consequences. The original position of the minister in the debate was that approved persons would have reaffirmed to them only information they already knew. We now know that is not the case. During that discussion, we referred to proposed section 120J which, as currently drafted, allows the manager the discretion to notify approved persons of any other information in the register.

It occurs to me that circumstances may well arise in relation to information stored on the register about a case or a person which the manager, in his assessment of what is in the best interests of the child, does not believe should necessarily be passed back to the reporting agency. I have no examples to draw upon, but I can imagine circumstances in which there might be a whole range of information about a child on the register. A reporting agency notifies the manager of concerns or whatever about a case involving that child. If we remove that discretion of the manager to decide whether all of the information on the register should then be passed back to the notifying agency in a particular case, we might open up possibilities which are not intended and do not accord with the best interests of the child in 100 per cent of cases. There is a good reason to allow the manager to have discretion.

I go to the point we arrived at in earlier debate where the management of this register and access to the information therein, in the end, depend solely upon the character or the capacity of the manager. All the reassurances about different ways of filtering information do not stand up to the test. In this legislation and all the activities of Family and Children's Services, the interests of the child must be paramount. There may well be circumstances in which the manager of this highly sensitive register believes it is in the best interests of the child that a notifying agency not be given all relevant information. If that discretion were taken away, we might rue the day. Perhaps we should reconsider the matter.

Mr NICHOLLS: My understanding of what the member is saying is that it is having two bob each way. It is like saying we should perhaps leave the gate open in case we get it wrong. A register is being created that will provide greater assurance that a whole-of-government approach will be used to protect a child or to ensure the welfare of a child who is at the centre of all the action; that is, the services provided are appropriate and any risks the child may be exposed to are either neutralised or reduced. In what circumstances would the manager not provide the information? This is not just somebody ringing up and asking for the lowdown; it is about a child, and the report must be about alleged maltreatment.

That, in essence, is what we are talking about. An agency is reporting to the manager that it has a report of an alleged case of maltreatment. The manager should be then duty-bound to provide to whomever is dealing with that child and taking action, information about other services given or actions taken to protect the child in the past or other threats or extraneous information that may pertain to that child. If we are to assume that people in agencies cannot be trusted, we are putting ourselves in a difficult position. These people already have access to everything. As under this Bill they will be approved people in those agencies, they will be entitled to access that information.

The manager's having the prerogative will create a dilemma for him. How would he know what services were being delivered on the ground? He does not know where the child is and is not able to take first-hand account of the circumstances in which the child is living, nor is he able to access all the details on the file because the register contains only limited information. It is not the manager's role to determine who should have access to the information when people are allowed to have information under the Bill. His role is to ensure that the person seeking the information is the appropriate person, that the report is on the child about whom the information is being requested and that, wherever possible, the actions taken to protect the child are the best actions a whole-of-government approach can bring to bear. I cannot think of one circumstance in which a child's welfare would be protected because the manager withheld information that was on the register from an agency which was supposedly protecting the child from further harm.

Mr CARPENTER: This is not my amendment but the minister is supporting me. Could an "approved person" be someone who worked within the Education Department?

Mrs Parker: Yes.

Mr CARPENTER: It is a grave mistake to remove from legislation discretionary powers for anyone dealing with dissemination of information. The amendment moved by the member for Mandurah will make it compulsory for the manager to notify an approved person of all the information held on the register about a child. It may not be any of that person's business. Let us assume that a child in a school has been the subject of notification of suspected or substantiated abuse. That notification was made by the principal of the school to the Department of Family and Children's Services. The information will go onto the register. Proposed section 120J reads -

- (1) On receiving a report in respect of a child, the manager may. . .

The amendment will say ". . .the manager shall," . . .

- (a) notify the approved person who made the report of the existence of any other information in the register in respect of the child and permit the approved person to have access to it;

Why should that person have access to it? The principal of the school would have discharged his duty by notifying Family and Children's Services of the abuse. It is not then necessary for the principal to know every other piece of information on

the register or to manage that case. The child and the parents of that child may not know the case is on the register. They may be one of the 1 per cent, which by my calculations is 26 cases in the State, who do not know that their case is on the register. Why should the principal of a school know? If Family and Children's Services has received notification from a principal of a case of abuse of a child in that school it is not for the principal to act on that. It is for an officer of Family and Children's Services to manage the case. It may be counterproductive to the interests of the child for the principal of the school and who knows who else thereafter - the principal may alert everybody in the school - to become case managers. The term "approved persons" has been defined as people who can notify cases of abuse. It will not be in the best interests of 100 per cent of cases that the approved person who makes the notification is given all the information. That would not be appropriate. Numerous incidents might be on the file involving many people. This information is very sensitive. That is the crux of the debate about whether this register is valid. This amendment will compel the register to place that information in the hands of people to whom it may be of no use. They will be discharging their duty by notifying Family and Children's Services or the police who have a bona fide role to act. There may be no need for the notifying person to be given all the other information about that case. The member for Mandurah should seriously consider the impact of his amendment, because I do not think it is right.

Mr PENDAL: We have been debating this for four hours. In a way it has been one of the more important debates in the past six months because it continually returns to the issue of the sensitivity of information. I do not have any great confidence in the safety of the information held by the department.

The issue has gained a little notoriety in the past day or two as a result of a woman's telephoning the Department of Family and Children's Services on the very point about which we are speaking. She asked to speak to the consumer advocate. I did not know that officer existed until the dinner adjournment. The woman was concerned about whether her daughter was on the register. If I understand the story correctly, the officer at Family and Children's Services said, "I will access the computer." He or she then accessed the computer. There was no identification. Irrespective of the outcome, whether it was positive or negative, the point was not unlike the earlier point I made - the telephone caller was able to prompt an officer of the department to call up information perhaps on the register, but certainly on a computer database, to satisfy the caller as to whether the name was or was not on that database. That is a different set of circumstances from that to which I referred earlier in response to my constituent, to whom I referred as Tom. Does the minister regard that as possible?

Mr Parker: What?

Mr PENDAL: I understand the matter was reported on Channel 10 by Bryan Seymour on Thursday night. The people involved were in touch with me as late as today. The minister has acknowledged that a person can telephone the department, speak to the consumer advocate and ask if a person is mentioned on the database or the register. Under what circumstances can a person telephone and receive confirmation of a person's guilt or otherwise in respect of child molestation?

Mrs PARKER: The role of the consumer advocate is to act on behalf of clients who may have a grievance against the department. I trust there is agreement in this place that that role is critical. We often talk about vexed issues in the child protection area. When this issue was raised in the media last week I said that I was keen to talk with the woman and asked if she would contact me about her circumstances. I have no way to contact her. The woman had telephoned the consumer advocate and raised her concern that her daughter's name was on the register. The consumer advocate determined that the mother was who she said she was by asking a series of questions that only the mother would have been able to answer. The consumer advocate did not access the register. She was able to access the child's departmental file and confirm that a substantiation had been established and registered, and a notification had been made.

Mr PENDAL: The plot gets thicker, and the problem worse. I have considerable regard for the minister and I hoped that she would not go to the nth degree to defend a departmental position that might be indefensible. Let us go back through the processes that she has described. An unidentified and frankly unidentifiable person telephones and speaks to the consumer advocate. I understand this is a mother whose principal concern is that her daughter may be mentioned in the current register. The problem is similar to that of my constituent Tom of South Perth, a father who has been falsely accused - to the satisfaction of the Family Court - of interfering with his children. A person has been able to access some information - it does not matter how much - via the telephone and the consumer advocate punches a few keys on the computer and then begins to engage in a discussion with a departmental officer about her daughter. How did the departmental officer know that it was not some other person in society? How did that officer know that it was not some friend who had fallen out with her who wanted to get back at her by telephoning the department and using her name?

Mrs Parker: The consumer advocate would not know that even if the mother had presented in person.

Mr PENDAL: The minister is getting in deeper and deeper. When a person fronts physically the department is able to demand some identification and ask what interest that person has. The person must produce identification such as a driver's licence. That does not apply in this case; it is a telephone call. Without being rude, I could telephone the department tomorrow morning and use the minister's name. That is the manipulative capacity that people have by using a telephone. Late this afternoon, after I had given the information in respect of my constituent, I was told that someone who we will call "Cathy" telephoned the consumer advocate and expressed some concern that her daughter's name might be on the database.

It may be that talkback radio and ring-backs to government departments must come to a halt if we are getting into the situation that was described earlier this afternoon. Like every member in this place I reckon that every person who is guilty of child molestation and is put behind bars is a plus, but I also fear that in an age of false information every person whom we pin down as having been unfairly accused is not just a minus but a double minus. My concern about the security of the information to which the members for Willagee and Mandurah referred is not being satisfied on those fundamental points. Perhaps the minister should report progress and seeks leave to sit again so that the Government can go away and, with the best intentions in the world, start all over again.

Mrs Parker: I am happy to continue the debate until eight o'clock at which time a different debate is scheduled.

Mr CARPENTER: I know the member for Mandurah is acting with the best of intentions. However, I ask the minister to reconsider her foreshadowed support because the amendment, which will compel the manager to pass on every bit of information on the file to every approved person who reports the case, is potentially a disaster. I do not think we should be going down that path. The Opposition opposes the register. After three or four days of debate, its opposition has been verified by all the conundrums and difficulties that have been raised about the keeping of this register. However, the manager of this register, which already exists to a limited extent, must have some discretionary capacity. To remove that discretion theoretically and practically would have severe ramifications that we would regret. Perhaps with advice, the minister might reconsider her earlier support for the amendment.

Mr NICHOLLS: I am not sure the member for Willagee understands the process as outlined. If a headmaster received allegations, he or she would report them not directly to the register but to Family and Children's Services or the Police Service. The only time the headmaster would contact the manager of the register would be when Family and Children's Services or the Police Service indicated that they did not believe the allegations were substantiated. If the headmaster believed that the concerns were serious, he or she would want action taken.

When we refer to these people having access to information, we are referring to safeguards that would be provided to protect children. The arguments about these people making reports suggests that the member has not understood the function of reporting to the register. The member is talking only about the Police Service and Family and Children's Services, which are the investigating agencies.

Mr Carpenter: That is not correct.

Mr NICHOLLS: It is correct based on the minister's statements and the debate so far. The headmaster would contact the register only if the Police Service or Family and Children's Services said that they had investigated the allegations and found that they were not substantiated but he or she still believed the child was at risk. In that case, knowing the facts on the register would assist the headmaster. The only function of the register is to hold the Police Service and Family and Children's Services accountable to ensure they do the investigation and, where the allegations are substantiated, make that report known to the manager. Under this legislation, once the investigation has been undertaken by the Police Service or Family and Children's Services and a decision has been made, the reporting agency has the prerogative to go to the manager and say that, while the allegation has been dismissed, it believes there is a problem and does not accept that no action should be taken to protect the child. I have followed the processes very closely, and there is no reason that that information would not be provided. The member's scenario is that a headmaster contacts the manager and reports that Family and Children's Services has determined that the allegation is unsubstantiated. The manager might then say the person undertaking the investigation is credible and the process was correct so the information will not be provided. The manager must weigh up those decisions.

I want accountability and some semblance of a safety net. The manager's job should be to ensure that the person asking for the information has the authority and is the appropriate person to have it. The manager should then provide the information on the register because it is not new information; it is simply information on government files. The only two agencies that do not report to one another are the Police Service and Family and Children's Services. Under the reciprocal arrangements, all other agencies are required to report not only substantiated but also unsubstantiated allegations.

**Progress reported and leave granted to sit again.**

### **BILLS (3) - RETURNED**

1. Port Authorities (Consequential Provisions) Bill.
2. Maritime Fees and Charges (Taxing) Bill.

Bills returned from the Council without amendment.

3. Port Authorities Bill.

Bill returned from the Council with amendments.

## CULTURE, LIBRARIES AND THE ARTS BILL

### CULTURE, LIBRARIES AND THE ARTS (CONSEQUENTIAL PROVISIONS) BILL

#### *Cognate Debate*

On motion by Mrs Edwardes (Minister for the Environment) resolved -

That leave be granted for a cognate debate on the Culture, Libraries and the Arts Bill and the Culture, Libraries and the Arts (Consequential Provisions) Bill, and that the Culture, Libraries and the Arts Bill be the principal Bill.

#### *Second Reading*

Resumed from 27 October 1998.

**MS McHALE** (Thornlie) [8.07 pm]: The Opposition vehemently opposes both the principal Bill and the consequential provisions Bill. These Bills do not represent a model for management of the arts in this State. They certainly do not present a model that in any way serves the best interests of the arts community. Any Bill that empowers any Minister for the Arts to be the arbiter of good taste leaves a very bad taste in anyone's mouth and it is in no way a positive indication of direction for the arts. No individual or organisation of which I am aware supports this Bill. I will refer primarily to the principal Bill, but I will also refer to the consequential provisions Bill because it contains much of the detail that is of great concern to those in the arts community.

My contribution tonight will be in several parts. I will consider the context in which these Bills are introduced; canvass the main elements of the Bills; outline their stated purposes; outline a number of key concerns the Bills raise in the arts community in Western Australia; and, if time permits, outline a number of options which could be pursued.

It is interesting how history repeats itself. I return for a moment to almost the beginning of the century - namely, 1911, or 88 years ago. The Parliament of the day debated the Public Library, Museum and Art Gallery of Western Australia Bill, which vested in the trustees the property and effects of the Public Library, the Museum and the Art Gallery. The object of that Bill was to create the trustees into a corporate body, the same as then existed in other States in Australia. It is interesting to note that back in 1911 the Parliament of the day vested in the trustees the full responsibility for the management of those institutions. The trustees were responsible to the Government. Interestingly, *Hansard* indicates reference to the collection of institutions - namely, the Library, the Museum and the Art Gallery - as follows -

The institution is a boon of inestimable value to both old and young in the State, and I hope it will go on increasing and prospering so that all may benefit thereby.

It is interesting and remarkable to note that the arts and the role it plays in our community was strongly recognised even back then in Parliament. We can learn much from history about the way we have managed institutions and associated issues almost in a cyclical manner. The lessons I draw from that *Hansard* report of debate is that the Government at that time saw the appropriate way of managing the institutions was to vest authority and responsibility clearly in the hands of the trustees. Interestingly, the downside of the model of the legislative amalgamation of the Library, the Museum and the Art Gallery under the control of one board of trustees emerged in later years. It took 40-odd years to disentangle the institutions from under one umbrella of control. A great cost was paid by the institutions for being amalgamated, along with their budgets, under one control. I will return to that point when discussing the present day.

I stay in history for the moment. Parliament debated the Library Board Act in 1951, some 40 years after the institutions were placed under one control. Clearly, the managers of the day realised that the arrangement was not in the best interests of the institutions and wished to have them disaggregated from the single control. *Hansard* of the 1951 debate on the Library Board Bill reads -

A little had been done in recent years, but it had been very little. There has been nobody in Western Australia who has really been entrusted with the job; there have been no recognised means of facilitating or directing the raising or expenditure of money for this purpose; there has been little or no activity on behalf of local authorities; there has been very little activity on the part of Governments . . .

After years of a single control of the institutions, very little in practice had been invested in those icons of our culture. Therefore, the Library Board Bill was proposed to alter that state of affairs, and similar messages were evident when the Art Gallery and the Museum had their legislation introduced in 1959, some nine years later. First, there was a recommitment to the idea that the trustees of the Museum were the appropriate people to manage the affairs of the Museum and to control its assets. Debate on the Museum Bill reported that the "trustees should be a body corporate with perpetual succession with common seal". Interestingly, the trustees of the Museum were designated as a body corporate. That model has been completely abandoned in the Bills before the Chair, and the notion of a corporate minister reintroduced to replace the role and responsibilities of the trustees.

Debate on the 1951 Art Gallery legislation made it clear that the fortunes of the Art Gallery over the years had been mixed;

that is, from 1911, its first Bill, to the proclamation of its own Act. Debate referred to the practical effect of having one group of people managing all these institutions. This effect was predictable; namely, some trustees had an interest in the Art Gallery, others an interest in the Museum and others an interest in the Library, and those interests governed the way in which the funding and priorities were allocated.

So that members do not misunderstand what I say, or jump up and claim that I misrepresent the Bills, I realise that the Bills under discussion make provision for advisory boards. However, the key factor is that the agencies for which these Bills are constructed lose their autonomy and become part of one overarching institution which has ultimate control. Clear parallels can be seen with the early part of the century and the situation before us tonight. It is interesting to quote an Art Gallery of Western Australia publication -

In 1926 there was an increase in government funding, specifically for the purchase of books, but in the same year the Gallery received its first significant bequest of £3 000 . . . This proved to be nearly twice as much money as the Government spent on works of art in . . . forty years . . .

Therefore, approximately £1 500 was spent on acquisitions by the Art Gallery over 40 years. Obviously, that is not a direct cause and effect of central control. Nevertheless, it indicates the fortunes of one organisation; namely, that it was virtually starved of funds as a result of the preferences or predilections of the senior managers of that time. We learn several lessons from history in this instance. The first obvious one is that combining the management of these institutions did not work. Over the decades that followed that first piece of legislation, the institutions were at worst starved of funding and at best funded on mediocre or inadequate levels. I would be very confident in saying this was because of competing demands on the resources. When the funding is not separated out, that sort of situation results, which is highly undesirable from a cultural perspective. Another message is that over the years the model most favoured by the Government was one which involved a vesting of authority and responsibility in boards. That sort of model will disappear under this legislation.

I return to the current day after having given members an historical perspective on how the arts have emerged. Let us now look at the context in which this Bill has been constructed. In our view this Bill represents an insidious attack on the arts community at a time when it is perhaps at its lowest ebb and under threat from factors such as lack of leadership, questions about financial viability and financial crisis for a number of organisations, and of course the impending GST. Last October we learnt that two of our flagship companies in the arts industry, the Western Australian Ballet and the Black Swan Theatre Company, were facing severe financial difficulties, if not financial ruin. It was highly questionable whether they could trade out of those financial problems. Today the future of the Western Australian Ballet, and whether it will survive, is still not clear. Negotiations are currently taking place to deal with the financial crisis at Black Swan Theatre Company. Our organisations and art agencies are facing hard times for a number of reasons. For instance, box office numbers have been down. The impact of big hit shows such as "Phantom of the Opera" and others have severely diminished the audiences for Western Australia's local performers. Also, Government subsidies have not increased. However, this problem of financial viability is not only a local one, it is also a national one. The Australia has indicated that the future viability of several of Australia's major performing arts companies is under threat. The report on the major performing arts companies produced for the Australia Council indicated a series of reasons that our arts communities are under threat. This is the context in which this Bill is coming into play.

Then of course we have the issue of the GST. I raised in Parliament last August the threat that the GST would pose to the arts industry. The senate select committee which is looking at the GST has heard submissions from arts bodies about its impact on the arts community and industry. I do not want to digress too much, but the arts communities are essentially saying that the GST will have a significant impact on the cost of tickets - prices will rise by about 7 per cent, according to a Treasury estimate; and the studies that were done by Econtech indicate that the culture and recreation sector will be one of the three worst affected sectors.

Mr Cunningham: You are very conservative.

Ms McHALE: I am sure that is a conservative figure; it is a Treasury figure, which is not prone to exaggeration. This Bill is coming at a time when the arts industry is under threat. Perhaps one of the most worrying threats that I have encountered during the time that the Bill has been public is that people will talk privately about the Bill, but they are unwilling to talk publicly about its negative effects. I am not talking about public servants because I accept, recognise and respect the fact that public servants are just that, and it is not appropriate for public servants to speak out against a piece of legislation. They find other ways of doing it and that is entirely appropriate. However, people who work in the industry and perhaps receive funding from the arts industry have been reluctant to be vocal about this legislation. That is why I have borrowed Manning Clark's term "punishers and straiteners" because I believe there is a degree of fear that if they speak out, they may face some sort of reprisal or, worse still, revenge. That for me is not an environment in which to nurture and develop our cultural identity and not one that lends itself to the idea of open debate. I give as a practical example of this the fact that many, if not all, of the members of the boards of the institutions were required to sign a confidentiality clause before they were allowed to see the Bill. The confidentiality clause states they must not talk to other people about the Bill; and if they were not prepared to sign such a clause, they were not able to see it. That went beyond the chairs or the board members of the

authorities. It went to, for instance, the Western Australian Municipal Association. I understand that the chief executive of WAMA had to sign a confidentiality clause before he could see the Bill. This speaks millions of words and describes the climate in which this Bill has been introduced and, more importantly, the climate in which many of our arts communities must operate. Where is the openness of debate, where is the healthy questioning of legislation when people must sign confidentiality agreements? The notion of "punishers and straiteners" is very much alive in our arts community and while I worry about it, I recognise that if people fear that their funding might be reduced - it might be more subtle than that and there might be some form of reprisal and that is why they might be reluctant to speak out - it is an extraordinary situation.

I now turn to the main elements of the Bills. These Bills have far-reaching consequences for the management of the Art Gallery of Western Australia, the Western Australian Museum, the Library and Information Service of Western Australia and also, but perhaps not as obviously, the Perth Theatre Trust. The legislation repeals the Perth Theatre Trust Act and I will talk about that if time permits.

The Parliament has been waiting an inordinate length of time for these Bills. The announcement that a super Ministry for Culture and the Arts would be set up was made as far back as May 1997. Those who were in the Estimates Committee at the time will recall that the minister representing the Minister for the Arts announced the establishment of the ministry on that occasion. The ministry was to be formally recognised from 1 July 1997, and the minister made a commitment that the Bills to legislate for the ministry would be introduced in the spring session of Parliament. Unfortunately, he did not say which year! Nevertheless nearly two years has passed since that announcement and the delay is perhaps indicative of the speed with which the minister moves and the degree of importance he has placed on the Ministry for Culture and the Arts.

The main elements of the Culture, Libraries and the Arts Bill are to establish the Minister for the Arts as a body corporate. It defines the responsibilities and powers of that body corporate and the corporate minister; establishes the Libraries Council of Western Australia; and establishes His Majesty's Theatre Performing Arts Foundation. The Culture, Libraries and the Arts (Consequential Provisions) Bill contains the devil, because it demolishes the key elements of the Art Gallery Act and the Museum Act and repeals the Library Board of Western Australia Act and the Perth Theatre Trust Act. This is the Bill that people should read. To a large extent the first Bill glosses over the significant detail of what will happen to the arts industry and arts institutions. It sets up the notion of a corporate minister and vests in the minister the powers that are currently vested in the boards of the Art Gallery, the Museum and the Library and Information Service. The Bill removes many of the functions of the current boards, and it deconstructs and demolishes much of the autonomy and independence of the boards and the authorities.

The consequential provisions Bill provides amendments to the Museum Act and the Art Gallery Act; removes the body corporate status of those statutory authorities and creates two statutory advisory bodies in the Art Gallery Advisory Board and the Museum Council. The Bill re-establishes the Art Gallery Foundation and creates the Museum, Science and Humanities Foundation. It repeals the Perth Theatre Trust Act and the Library Board of Western Australia Act.

With regard to the purpose of these Bills, it is interesting to see how the notion of the super ministry was sold to the arts industry and the broader community and what the Bills provide. In 1997 the publicly stated reason - this was followed by other material from the Ministry for Culture and the Arts - for establishing the super ministry and making these changes was to create a more efficient and effective service for the people of Western Australia, to give effect to the Government's policy of reducing the number of reporting authorities, and to facilitate the administration of landholding. It was also publicly stated that creating a super ministry would result in efficiencies and increased productivity because the organisations would share human resources, financial services and other corporate services. A document released by the Minister for the Arts stated that it was intended that the ministry would combine the existing six agencies - the Art Gallery, the Museum, the Perth Theatre Trust, Screen West, ArtsWA and LISWA - to allow for greater flexibility, to develop new services, to maintain a high level of public programs and to strengthen existing resources to back up these programs. For the record, I indicate that Screen West has been dropped from these proposals and the legislation does not deal with that organisation.

The legislation now deals mainly with the Art Gallery, the Museum and the Library and Information Service, and by repealing the Perth Theatre Trust Act puts that structure completely aside. I have no argument with any proposal that seeks in a sincere and rational way to provide flexibility, coordinate resources, and lead to greater efficiencies. In fact, I would support initiatives that led to better management of an organisation. That can be done in many ways. My biggest concern is that this Bill does not achieve that, but does something completely different. It sets up a very foreign model for the management of the arts industries in this State. The rhetoric of flexibility and coordination of resources belies the heart of this legislation and the ignominy of these Bills.

There is much detail in the Bills - I keep coming back to the consequential provisions Bill because it must be studied - and I will go through some of the key points that reflect the major concerns of the arts community and other people who have a passion for and an interest in the delivery of arts and the nurturing of arts in our community.

I now refer to statutory decision-making authorities and the removal of their status. Currently, the Art Gallery board, the Museum and, to a lesser extent, the Library Board all have independent authority and decision-making powers. The Western Australian Art Gallery is empowered to make decisions about all works of art, exhibits and property. It has authority to rent,

to exhibit works of art, to purchase works of art, to publish literature on art, to manage regional galleries and so on. In the same way, the Western Australian Museum makes and preserves state collections, manages wrecks and archaeological and anthropological sites and the advancement of knowledge through research and collaboration with tertiary institutions and so on. The boards, as statutory authorities, in effect, are empowered to manage and control the cultural assets of our State.

Under the Bills, all that goes - there is absolutely no doubt about it. Members can argue that it is semantics and it will not really happen; that the minister will delegate some authority back to the institutions; but whoever believes that is totally misguided because the legislation is clear in its intentions. It states that the corporate minister will have responsibility for the management of the assets, exhibitions, acquisitions, de-accessioning and so on. The boards' role is to advise. They go from having a role of statutory independence to one of merely - I say that word knowing what it means - advising.

I now ask members to reflect on the recent report by the Auditor General on boards governing statutory authorities in Western Australia. That report made several interesting observations. It states -

The main reasons for governance by a board rather than direct control are:

- establishing a degree of independence from government;
- providing additional skill and experience; and/or
- ensuring that interest groups have high-level input.

The first point is particularly relevant to the debate. There is good reason for setting up a statutory board which has a degree of independence from government. The report goes on to state -

These authorities act 'at arm's length' from government, although there is still a responsible Minister . . .

Statutory authorities are usually governed by a board that oversees management and is the accountable authority under the enabling legislation.

The report is useful because it distinguishes between a statutory board and an advisory board. It states -

Boards are not the same, either in the way they are constituted or in what they are expected to do. The boards of statutory authorities tend to be governing boards: that is, they are the decision-makers for the agency they govern and are held responsible for those decisions.

Those few statements tell much about the current state and role of the boards and what I believe the minister is trying to do. Clearly, by removing that statutory independence from government by making them merely advisory boards, the minister knows what he is doing. He is removing control, decision-making and responsibility for the decisions that the boards make and vesting those decisions in himself. The minister has said, "But hang on a second, they are still statutory boards." To the extent that they are mentioned in legislation, I suppose they are statutory boards, but they are not statutory boards in the sense that most of us understand, and clearly not in the way that the Auditor General understands. They are statutory only because they appear in the legislation. They have an advisory role which is set out in the legislation, but they have no decision-making authority, no accountability and no independence from government.

The boards' role is to provide to the minister advice on acquiring, presenting, displaying and disposing of art and advice on strategic policies and so on, but the rub is that the minister is not obliged to heed that advice. He or she can instruct the boards to advise but he or she is not obliged to take that advice. If the minister chooses to disregard that advice, there is something in the legislation that deals with that, but he or she can then come to Parliament and lay on the Table reasons for not complying with that advice after the event. There is no ability for Parliament to say to the minister, "Hang on a second, we don't want you to purchase that piece of art", or, "We don't think that it's right that you are not following advice from the board", because it has already happened. It is disingenuous to say, "I have to bring something to Parliament", but then not to say, "But I don't have to bring it until after I have done this." It is certainly very dangerous.

I have said that the current boards are statutory boards for very good reason, which is that they allow the ability to operate at arm's length from the minister, and that has a two-fold benefit. One side of the coin is that it ensures protection for the minister as well as allows artistic vision and strategies to be developed by the board. The boards will have no statutory power. Advice must be sought but clearly it need not be taken.

Another concern relates to management of the budget. Clearly, it will no longer be possible to have transparency of the budgets in those organisations. There will be a one-line item for the Ministry for Culture and the Arts. Individual agencies such as the Art Gallery and the Museum will no longer have their own separate budgets. No longer will Parliament be able to scrutinise those budgets because we just will not know how the money is spent. We will know in global terms, but we will have no ability directly to question the department on how moneys are spent in the Art Gallery as distinct from the Museum, and again as distinct from the Library. That is deliberate. I make it clear that there is a one-line item for the ministry; there will not be separate budgets. It is interesting to remind members of what was said in the Estimates Committee last year. I asked who will determine how money is spent and how money is allocated across the agencies once they disappear as separate entities.

Will it be possible, for instance, for money which was formerly allocated to the Art Gallery to be spent in the Museum? The answer from the acting director general was that the director general would put in place a mechanism which she regarded as appropriate for the management of the budget. Then I said, "Therefore, nothing stops the reallocation of funds from the Art Gallery to the Library and Information Services of WA or the Museum". The answer was, "In theory, it is possible, but unlikely". Very clearly, it is very likely. If it is possible, it may not happen in the first instance, but it will happen at some stage and we will not know because of the single appropriation.

Mr Bradshaw: Do you not think it would be better if someone wanted to upgrade or build a structure or whatever. At least you could say that this year you will have your big allocation rather than having a little bit each year and waiting several years to do it? It is a better system if you can do it in that sense.

Ms McHALE: That problem was encountered 40 or 50 years ago. There is a certain amount of money and, historically, a certain amount has been provided for acquisitions in the Art Gallery, maybe not in the Museum, but if that money is taken away from the Art Gallery to build something in the library, the Art Gallery suffers. That has very negative consequences. No, I do not agree that is the best model. We will not necessarily know that, but the Estimates Committee could tell us. Surely, as a Parliament, we should be able to see clearly how moneys are spent across these major institutions. An article in *InterSector* states -

With one line of reporting to the Minister, a single line of appropriation . . . the new Ministry is structured to be more cost effective . . .

In many ways that is garbage. There is no logic to saying that just because there is a single line of appropriation, it will be more cost-effective. Who knows whether it is more cost-effective? There is no ability to carefully scrutinise the way that the moneys have been spent over the year.

Another critical concern of ours is the notion of the minister being the body corporate. What happens in this legislation is that the power currently vested in the boards is transferred to the minister; the minister owns the collections. The responsibility for exhibition acquisitions is vested in the minister. In effect, as the body corporate, the minister becomes the arbiter of good taste. He or she can be subject to influences which may cause him or her to interfere in artistic directions. We have seen the possibility for that to occur recently when we had some reasonably controversial exhibitions. For Western Australia, they were highly controversial; however, in the scheme of things, they were moderate. I am referring to the Mapplethorpe exhibition.

Mr Bradshaw: That is a matter of opinion.

Ms McHALE: It is absolutely a matter of opinion. That is precisely the point. I may or may not want to see the Mapplethorpe exhibition; that is my choice. If the minister is subjected to influences from various lobby groups and decides not to exhibit, I no longer have that choice. My choice is not to see something. If that choice is removed, I am refused access to culture and the arts.

Mr Bradshaw: Whether it is culture is a matter of opinion; you are probably better off without it.

Ms McHALE: I am happy for the member for Murray-Wellington not to go if he does not think it is culture. There may be something else that the member thinks is artistic and I do not. That is the beauty of debate and having exposure to a variety of art forms - we can choose; our tastes are influenced by what we see and we make decisions. Not having the opportunity to see exhibitions is a completely different state of affairs.

Under this legislation, the minister, as the owner and the body corporate, has power and influence that he or she does not have currently. There is no doubt about that. The minister owns the collection and can dispose of that collection as he or she sees fit. The other side of the coin is that by having a statutory authority which makes the decisions about exhibitions and artistic collections, there is a built-in protection for the minister. If the minister is lobbied by various groups, he or she can say "You or I may not want to see it, but the board has made that decision and that is the right place for a decision to be made". It distances the decision from the minister. If the member for Cottesloe was the Minister for the Arts, I would still be concerned about this legislation because it is the principle, not the individual, about which I am concerned. I want to put that on record. This is not a criticism of the current minister; it is a criticism of the structure that has been set up. As an aside, the member for Cottesloe is a great supporter of the arts. I have seen him at many exhibitions in his electorate and he is very keen to consider the funding levels of the current Arts budget.

Mr Pendal: A great patron, but probably not as good as the Liberal Party could have had.

Ms McHALE: The member for South Perth is digressing and has taken me on a tangent which I will not follow.

Mr Pendal: Like ancient history.

Ms McHALE: In fact, if the member for Cottesloe had been around in the fifteenth century, he would have been one of the major patrons of the arts.

Mr Barnett: As was the member for South Perth.

Ms McHALE: Let us return to a bit of seriousness. Another worrying concern for the arts industry is the real potential for censorship. It should not be treated lightly. Another concern I want to canvass is the separation of the directors from the boards of management. Currently, under the Art Gallery Act and the Museum Act, the directors are board members or trustees and have a direct input into the development of policy and goal setting. Under the Bills, they are completely removed from having a role on the board and have no formal role in policy advice, vision, strategy setting and so on. I am referring to formal advice because a director will have informal input into the development of policy and goal setting; however, under these Bills, the directors' current legislative role is completely removed. In fact, the directors could be bypassed in the process. The chain of command goes from the minister, as the body corporate, to the director general of the ministry and then to a delegated officer. It does not even go to the head of the organisation; it goes to a delegated officer. The retort would be that the delegated officer will be the director of the Art Gallery; but he or she may not. The delegated officer could be the human resources officer or the financial manager. The director no longer plays a formal, pivotal role in the management of these institutions. That is a crazy situation and whether it was deliberate is completely unacceptable. The directors have no specific role in the chain of delegation; they have no specific function on the board; and in the future these positions are likely to be downgraded because there is now a director general. They are no longer chief executive officers under the legislation; they will be chief executives of an entity, but not chief executive officers.

I will comment briefly on the notion of super ministries. Super ministries have generally not worked. We had the Ministry of Education. We still have the Ministry of Justice, interestingly with the same minister. These conglomerates of super ministries have been proven to be, if not a failure, not the most appropriate bureaucratic model. They have led to a greater control by the minister of the day-to-day operations of these agencies. The minister may believe that is the right way to go. I am not questioning whether he thinks that is the right way to go; he has persisted with it, so he must believe it is the right way to go. However, the minister would be a lone voice if that is his view, because this model flies in the face of models elsewhere in the country, with the exception of the Northern Territory, which I believe has started looking at some legislation that is modelled on the Western Australian legislation. New South Wales and Victoria have a ministry, but they have preserved the statutory independence and authority of the individual agencies. In my view, that is the correct model to follow.

I turn now to the expected and actual outcomes of this legislation. There is a discrepancy between what the minister said would happen and what has happened in reality. The minister said that this legislation would free up the professionals to do what they are best at doing; that is, running professional organisations and being involved in managing and enhancing culture and the arts. I believe that the bureaucracies are becoming more bureaucratic, and that is limiting and controlling their ability to do what they are supposed to be doing.

The arts ministry can see no obvious benefits from having a super ministry. The establishment of the ministry cost \$700 000, which was for the per annum payment for rent, when previously it did not have to pay rent. We were told that if we went down the path of establishing a super ministry, money would be freed up to be reinvested in the arts community. That is a furphy. That has not happened. The administrative costs of running the organisation have increased, but no real investment has been made in the arts community of Western Australia.

It is interesting that the Western Australian Municipal Association has written to the Government, on behalf of the libraries, seeking the withdrawal of this legislation. That is quite a dramatic statement from the libraries. I know that members of Parliament have received correspondence from their local shires. The members for Bunbury, Geraldton and Cottesloe would have received correspondence, and I am sure that the member for Cottesloe would have been most concerned to read that his local library has been criticising this Bill. I am sure the member for Cottesloe would be keen to talk to his local library to see whether he can deal with its concerns, because he is a great patron of the arts.

For the municipal association and the libraries to say that this Bill is so fundamentally flawed that it should not be amended but should be withdrawn is a significant indictment of what this legislation represents for them. They recognise that the legislation will have significant implications for the provision of Western Australia's public library services. They believe also that this legislation has the potential to impact on the operations of local government, which funded the public libraries to the tune of \$53m in 1996-97. The municipal association and the libraries undertook an extensive analysis of this legislation and identified five key issues which impact on both local government and the public library service. They follow to a large extent the line of argument that I have developed in my speech. Those issues are the power of the corporate minister to control the statewide library collection; the potential damage of this Bill to the partnership between state and local government; the question of funding for a public library service, which is not dealt with in this legislation; the powers of the library council as opposed to the current Library Board of Western Australia; and the transitional arrangements.

It is not possible for me to explain those concerns at great length, but the Minister for the Arts put out a rejoinder which said that they had got it all wrong; had they talked to him, they would have gone away quite happy; and had someone from the department been at the meetings, everything would have been quite sweet. He tried to say that the Bill would enhance their opportunity to have a partnership. He thinks they are wrong also on the question of funding. The response to the minister's

view was that most of it was absolute nonsense and reflects a lack of understanding on the part of the minister - or whoever wrote it - of the operations of local government. Not only did he not get it right but he also rubbed it in that had they consulted with him they would have understood everything. The Western Australian Municipal Association and the libraries tried to consult with the minister but for one reason or another he was not available. I understand that he may be meeting with them in April; however, we will have dealt with the legislation, certainly the second reading speech, by then. It is a bit late to consult with a major stakeholder in this legislation after the Bill has been dealt with in Parliament and if that represents consultation, it is a bizarre understanding of what consultation is about. The response from the minister clearly ignores the current role of the library board and the current relationship between local government and public libraries.

In the last couple of minutes available to me, I will refer to the Western Australian Museum, particularly the Markham collection. The minister uses the Markham collection as a reason that this Bill should be passed. Those members who have been in this Parliament since the 1980s will know a little of the history of the Markham collection, and I know the member for South Perth had a particular interest in it. I will tell members why the minister is wrong in using the Markham collection to say that this sort of thing will not happen if he has control of the Museum.

The Markham collection was a collection of vintage cars. Percy Markham was a collector and one of his passions was vintage cars. The entire collection was sold to the State in the late 1970s or early 1980s. It is questionable whether it ever should have been bought lock, stock and barrel but that is history. In the late 1980s part of the collection was put up for auction. The trustees made a decision first of all not to sell the entire collection. They did not sell those elements of the collection which had a close association with the history and culture of Western Australia. They elected to sell a number of the cars which were vintage and luxury cars but which at that time had no real close association with Western Australian culture and history and were cars which could be seen elsewhere.

There was some publicity of the collection, particularly about one car, and for four or five years it was a running sore. It was a car called the Star which was the subject of a disputed bid. Sothebys in London did not sell the car and, as it happened, the car was returned to the Western Australian Museum. The minister is trying to say, "If you pass my Bill, something like selling the Markham collection will never happen again". If that is an indication of the decisions he will make, that is one very good reason that we should not pass this Bill because the trustees made a clear, informed judgment based on the acquisitions policy of the day. They looked at these cars and decided that the resources tied up in them could be better used to promote Western Australian history when the Government of the day - a Labor Government - did not provide funds for acquisitions and exhibitions. Therefore, they sold part of the collection and now have a Markham fund of \$1.3m which generates huge amounts of resources for truly Western Australian history and culturally sensitive projects. That was a good decision. One can always look back at history and say yes, it was a good decision at the time. It was obviously a controversial decision but nevertheless -

Mr Pendal: The argument was that the cars in the Markham collection were not native to Western Australia.

Ms McHALE: That is right.

Mr Pendal: The contrary argument was neither was the meteorite that fell into Western Australia and is now exhibited. The question was: Would we sell that because it is not native to Western Australia? The answer is of course we would not. You have put up some very good arguments tonight.

Ms McHALE: The member should not then spoil it in my last two minutes of my allocated time. The point is that we now have a fund which actually much more directly benefits the community and focuses on Western Australian history.

I refer to meteorites as a humorous aside and to bring home just how controlling this Bill is, because under the legislation the minister in fact becomes the minister for meteorites. I say that because currently the board of trustees manages meteorites and the minister will manage meteorites; therefore, he will be responsible for them.

This is an alarming piece of legislation. It will strip the boards of their very real powers. We had the example of the Constitutional Centre, which was an advisory board and had no responsibility to control its funds. I summarise the debate in this way: A measure of any civilisation is the excellence of its artistic achievements. If to date we in this State have been measured as a civilised society, this Bill will not serve in any way to enhance our standing in Western Australia, or indeed internationally.

**DR CONSTABLE** (Churchlands) [9.16 pm]: I have taken a great deal of time during the past few months since the minister's second reading speech to consider this legislation and also to talk to some interested groups which are concerned about it. I had to ask myself a number of general questions about it. The first question was whether this legislation is really necessary? Will it achieve what the Minister for the Arts says it will achieve or that he wishes it to achieve? The minister's reason for this legislation is the creation of a more efficient and effective set of services in the areas of culture and the arts. He tells us the aim is flexibility and coordination of resources. Therefore, it is very much to do with resourcing of the arts, so he says. However, that aim, as stated by him, acts only as a smokescreen for some inevitable consequences if we go down the path of passing the legislation. The first inevitable consequence is a downgrading of the arts in Western Australia and,

in the end, mediocrity in culture and the arts. The people in decision-making roles will not be experts in the six areas mentioned in the legislation. At best, they will be enthusiastic amateurs as things are set up currently. The people with that decision-making control will indeed be the minister-corporate minister - because we have both represented in this legislation - and whoever is the director general and others to whom the minister delegates responsibility. The legislation amounts to a complete reorganisation of arts agencies in this State with little justification. The short answer to the question of whether this legislation is necessary is no.

What we see in this legislation is radical change in the administration of the arts. We must be sure that we want to go down this path. It proposes also a radical change in policy making in the arts and cultural areas in Western Australia; radical change in ministerial and bureaucratic control over budgets; radical change in the role of experts in the various disciplines represented in the agencies covered in the legislation; and radical change in the role of the minister responsible. I believe it politicises the arts in a way that we have not seen before in Western Australia. We must then ask whether this is desirable. The short answer is no.

The purpose of any major upheaval or reorganisation in any area of government should be to enhance the agencies. In this case we are particularly talking about the Western Australian Museum, the Alexander Library, the Art Gallery of Western Australia, Screen West, Perth Theatre Trust and Arts West Inc. I cannot see how this legislation will enhance those organisations. Also, a major reorganisation of agencies such as these assumes that something is fundamentally wrong with the way in which they are currently organised and run. I have found absolutely no evidence for such an assumption; in fact, the opposite is the case. I have been contacted by a wide range of interested groups, lobby groups and individuals who have been involved in the cultural and artistic life of Western Australia. These people have expertise in the running of libraries, art galleries and museums. They are very worried about this legislation; in fact, many are deeply distressed at what appears to be a ministerial grab for control over the arts. In his speech, the minister said -

... the changes made have been generally welcomed by the arts community.

I disagree with that. No-one to whom I have spoken over the past few months welcomes these changes. These are people whose expertise and interests in these areas I admire. The criticisms and concerns of the people to whom I have spoken are centred around the issues of accountability, budgeting, fundraising, private fundraising in the community, the quality of personnel, expertise and leadership in the community and also the experiences in other jurisdictions.

I will start with the last of these. What can we learn from the experiences in other jurisdictions? Other jurisdictions in Australia ventured down this path 25 years ago in the 1970s. They have learned the error of their ways. It was particularly the case in the mid-1970s when the States of Victoria and New South Wales ventured into the super-ministry world. They did what the member for Thornlie has already pointed out - particularly New South Wales: The autonomy of the agencies was maintained in the super-ministry concept. Jumping from the mid-1970s to the late 1990s, the thrust in other jurisdictions now is to really push independent agencies, to encourage each art gallery, museum and library system to develop as individual agencies, not in the sense that we have in this legislation of bringing them all under one umbrella. It appears to be widely recognised that the only way to develop cultural and artistic institutions these days is to allow them independence and flexibility so that they can create and develop for the good of the community, not to come under the control of the political process, which is where this legislation takes us.

We must also ask whether this new regime will improve accountability and transparency. The legislation proposes to centralise financial accountability in the hands of the minister and the bureaucrats in the new super Ministry for Culture and the Arts. It will have an overall, single-line budget rather than individual budgets for the individual agencies, as we have at the moment. We will no longer see reports such as the one I am holding, which is the most recent report of the Western Australian Art Gallery. Any of us can pick it up, look at the detail and find the financial bottom line of that agency. That will be gone, so that we will no longer be able to scrutinise the individual agency, as we have in the past. It is at present good government and good accountability; it allows us all to be informed about how each agency is performing and whether it is performing up to scratch. It will be gone under the new regime. We will have a single report which puts everything into a single bottom line for the six agencies. What will happen at budget time for those agencies is that they will be scrambling for funds from within the one department. I suspect there will be a lot of internal bickering while they fight over the spoils within that one budget. This will pit the agencies against each other, whereas at the present time they work very well together and complement each other very well. There is a real risk that will be lost to us. The minister's aim, as stated in the second reading speech, will not encourage agencies to work together at all. We will find that the opposite will happen under this super ministry.

There are other very serious financial consequences in the way this legislation is put before us. Unlike most areas in government, arts and cultural organisations and government agencies have always relied on public fundraising and public donations and bequests, and so they should have. There is a real risk that the generosity of Western Australians will be lost if we go down the path of this legislation. A recent example of the generosity of Western Australians is seen in the development of the *Duyfken* replica, for which millions of dollars were raised in the community for the Western Australian Maritime Museum and that boat being in a sense a gift from the generous donors of Western Australia. I do not think that

too many individuals and corporations would be very keen to donate money when the minister has control over the sales and acquisitions for the arts. They are in a sense really putting the money into a central revenue fund because the minister will have control of those funds. At the present time the statutory boards of the organisations have control over those funds, so they are at arm's length from ministerial control. This will be a great loss to the State. People will feel that there are other causes to which they can give their money and not to the arts in Western Australia. We will end up with mediocrity and not with great collections in the museums and libraries of this State. We will certainly not be able to compete at all with museums, art galleries and libraries in other jurisdictions. Why would people donate when they know that the ultimate control of the collections, acquisition and sale of collections, lies in the hands of the corporate minister? It will be very difficult to find generous donors. It will also be difficult to find volunteers who will go out and raise money for particular projects in those agencies. There is no doubt that if one looks worldwide, particularly in the western world, the best collections in the best public art galleries have relied very heavily on public donations, both in kind and in monetary terms, for the purchase of work. This legislation puts at grave risk the ability of agencies to fundraise.

Another issue that has been brought to my attention and which seems to be quite obvious when one looks at this legislation is that it will put at risk the ability to attract people of real quality to work in the agencies when the real control will lie in the hands of the minister and bureaucrats. Many people in Western Australia who are interested in culture and the arts are very concerned that not only will we be unable to attract excellent leaders for our art galleries, museums, libraries and other areas, but we may also lose those whom we have, who will not want to be seen simply as directors of something called a service agency. I find that a very peculiar title to give to an arts agency. There is a real risk that the directors of the six agencies will become lackeys of the minister and the bureaucrats and will not be given a chance to develop their expertise and to use their expertise in their area. The current autonomy that the directors of the Art Gallery, the library, the Museum and others have would be swept away by this legislation and handed over to the corporate minister.

The legislation gives the minister complete control over everything. Although he can delegate, in the end he still has control. Therefore, the expert director of an agency is now cut out of the main loop of decision making. Currently, these directors are answerable to their boards, which have a great deal of power. The member for Thornlie has already given a detailed explanation of the boards proposed under the legislation. I will not take up time discussing that, except to say that these are Clayton's boards. They have no power. They only have the ability to advise the minister. They will be stooges of the minister anyway, because he will listen only to the advice that he wants to hear. At the end of the day he does not have to take their advice. Therefore, why bother with the sham of having these Clayton's boards?

I have two final comments. Firstly, one result of this proposed new order for the arts in Western Australia will be most undesirable. I cannot understand why any minister would want to put himself at the front line of these agencies so that the buck stops with him, rather than the situation that currently exists. The member for Thornlie drew attention to a matter which is very important: For example, a prominent citizen, or even a church leader, might take exception to a book in a library, a display in the museum or a picture in the Western Australian Art Gallery and put pressure on the Government and the minister to remove that item from public display. Why would a minister want to put himself in that position? Why not have a board of the Art Gallery, for instance, and a director between the minister and the public in that case? The risk of the minister being put in a situation of censoring an exhibition or a picture in the Art Gallery or a book in the library is great. I can envisage situations in which political pressure might be put on other members of Cabinet to put pressure on that minister to do something about removing a picture from a wall of the Art Gallery. That is not the role of a politician or a minister of the Crown. This is one of the greatest risks of this legislation. I ask again why would anybody who is a minister of the Crown want to put himself in that position? I do not know the answer.

I conclude my remarks by quoting from a letter I received from a constituent who has been involved as a volunteer in the Western Australian Art Gallery for many years. Her comments sum up what this matter is about and where we should be going. We should be staying with the status quo. She was referring to the Western Australian Art Gallery when she said -

For this institution to remain a reflection of the artistic and cultural wealth and diversity of its community, and a source of pleasure to its visitors, it is, I believe, imperative that it retain its autonomy, so that the executive and professional staff are free to realize the potential of their skills, to make informed decisions about new acquisitions, and to expand their resources, to provide a continuing focus for the appreciation of the visual arts.

At a time when economic and material concerns threaten to be the driving force in society, it seems that governments should ensure the independence of arts institutions and value ways in which the creative spirit may be strengthened, not constrained by political considerations, so that the aesthetic interests and talents of young people may be fostered, and a flowering of ideas and the expression of responses to social issues encouraged.

That sums up what we should be doing in this State.

**MS WARNOCK** (Perth) [9.34 pm]: It is not often that a major Bill concerning arts and culture comes before this House. The last one that I recall was the Censorship Bill in 1996. Anybody who, like me and others in this House, has a longstanding interest in the subject of arts and culture certainly wants to seize this opportunity to make some remarks on the subject. However, my regret on this occasion is that I am unable to agree with the minister that these Bills will benefit the

cultural life of Western Australians. Therefore, I must disagree with the Bills and agree with my Opposition colleague, the member for Thornlie, that we should oppose the suggestions contained within them.

During the summer when the Festival of Perth took place, I attended many events and spoke with a large number of members of the arts community. Most members whom I have met have been keen to tell me how much they dislike the Bills and how badly they will affect the arts. Therefore, I have been left in no doubt whatsoever of the view of members of the artistic community on these Bills. Very few of the people to whom I spoke will go on record and express their concerns about the Bills because a great number of them are from the major arts agencies. How could they comment publicly when a great many of them depend on government funding? I do not expect that they will go on public record and speak about the matter. Some private citizens have, but not many people from the major agencies will do so. However, I have no doubt that many people will agree with private critics like Sir James Cruthers, who is a well-known arts patron and was once on the board of the Western Australian Art Gallery, the board that has been referred to several times in the debate this evening. Sir James is well known in the arts field. He has been a patron for many years. He has a tendency to speak his mind freely. He has also been a media person for a great number of years, and he sees it as his responsibility to speak freely on these matters. He has expressed to me and many other people his great displeasure with the Bills and his concern about the lack of independence that will result for people such as those who are presently on boards of the Art Gallery. He believes that the boards of each of the agencies or institutions which are involved in the Bills will become impotent as a result of these changes and will be subject to the directions of a bureaucrat. He does not want that to occur.

As I said, he has experience of serving on those types of boards with individuals who have expertise in their particular area, whether it be in business or the arts. In my experience, many of them have taken sensible, creative and forward-looking decisions about the arts. He, along with many other people in the Western Australian arts community, believe that this is a backward step for arts and culture in Western Australia. In Australia there is a secret vote, and I make no pretence of knowing on which side of the House Sir James casts his vote. If I were to guess, I would say he is more likely to be a conservative. I hope he will forgive me for that. However, he does not agree with the conservative minister on this occasion. If my colleague the minister has been attending as many festival events as I have, no doubt Sir James will have filled his ear with these matters, just as he has been filling my ear.

David Forrest, who is one individual who has been prepared to go on record, runs a private gallery called Gallery East. He is part of a group of people called The Association of Western Australian Art Galleries. These people are private gallery owners. He approached me about the matter and told me in no uncertain terms that he and others like him were upset about the Bills. He wrote me a letter in which he said -

As you know, members of the Association of Art Galleries of Western Australia are deeply concerned about the provisions of this Bill as it will impact on the Art Gallery of Western Australia and thereby the visual arts generally in this State.

He freely says - this has been alluded to in my colleague the member for Thornlie's speech - that the Bills were developed without consultation or debate. He continues -

... (indeed Board members were sworn to secrecy) and in the subsequent light of the unanimous condemnation of its provisions by all informed and interested parties, we are urging the Government to reconsider the matter.

Obviously, he and his colleagues have got together. They have sought to have their say about the matter and have been alarmed to find that there has been a secrecy provision on the Bill, and that far from being open, the consultation has been the reverse. In the same letter he states -

... we believe strongly that the Government's proposed measures are, to put it mildly, not the best way forward. Indeed, in our view they will, in the long term, prove damaging to the Government of the day, the Art Gallery of Western Australia and the community at large.

He then mentions that the minister has sought to reassure people like the directors of the Art Gallery by reference to proposed, unseen and unspecified regulations. The letter continues -

... but with due respect to him, these will not address the core issue, namely whether a member of the Government of the day should have vested in him the functions of the Art Gallery.

All previous speakers have made the point that they fear that the independence of the boards of these various arts agencies will disappear because of the all-powerful corporate minister. The letter writer goes on to say -

I personally don't believe the Bill is capable of amendment in a way which would meet our concerns.

The writer says that an approach to the Government has been made about it. This man also wrote a letter to *The Australian* in which he spoke similarly about his concerns. He talked about the board being emasculated and the vesting of all property and ultimate control of the Art Gallery in the minister, acting through a super ministry, which will deter any talented arts director from taking the job. He has a fear, as do many people, about these changes. As my colleague the member for

Churchlands said, it is puzzling to understand why these changes are being brought about. The present system seems to work very well. Although I am all for reform, if it is likely to improve matters, I do not see the improvement in this series of Bills.

As my colleague the member for Thornlie has made clear, we oppose these Bills because they are neither a proper model for arts management nor in the best interests of the arts. Too much control is vested in the hands of the minister. I know the Government justifies this by using the now familiar cry of greater efficiency. In this case, the loss of power and initiative to the individual organisations is too great a price to pay for efficiency. In any event I am not sure these changes will achieve that. The lack of transparency to which others have referred is also part of the very high price to pay for this so-called efficiency. It is very risky, and at this time the arts field is already fraught with problems of various types.

It is chronically underfunded. I realise we constantly hear that cry from people in the arts, but I do not think Governments, even those headed by the Labor Party, have necessarily always funded the arts as generously as they might. The arts community has come to believe that it is not only undervalued but also underfunded. We all get a huge kick when an Australian actor, film director or musician is in line for an Oscar at the Academy Awards ceremony. If we had failed to fund the schools, the academies, the various places where these people had studied and the theatres in which they work, we probably would not see them being honoured in the eyes of the world. We must keep that in mind. We must fund the arts properly. We must provide opportunities for young people to develop their skills and talents in the arts field and educate, delight and create the audiences of the future. All of that is part of developing the arts. I am not convinced the moves contained in these Bills forward those aims.

That is a great pity, particularly when I hear from the member for Thornlie how much all of this will cost in the future. I am not against bureaucrats per se - some of my best friends are bureaucrats. However, we seem to be funding a great many of them, when I know many of the people in the arts are being grossly underfunded. I am not convinced these Bills will do anything to improve the delivery of the arts to the people of this State. That is what an arts department, an arts agency, an arts institution should be about. Judging by the reactions of a great number of people in the arts community, many artists and art patrons are not convinced of this either. Many people in the community who are involved in the arts, either as patrons - like me - or practitioners of various kinds, fear a situation in which a less arts oriented and more conservative minister is in charge of the arts.

I do not mind freely admitting that I have been a patron of the arts for a great many years in this community. I have no coyness about my age or about how long I have been following the arts here. My memory of arts ministers goes back for many years. I must say that I am terrified to think of the effect of these Bills in the hands of some of the arts ministers of the past. I will be very careful and will not name any of those ministers, but a great many of them were not as interested in the arts as they might have been and did not take the portfolio as seriously as I believe it should be taken, or as Jeff Kennett - there is a conservative icon! - takes it in Victoria. Many of these former ministers did not do that. That is the kind of person I think of when I refer not to the present minister but to anybody else who might be minister when lobbied by a small group of protestors. For example, those who complained about the Mapplethorpe exhibition at the Art Gallery a couple of years ago - irrespective of what members may have thought about it - or the Mike Brown work which was shown last year, which some thought was blasphemous.

People in the arts fear that a minister could override an advisory panel - after all, it has no power - and make a personal decision based on a vote. In politics, we are dependent on the votes of people. It is alarming to think a minister with so much power might be swayed in that way, rather than make a decision based on the quality of the arts involved. It is quite wrong. Conservative lobby groups with a political point to make, with very little interest in the arts, might have too much power over a single minister under the system suggested in these two Bills. The present minister rejects these concerns and simply says that each of the arts agencies concerned - the Art Gallery, the Western Australian Museum, the library, Screen West and Arts WA - is autonomous, and will remain so under these Bills. As the expression goes: "I don't think so". From my reading of the Bills, that does not seem to be the way it will go. If these Bills pass through the House and the Opposition cannot get any of its amendments through, we must hope the Government is right. There is certainly great suspicion and distrust of these Bills in the arts community, which does not bode well for the local creative arts scene. At the moment, people in the arts are chronically underfunded, feel undervalued and very worried about their future. This situation has not been changed a great deal over the past few months.

I will mention the rather astonishing letter I assume most members got from the Western Australian Municipal Association. I was surprised to find so many concerns among people in local government about this Bill. I was reminded that public libraries are considered to be a core function of local government. It has a large network of libraries throughout the State which in 1996-97 were funded by individual councils to the tune of \$53m. That is a lot of money. Obviously the councils have a great investment in the arts, in particular, libraries; therefore, much interest in these Bills. They spoke of the five key concerns with the Bills - the power of the corporate minister and ownership control of the statewide library collection; the lack of strength in the state, local government, public libraries partnership agreement; the lack of any state government funding commitment to public libraries; the inappropriate level of power of the Libraries Council of Western Australia; and, finally, the lack of transitional provisions and time frames for the formation of the Libraries Council of Western Australia and the negotiation of the partnership agreement. This is very strong stuff coming from many people in local government.

The information coming from Tim Shanahan, the executive director of the association, is that WAMA will seek to have the passage of the legislation delayed. It wants to see it redrafted, which is a very serious matter this group is asking us to undertake. It is not supportive of it. I will draw attention to one matter in the material sent to us by this group about the cost of libraries and funding. The information states -

There is growing concern with Local Government that the State Government should be funding 50% of the public library service. The current legislation provides for the State to contribute up to 50% funding.

Current statistics available from LISWA indicate that local government is financing the statewide public library service at a rate significantly higher than 50%.

WAMA describes how that is worked out and says -

With the legislation providing no obligation for the level of State Government funding there is a potential for local government's contribution to the public library service to be further increased. In a partnership sense this situation is becoming untenable.

It is clearly concerned about many aspects of the Bill, but that is a key issue. WAMA says that libraries are important to local government; they are a key part of their job in the community. They are already funding a great deal of them and their fear about this Bill is that they will be funding even more.

A great many concerns have been detailed by many people connected with the arts. I am not talking about only half a dozen people. Over the past three months during summer when I have been active in talking to arts people, many have approached me with these matters. When I asked them to write me a letter about it they said, "No way; I work for such and such an organisation and quite frankly I will not be able to get funding if I come out publicly on this matter." I assure members that many people feel the same way. There is concern and it is that concern that my colleagues on this side of the House have sought to put before the Government tonight. We hope they will be taken into consideration. I oppose the Bill.

**MR PENDAL** (South Perth) [9.51 pm]: The closing words of the member for Perth are perhaps a good point on which to speak. On the face of it, the Bill should not evoke much interest. Many people would say the Government was simply rearranging the legislative arrangements by which the major state cultural organisations are run. That includes the Art Gallery, the library, the Museum of Western Australia, the Perth Concert Hall and a range of other things that flow from there. I agree with the member for Perth that the number of individuals and organisations which have taken a great deal of exception to the fact that the Government would bring into the Parliament a Bill of this kind has been surprising.

Why the concern? The concern is probably summed up in a number of key sentences but none more clearly than that which is contained in the foreword written by the minister himself to the 1997-98 Annual Report of the Art Gallery of Western Australia. I had a copy at one stage - which I have just located. The minister opens with these remarks -

The past year has once again seen the Art Gallery of Western Australia achieve excellence in the visual arts and extended internationally to present a broader scope of exhibitions to the people of Western Australia.

On reading that one might ask: If matters are going so well within the major cultural institutions of Western Australia - I believe they are with some exceptions - why do we need anything of the kind that the Government is about to impose on the arts community? In other words it is the old story that if something is not broken, why are we seeking to fix it?

The coalition won office in 1993 with a reasonably broad mandate. It also won office with a reasonably comprehensive policy documentation that spread across the board. Industrial relations was the key that year and so too was the environment. It is interesting that on, I think, the Wednesday prior to the state election a Westpoll showed that the coalition was going to win the election because it had been able to reassure the wider Western Australian society on those two key areas - principally that it would not undermine the rights of workers in Western Australia via any industrial relations organisations and, secondly, that it would not shift the benchmarks for environmental protection in Western Australia. I am not saying that; that is what the latest Westpoll indicated on the Wednesday prior to the 1993 election.

One is entitled to say that that was against the background of the major WA Inc scandals of the late 1980s and early 1990s. On top of those scandals were those two expressions of policy on which the coalition was able to reassure the public of Western Australia. However, any election is won or lost on more than that. On that occasion the coalition was able to present an education policy and articulate a health policy that were clear alternatives to the Government of the day. A number of other important elements were contained in the coalition's policy document on which it was able to demonstrate that it would do better than the Government in office.

That brings me then to the current debate. One of the documents for which the then Opposition received widespread community and professional support was the document embracing its arts policy. It is interesting to make an analysis of what that policy promised and what has not been delivered and what was not promised, but which is about to be imposed on the State of Western Australia. One thing that immediately comes to mind is that in its pre-election policy prior to 1993 the Opposition promised a fully-blown acquisition fund for the Museum of Western Australia. It was believed that was the only

way we in Western Australia would never repeat the Percy Markham catastrophe referred to earlier by the Opposition spokesman on the Arts. The idea was that Western Australia would never need to sell its cultural heritage in order to finance its cultural heritage. The main issue at that time was the collection of vintage and veteran cars that Percy Markham had sold, albeit at an advantageous price to the State. The wherewithal that was to be achieved was the creation of an acquisition fund within the Museum of Western Australia; that is, that each year consolidated revenue would make some provision for the museum to acquire new works, artefacts and manuscripts in such a way that it would not be necessary to sell something else to acquire them. It is interesting that six years down the track, I cannot find any evidence that the State of Western Australia has delivered on that promise. Equally ironic is the fact that the Government of Western Australia is prepared to impose on the State things that it never promised; and perhaps we should be grateful that it never promised those things. One of those things is the Bill that is now before the House.

Several major controversies arose during the time of the previous Government and gave rise to what was probably a fairly active policy on the part of the coalition at the 1993 election. One of those controversies was the sale of part of the Percy Markham collection. It was argued at that time that the State might well sell the Percy Markham collection on the grounds that none, or very few, of those vehicles had anything culturally to do with early Western Australia. As I said by way of interjection to the member for Thornlie, that would have been a bit like telling the Museum that it should also put on sale the meteorites that it was so proudly exhibiting on the grounds that those meteorites were not from Western Australia geographically but came from a long way away. That was the argument that was put by, I regret to say, those philistines, who had the view that we could easily dispose of those things that had been entrusted to us whether by direct sale or donation.

The second major controversy that led to the coalition policy at that election was the Government's acquisition of the Louis Allen art collection from the United States for about \$1.3m. That created enormous controversy around not only Western Australia but also Australia, because the Minister for the Arts of the day, who was probably one of the best Ministers for the Arts that we have seen in this generation - I am referring to the then member for Fremantle, Hon David Parker - had a genuine interest in the arts, a genuine knowledge of the arts, and a genuine desire to elevate every opportunity for the various branches of the arts. However, one of the serious mistakes that he made was to buy that collection of his own volition, not only without the consent of the Art Gallery and its board, but also without its knowledge. I recall vividly the then director of the Art Gallery, Elizabeth Churcher, speaking in an early morning radio session in 1991 or 1992 and being put in the embarrassing position of having to admit that she knew nothing about that purchase. I am not trying to make a point in this debate about whether in the end the purchase of the Louis Allen art collection was valid, and unfortunately, because of the limited time, I do not have the same opportunity as the lead speaker to canvass some of the issues, but suffice to say those two bad errors in the early 1990s for the arts in Western Australia will be repeated again in Western Australia if this Bill is passed.

It is possible that the decision to dispose of some of the vehicles in the Percy Markham collection was made in order to provide funds to buy more worthy items. That should never have been a political decision. People will argue for many years to come that it was not a political decision but was a decision made by the trustees of the Museum of Western Australia, through the chief executive of the time, John Bannister. I believe in retrospect that it was a decision forced upon the museum by the Government of the day, and that the imperative was the need to raise some funds. The purchase of the Louis Allen collection was another example of the Minister for Arts of the day pre-empting the board and the professional personnel.

I am using those two examples to say enough is enough. We should have learnt from those two examples. I find it somewhat surprising that the current Minister for the Arts, Hon Peter Foss, was one of the loudest in his condemnation of what was happening in those days. In retrospect, people may say that the Museum trustees were not strong enough to stand up to the minister of the day; or the board of the Art Gallery was too strong, and that is why the minister did not refer to it the purchase of the Louis Allen art collection. However, in both cases, there is good reason to maintain a strong, independent board of commissioners - call it what we may - that will stand as a bulwark between the arts community and the minister of the day, and that is one of the great values that we have, yet that is effectively what this Bill is seeking to undo. I believe that what the minister is doing, whether consciously or unconsciously, is opening the door to provide greater opportunities for himself on the very issues on which he condemned past Governments.

I went back today to look at the arts policy that was produced by the coalition prior to the 1993 election.

Mr Barnett: Who was its author?

Mr PENDAL: A very distinguished parliamentarian of the day; everyone has forgotten his name, so I will not mention it. The policy outlines at page 24 the sort of departmental structure that a coalition Government was proposing. The current minister wrote one-third of the policy, because he took over as shadow Minister for the Arts in May of 1992, but the policy was substantially written prior to that, and he was happy to acknowledge that publicly prior to the election. The policy states at page 24 that -

We are committed to a minimum bureaucracy in the administration of the arts, so that the maximum of financial resources gets to the arts community itself.

One of the later paragraphs refers to the setting up of efficient administrative procedures. At one level, the current minister may argue that that is exactly what he is seeking to achieve. However, every Western Australian is prepared to tell him that what he is seeking to achieve will end in disaster not only for him but also for those organisations. We have been served very well by having an independent art gallery board. We have been able to attract people of the highest capacity because board membership carries with it some prestige. It is no less prestigious to be a trustee of the museum. One need only to look at the membership of that board over the past 50 years to know that because it is prestigious it attracts people of a very high calibre. However, a bevy of people will not be interested in serving those organisations or others affected by this amending Bill if they are to be reduced to being members of so-called advisory committees.

This is a very sad day for the arts in Western Australia. It is sad in particular because the minister seeks to make himself a ministerial entity the like of which we have never seen before in Western Australia. That will repel people from the arts community and we should act to prevent that. For that reason, I intend to oppose the Bill.

**MRS EDWARDES** (Kingsley - Minister for the Environment) [10.11 pm]: I thank members opposite for their comments, and seek leave to continue my remarks at the next sitting of the House.

[Leave granted for speech to be continued.]

Debate thus adjourned.

#### **ADOPTION AMENDMENT BILL**

*Returned*

Bill returned from the Legislative Council without amendment.

*House adjourned at 10.12 pm*

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**For Legislation Committee proceedings on the Court Security and Custodial Services Bill, see page 6922**

# QUESTIONS ON NOTICE

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

## TOURISM, OVERSEAS VISITOR NUMBERS

1857. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) Further to question on notice No 967 of 1998, what were the visitor numbers from -

- (a) Singapore;
- (b) Indonesia;
- (c) United Kingdom;
- (d) Australia;

in the -

- (i) 1994-95 financial year;
- (ii) 1995-96 financial year?

(2) With respect to the visitor numbers from -

- (a) Singapore;
- (b) Indonesia;
- (c) United Kingdom;
- (d) Australia;

what were the visitor numbers from each of these destinations for each quarter in the -

- (i) 1996-97 financial year;
- (ii) 1997-98 financial year?

(3) Of the amount of \$294,723 spent on advertising in Australia, what amount was spent in each State and Territory?

Mr BRADSHAW replied:

(1) (a) Visitor numbers from Singapore \*

1994/95	67 000
1995/96	75 000

(b) Visitor numbers from Indonesia \*

1994/95	31 000
1995/96	53 000

(c) Visitor numbers from United Kingdom \*

1994/95	89 000
1995/96	80 000

(d) Visitor trips - Australian domestic markets \*\*

1994/95	due to change in methodology, 12 months to March 1995 is not available.
1995/96	5 455 000

(2) (a) Visitor numbers for each quarter from Singapore for 96/97 and 97/98 \*

September quarter 1996	14 000
December quarter 1996	26 000
March quarter 1997	13 000
June quarter 1997	22 000
Total 96/97	75 000

September quarter 1997	16 000
December quarter 1997	27 000
March quarter 1998	14 000
June quarter 1998	22 000
Total 97/98	79 000

(b) Visitor numbers for each quarter from Indonesia 96/97 and 97/98 \*  
September quarter 1996 12 000

December quarter 1996	16 000
March quarter 1997	15 000
June quarter 1997	12 000
Total 96/97	55 000
September quarter 1997	13 000
December quarter 1997	12 000
March quarter 1998	8 000
June quarter 1998	7 000
Total 97/98	40 000
(c) Visitor numbers for each quarter from the United Kingdom for 96/97 and 97/98 *	
September quarter 1996	12 000
December quarter 1996	33 000
March quarter 1997	33 000
June quarter 1997	14 000
Total 96/97	92 000
September quarter 1997	14 000
December quarter 1997	40 000
March quarter 1998	36 000
June quarter 1998	16 000
Total 97/98	106 000
(d) Visitor trips for each quarter from Australian domestic markets for 96/97 and 97/98 **	
June quarter 1996	1 531 000
September quarter 1996	1 343 000
December quarter 1996	1 559 000
March quarter 1997	1 478 000
Total rolling 12 months to March 1997	5 911 000
June quarter 1997	1 402 000
September quarter 1997	1 620 000
December quarter 1997	1 671 000
March quarter 1998	1 601 000
Total rolling 12 months to March 1998	6 294 000

Note: Visitor trips based on a "rolling 12 months" which is calculated differently to the "financial year". No figures for the June 1998 quarter are available as the Domestic Tourism Monitor (DTM) was terminated at the end of March 1998. The DTM will be replaced by the National Visitor Survey (NVS) collection, which commenced on 6 January 1998. It is expected that annual NVS data for calendar year 1998 will be released mid 1999.

(3) The advertisements were only shown in NSW and Victoria; the amount spent was:

NSW	\$156 203.19
Victoria	\$138 519.81

\* Source: WATC estimate based on Bureau of Tourism Research *International Visitor Survey* and Australian Bureau of Statistics *Overseas arrivals and Departures*.

\*\* Source: Visitor Trips - Bureau of Tourism Research *Domestic Tourism Monitor*. Estimates provided are for the 12 months to March 1996, 12 months to March 1997 and 12 months to March 1998 and apply to all interstate and intrastate trips to/within Western Australia.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, COMPLAINTS ABOUT CONTRACT SERVICES

1914. Mr BROWN to the Minister for Family and Children's Services; Seniors; Women's Interests:

- (1) Has any department or agency under the Minister's control which has let out to contract (other than an employment contract) services it provides had or received any complaints about the nature of those services since 1 July 1997?
- (2) If so, what was the nature of the complaints received?
- (3) Were the complaints or criticisms of the service provided investigated?
- (4) What was the outcome of the investigation?

Mrs PARKER replied:

- (1) Only one complaint has been received (by Family and Children's Services).
- (2) Concern that there were differences in the information provided to potential tenderers.

- (3) Yes.
- (4) Existing processes were found to be equitable and fair. Response provided to complainant and State Supply Commission.

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2042. Mr BROWN to the Minister for Housing; Aboriginal Affairs; Water Resources:

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

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

Dr HAMES replied:

Agency	(a)	(b)
Aboriginal Affairs Department	0	0
Country Housing Authority	0	0
Government Employees Housing Authority	1	0
Homeswest	26	5
Office of Water Regulation	0	0
Swan River Trust	0	1.5
Water and Rivers Commission	0	1.5
Water Corporation	17	26

GOVERNMENT DEPARTMENTS AND AGENCIES, EMPLOYEES UNDER 21 YEARS OF AGE

2049. Mr BROWN to the Minister for Police; Emergency Services:

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

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

Mr PRINCE replied:

Police

- (a) Western Australia Police Service recruited 36 persons aged under 21 years in the 1997/8 financial year comprising 12 sworn officers and 26 unsworn members.
- (b) In the 1998/9 financial year to date, 39 persons aged under 21 years have been recruited comprising 23 sworn officers and 16 unsworn members.

Emergency Services

- (a) 3.  
(b) 8.

GOVERNMENT CONTRACTS

2064. Mr BROWN to the Minister for Housing; Aboriginal Affairs; Water Resources:

- (1) How many contracts (other than employment contracts and contracts for less than \$50,000) did each department under the Minister's control enter into in the months of -
- (a) November 1998; and  
(b) December 1998?
- (2) What was the amount of each contract?
- (3) What is the name of each person/entity with whom the contract is been awarded to?

- (4) What is the nature of the work or services required by the contract?
- (5) What is the completion date of the contract requirements?
- (6) Was each contract awarded to the lowest tender?
- (7) If not, why not?

Dr HAMES replied:

Aboriginal Affairs Department:

- (1) (a) Nil.  
(b) One.
- (2) \$50,000.00.
- (3) Management Projects.
- (4) Provision of staff selection and recruitment services.
- (5) December 2000 with an option for a further two 12 month extensions.
- (6) No.
- (7) Better service and overall value for money.

Country Housing Authority, Government Employees' Housing Authority and Homeswest:

- (1) (a) 18 (excludes contracts for sale and purchase of land or house and land).  
(b) 21 (excludes contracts for sale and purchase of land or house and land).

(2)-(7) See paper No 816.

Office of Water Regulation, Swan River Trust and Water and Rivers Commission:

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

(2)-(7) Not applicable.

Water Corporation:

- (1) (a) 17.  
(b) 15.

(2)-(7) See paper No 816.

#### GOVERNMENT CONTRACTS

2071. Mr BROWN to the Minister for Police; Emergency Services:

- (1) How many contracts (other than employment contracts and contracts for less than \$50,000) did each department under the Minister's control enter into in the months of -
  - (a) November 1998; and
  - (b) December 1998?
- (2) What was the amount of each contract?
- (3) What is the name of each person/entity with whom the contract is been awarded to?
- (4) What is the nature of the work or services required by the contract?
- (5) What is the completion date of the contract requirements?
- (6) Was each contract awarded to the lowest tender?
- (7) If not, why not?

Mr PRINCE replied:

Police

- (1) (a) None.  
(b) One.
- (2) \$69,330.00.
- (3) Marine & Leisure Industries.

- (4) Design, construct/build a Police Patrol Boat.
- (5) 8 April 1999 (14 weeks from Contract Award).
- (6) Yes.
- (7) Not applicable.

## Emergency Services

- (1) (a)-(b) Two.

	<b>NOVEMBER 1998</b>	<b>DECEMBER 1998</b>
(2)	\$355,870.00	\$54,922.14
(3)	Stewart & Heaton	Atkins Carlyle
(4)	Protective Clothing	Tools and Hardware
(5)	11/11/2002 (includes option to extend)	19/01/2003 (includes option to extend)
(6)	No	Yes
(7)	Value for money	Not applicable.

**BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY COLLECTION AMENDMENT  
BILL 1997, PROCLAMATION**

2173. Mr KOBELKE to the Minister for Employment and Training:

- (1) When did the Building and Construction Industry Training Fund and Levy Collection Amendment Bill 1997 complete its passage through both Houses of Parliament?
- (2) Has the Building and Construction Industry Training Fund and Levy Collection Amendment Bill been proclaimed and, if so, on what date was it proclaimed?
- (3) Did the then Minister for Employment and Training give an undertaking to the Legislative Assembly on the 16 September 1997 that he would look to implementing the changes from the 1 January 1998?
- (4) What have been the reasons for the delay in implementing the amendments passed in the Building and Construction Industry Training Fund and Levy Collection Amendments Bill 1997?

Mr KIERATH replied:

- (1) 1 April 1998.
- (2) No.
- (3) The Hon Cheryl Edwardes MLA, the then Minister for Employment and Training, responded to a question from the member for Bassendean, asked during the Committee stage of the Bill, about proclamation of the legislation from 1 January 1998. In her reply the Minister stated that the Government *"would look to doing that"*. At the same time she also indicated that the time frame would be influenced by *"what happens in the other place and if there is likely to be any delay"*, which there was.
- (4) Upon assuming responsibility for the portfolio of Employment and Training I initiated an examination of the legislation in light of the Stanton Partners Report on BCITF Apprentice Subsidies. I also commenced a review of Board membership in the light of the requirements of the new Act.

**POLICE, STOLEN DOGS**

2189. Mrs ROBERTS to the Minister for Police:

- (1) If a citizen reports a stolen dog to the Police is it recorded as a theft?
- (2) If not, how is it recorded?
- (3) Does it make any difference to the recording of the offence if the stolen dog is a pedigree, expensive or show dog?
- (4) Was any record made of a male miniature pincher taken from a backyard in Cope Street Midland on or about the 9 February 1999?
- (5) If not, why not?
- (6) If so, how was it recorded?
- (7) Do such thefts feature in the State's Crime Statistics?

Mr PRINCE replied:

- (1) Yes.
- (2) Not applicable.
- (3) No.
- (4) Yes.
- (5) Not applicable.
- (6) Midland Police Station telephone message book pending confirmation by the owner, of the theft.
- (7) Yes, if confirmed.

#### POLICE LOCKUP, VISITS BY LEGAL PRACTITIONERS

2190. Mrs ROBERTS to the Minister for Police:

What are the policies or procedures for a legal practitioner to personally see a client at the Central Police lockup?

Mr PRINCE replied:

All actions within the East Perth Lock Up are governed by Orders & Procedures in the Lockup Management Manual issued pursuant to Section 9 of the Police Act 1892. The OIC of the Lockup has at his discretion, the power to allow a legal practitioner to see his client. Orders & Procedures in the Lockup Management Manual are as follows:-

Op F113: "A member shall assist and facilitate the visit to any lockup of officers from the Aboriginal Legal Service (ALS) or Field Liaison Officers during reasonable hours."

Op F107: "Members will ensure that any communication between a prisoner and a solicitor's clerk is private while having due regard to security."

Op F104: "On admission to a Lockup, a member shall permit a prisoner access to a telephone to contact a solicitor and some other person except if the member has reasonable grounds for believing the telephone call will actually hinder a current investigation."

Orders under the Prisons Act 1981, Section 62: as follows:-

"Visits by legal practitioner:

- 62(1) A legal practitioner may for the purpose of pending court proceedings interview a prisoner who is his client at a reasonable hour, or as otherwise authorized by the superintendent, within the view but not the hearing of an officer.
- 62(2) With the approval of the superintendent, a legal practitioner may at a reasonable hour interview, within the view but not the hearing of an officer, a prisoner for a bona fide purpose."

It is the decision of the Officer in Charge of the Lockup, subject to staffing levels and situation, as to what is a reasonable hour and whether the visit poses a threat to security.

#### SECURITY GUARDS, TRAINING

2201. Mr BROWN to the Minister for Police:

- (1) Is the Government aware of the increased use of private security guards by local government and business?
- (2) Is the Minister aware of the nature and depth of training provided to security guards?
- (3) If so, what is the nature and depth of that training?
- (4) Is the Government aware of the increasing complexity security guards work?
- (5) Is the Minister aware that some security guards are employed on a casual rate on as little as ten dollars per hour for working on afternoons and nights?
- (6) Will the Minister carry out a review on the training and employment arrangements of security guards to ensure that -
  - (a) such guards have the skills and abilities to carry out all the work expected of them by the community and business; and

(b) security guards are properly remunerated in return for the inherent risks associated with the job?

(7) If not, why not?

Mr PRINCE replied:

(1) Yes.

(2)-(3) Yes. Subject to the provisions of the Security and Related Activities (Control) Act 1996 ("the Act"), which was enacted on 1 April 1997, and as a condition of their licence, Security Officers (who have been licensed since the introduction of the Act) are required to complete an "approved training course" in watching, guarding and protecting property. This condition can only be removed once they have completed the required training course. The aforementioned training courses are delivered by training providers duly registered with the Training Accreditation Council under Section 27 of the Vocational Education and Training Act 1996. The Police Service is aware that in most cases, training providers will be using a newly designed training package known as the "Asset Security Training Package" ("the training package"). The training package has been endorsed by the Federal Minister for Vocational Education and Training, the State and Territory Ministers for Employment and Training, and provides advice on the scope and content of qualifications that are recognised both by the industry and Government agencies across Australia. Further, the Act requires that licensed training providers be approved by the Commissioner of Police, if the licence holders wish to have the training condition removed from their license.

(4) While the Police Service can offer no comment on this issue, it should be noted training standards were incorporated into the Act to increase the professionalism of the industry and to assist Security Officers in performing their duties.

(5) As this is an industrial issue - not a police matter - it would be inappropriate for the Police Service to comment.

(6) (a)-(b) No. The issue of training is a matter best addressed by the Minister for Employment and Training. Likewise, the issue of remuneration is an industrial issue which the Police Service cannot comment upon.

(7) Please see answer to question (6).

#### GRANT THORNTON, CONTRACTS

2222. Ms MacTIERNAN to the Minister for Housing; Aboriginal Affairs; Water Resources:

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

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

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

Dr HAMES replied:

(1) One, by the Water Corporation.

(2) (a) Provision of Consultancy Services for the development of a software program.  
 (b) \$27,281.00.  
 (c) \$30,685.00.  
 (d) 27 June 1997 and 30 June 1998 respectively.  
 (e) No, the contract went out to sole tender. The work required modification of proprietary software.

#### GRANT THORNTON, CONTRACTS

2229. Ms MacTIERNAN to the Minister for Police; Emergency Services:

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

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

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

Mr PRINCE replied:

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

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2287. Mr RIEBELING to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

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

- (a) what is the total number of Level One employees at each agency as at 9 March 1999; and
- (b) of these employees, how many were -
  - (i) permanent full time; and
  - (ii) on short term contract?

Mr SHAVE replied:

LANDCORP & WESTERN ELECTORAL COMMISSION

- (a) 7.
- (b)
  - (i) 5.
  - (ii) 2.

MINISTRY OF FAIR TRADING

- (a) The total number of Level 1 employees at the Ministry of Fair Trading as at 9 March 1999 was sixty two.
- (b)
  - (i) Of the sixty two, twenty eight were permanent full time Level 1 officers; and
  - (ii) Twenty seven more were on short term Level 1 contracts.

Please note: When comparing totals at (a) and (b) above, there are seven additional permanent part time Level 1 officers included in the total of sixty two.

DEPARTMENT OF LAND ADMINISTRATION

- (a) 174.
- (b)
  - (i) 107.
  - (ii) 53.

Please note: The remaining 14 employees are employed on a permanent part time basis.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEVEL ONE EMPLOYEES

2295. Mr RIEBELING to the Minister for Police; Emergency Services:

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

- (a) what is the total number of Level One employees at each agency as at 9 March 1999; and
- (b) of these employees, how many were -
  - (i) permanent full time; and
  - (ii) on short term contract?

Mr PRINCE replied:

Police

- (a) 620.
- (b)
  - (i) 426.
  - (ii) 125 contracts of all terms.

Please note there are also: 53 permanent part timers. 16 secondees.

Emergency Services

- (a) 27.
- (b)
  - (i) 16.
  - (ii) 11.

## CRIME RATES

2308. Mr GRAHAM to the Minister for Police:

For each month from 1 December 1998 to 31 March 99 inclusive, what was the number of -

- (a) house break-ins/burglaries;
- (b) clearances of those crimes; and
- (c) vehicle theft,

reported in the following areas -

- (i) South Hedland;
- (ii) Port Hedland;
- (iii) Marble Bar;
- (iv) Nullagine;
- (v) Hall's Creek;
- (vi) Wiluna;
- (vii) Karratha;
- (viii) Wickham;
- (ix) Roebourne;
- (x) Tom Price;
- (xi) Paraburdoo;
- (xii) Newman;
- (xiii) Carnarvon; and
- (xiv) Geraldton?

Mr PRINCE replied:

The number of reported house burglaries and motor vehicle thefts are as follows -

			Dec'98	Jan'99	Feb'99
(i)	South Hedland	Burglary * Vehicle theft	8 5	16 3	38 6
(ii)	Port Hedland	Burglary *Vehicle theft	5 0	10 3	4 0
(iii)	Marble Bar	Burglary * Vehicle theft	1 0	1 0	1 0
(iv)	Nullagine	Burglary *Vehicle theft	0 0	0 0	0 0
(v)	Halls Creek	Burglary *Vehicle theft	3 0	2 1	11 0
(vi)	Wiluna	Burglary *Vehicle theft	1 0	3 0	1 0
(vii)	Karratha	Burglary *Vehicle theft	6 4	18 1	7 1
(viii)	Wickham	Burglary *Vehicle theft	3 0	6 2	2 0
(ix)	Roebourne	Burglary *Vehicle theft	1 1	3 1	3 1
(x)	Tom Price	Burglary *Vehicle theft	3 0	5 1	1 0
(xi)	Paraburdoo	Burglary *Vehicle theft	1 0	1 0	0 0
(xii)	Newman	Burglary *Vehicle theft	2 3	0 0	0 2
(xiii)	Carnarvon	Burglary *Vehicle theft	8 2	26 5	30 2
(xiv)	Geraldton	Burglary *Vehicle theft	17 3	26 5	15 4

The information provided below identifies any reported house burglary or motor vehicle theft that was cleared within the past 3 months regardless of when it was committed. The number of house burglaries and motor vehicle theft offences cleared are as follows -

			Dec'98	Jan'99	Feb'99
(i)	South Hedland	Burglary *Vehicle theft	11 2	4 1	29 5
(ii)	Port Hedland	Burglary *Vehicle theft	0 0	4 0	1 0
(iii)	Marble Bar	Burglary *Vehicle theft	0 0	0 0	0 0
(iv)	Nullagine	Burglary *Vehicle theft	0 0	0 0	0 0
(v)	Halls Creek	Burglary *Vehicle theft	3 0	2 0	6 1
(vi)	Wiluna	Burglary *Vehicle theft	1 0	0 0	0 0
(vii)	Karratha	Burglary *Vehicle theft	0 0	1 0	2 3
(viii)	Wickham	Burglary *Vehicle theft	1 0	2 0	1 0
(ix)	Roebourne	Burglary *Vehicle theft	0 1	1 0	1 1
(x)	Tom Price	Burglary *Vehicle theft	1 0	1 0	2 0
(xi)	Paraburdoo	Burglary *Vehicle theft	0 0	1 0	0 0
(xii)	Newman	Burglary *Vehicle theft	0 1	0 0	0 2
(xiii)	Carnarvon	Burglary *Vehicle theft	4 2	5 2	16 2
(xiv)	Geraldton	Burglary *Vehicle theft	3 2	4 0	0 1

#### ABORIGINAL WARDEN SYSTEM, BUDGET ALLOCATION

2309. Mr GRAHAM to the Minister for Aboriginal Affairs:

- (1) What was the total budget allocation for the operation of the Aboriginal Warden System for the budget year;
  - (a) 1993-94;
  - (b) 1994-95;
  - (c) 1995-96;
  - (d) 1996-97;
  - (e) 1997-98;
  - (f) 1998-99; and
  - (g) 1999-2000?
- (2) What was the source of funds in each year?
- (3) Was the full budget allocation expended in each year referred to in (1) above?
- (4) If the answer to (3) is no -
  - (a) what was the amount not expended;

- (b) why was the budget not expended; and
- (c) was the amount not expended deducted from the following years budget?
- (5) In any year referred to in (1) above did expenditure exceed the budget allocation?
- (6) If the answer to (5) is yes -
  - (a) what was each amount of over expenditure; and
  - (b) what was the reason for the over expenditure?
- (7) What are the forward estimates for the operation of the warden scheme for the year -
  - (a) 1999;
  - (b) 2000; and
  - (c) 2001?

Dr HAMES replied:

- (1) (a) Information not available as at this time was the responsibility of the Aboriginal Affairs Planning Authority.
- (b) \$210,000.00.
- (c) \$210,000.00.
- (d) \$237,000.00.
- (e) \$270,000.00.
- (f) \$270,000.00.
- (g) Yet to be announced.
- (2) Consolidated Fund for all years.
- (3)-(5) The answering of these parts of the question will require significant resources which I am not prepared to allocate at this stage. If the member has a specific question about funds expended then I would be prepared to commit the resources to provide an answer.
- (6) (a) \$270,000.00.
- (b) \$270,000.00.
- (c) \$270,000.00.

#### POLICE AND CITIZENS YOUTH CLUBS, POLICE OFFICERS

2343. Mr RIPPER to the Minister for Police:

- (1) Which Police and Citizens Youth Clubs have had their police officers withdrawn since 1 January 1997?
- (2) How many police officers are now stationed at Police and Citizens Youth Clubs?
- (3) How many police officers were stationed at Police and Citizens Youth Clubs on 1 January 1997?

Mr PRINCE replied:

- (1) 1 Police officer withdrawn from Harvey Police and Citizens Youth Club on 2 March 1999. 1 Police Officer (Temporary Secondment) withdrawn from Belmont Police and Citizens Youth Club.
- (2) 25.
- (3) 27.

#### STOLEN GENERATION RECOMMENDATIONS, COST OF IMPLEMENTATION

2354. Ms McHALE to the Minister for Aboriginal Affairs:

Further to question on notice No. 1848 of 1998 will the Minister now indicate how much money has been allocated to Western Australia for implementing the "Stolen Generation" recommendations?

Dr HAMES replied:

I am advised that to date the Office of Aboriginal and Torres Strait Islander Health Services, through the Commonwealth Department of Health and Aged Care, has allocated \$1.040m to Western Australia for 13 counsellor positions. Further discussions are taking place between Commonwealth and State officials which it is hoped will result in additional funds being allocated to Western Australia.

POLICE, KALGOORLIE-BOULDER

2359. Ms ANWYL to the Minister for Police:

- (1) What number of police officers have been employed in Kalgoorlie-Boulder for each of the years -
  - (a) 1993;
  - (b) 1994;
  - (c) 1995;
  - (d) 1996;
  - (e) 1997;
  - (f) 1998; and
  - (g) 1999 to date?
- (2) Are there any unfilled FTE Police jobs at Kalgoorlie-Boulder at the present time and, if so, what are the positions?
- (3) Why are those positions unfilled?
- (4) What steps have been taken to ensure that Police numbers have kept up with increases in population?
- (5) Will the Minister explain why Police numbers have not kept up with population increases?

Mr PRINCE replied:

- (1)
  - (a) 101
  - (b) 102
  - (c) 102
  - (d) 104
  - (e) 104.5
  - (f) 110
  - (g) 109.5

Based on figures as of 1 March each year.

- (2)-(3) Yes. The following information is correct as at 15 March 1999.

1 x Detective Senior Sergeant - OIC Kalgoorlie/Boulder District Support Group Position has been advertised. No expressions of interest have been received at this stage. It is intended to advertise this as a promotional position in April.

1 x Detective Sergeant - Expression of interest has been received for this position and should be filled by April 1999.

3 x Shift Sergeants - All of these positions were advertised as a promotional position. Successful applicants should be advised late March. All positions should be filled by April.

1 x Community Policing Sergeant - Position was advertised as a promotional position. Successful applicants should be advised late March. All positions should be filled by April.

1 x Shift Constable - Kalgoorlie Police & Citizens Youth Club - An officer has been selected to fill this position and should arrive in April 1999.

- (4)-(5) A manpower review of all Police Stations within the Central Police Region has recently been completed. Issues such as population increases are being considered in this review. This project is near completion and recommendations should be made by mid April. Population figures supplied by the Australian Bureau of Statistics and the City of Kalgoorlie - Boulder show the population of Kalgoorlie-Boulder to be:-

1993	27142
1994	28168
1995	29120
1996	29683
1997	30488
1998	31400

Over this period the population of Kalgoorlie-Boulder has increased by 4258. Police staffing has increased by 8.5 FTE.

### QUESTIONS WITHOUT NOTICE

#### STATE ACCOUNTS, SLOW DOWN IN ECONOMIC ACTIVITY

**643. Dr GALLOP to the Premier:**

I refer to the state account details released on Friday, 12 March which show that state final demand fell by 5 per cent in the December quarter, which was the biggest quarterly fall since state economic statistics became available.

- (1) Can the Premier explain this sharp slow down in economic activity?
- (2) Will the Premier be reviewing his revised economic growth forecasts of 3.75 per cent in 1998-99 and 5.5 per cent in 1999-2000, as released in his mid-year economic review three weeks ago?
- (3) If so, when will the Premier provide the revised growth forecasts to Parliament?

**Mr COURT replied:**

(1)-(3) We have just revised the figures to which the Leader of the Opposition referred.

Dr Gallop: It was a few months ago now.

Mr COURT: The advice I have received is that they indicate the position for this year. As the Leader of the Opposition is aware, we had exceptional growth last year. This growth figure will decrease this year, and it is estimated that the equivalent figure will move up next year to 4.5 or 5 per cent. We have had a trend over the last six years of around 5 per cent growth, which is very good.

One need not be too smart to work out that if one has a substantial drop in commodity prices, some effect will be felt in the economy, and certainly exports will be affected. We have had remarkable growth in exports in recent years. These export volumes will remain pretty much in place, but the value of the exports will level off as a result of the lower commodity prices. The growth estimates stand.

#### RESOURCES SECTOR, DOWNTURN

**644. Mr KOBELKE to the Minister for Employment and Training:**

- (1) Does the minister share the widely voiced concern that the current downturn in the State's resources sector is likely to lead to the cancellation of many apprenticeships?
- (2) If so, what special, one-off initiatives does the minister propose to retain people in apprentices as it is thought and hoped that this will be only a short-term economic downturn?

**Mr KIERATH replied:**

- (1)-(2) There is some difficulty with some apprenticeships and traineeships which relate to the resources sector. A downturn has occurred in the short term, but a great deal of optimism is evident regarding the medium term. The sector is expected to peak again in 18 months. We have looked at a variety of programs to try to encourage the retention of young people in training. I admit that this is very difficult to achieve when a downturn occurs and places are simply not available for young people. I remind members that this circumstance is not peculiar to this State, or to people on this side of the House.

Mr Kobelke: Are you saying that there is nothing you can do?

Mr KIERATH: No. A number of initiatives are under way in this regard. I remind the House that the Australian Council of Trade Unions found itself in this predicament. An article in *The Australian Financial Review* of 29 September 1995 stated -

The ACTU will cut back staffing levels at its Melbourne headquarters and sell off a large slice of its asset base to fund a drive to put more union organisers into the field and turn around the declining rates of union membership in the workforce.

This is not peculiar to the resource industry but applies to anybody who is providing a service. In a little while I will outline a number of our initiatives for young people. I remind the member for Nollamara that this State has consistently led the country in youth employment. It is still the best State, bar none. The State has been pipped on a couple of occasions by New South Wales because it has had major development associated with the Olympic Games. If this State had those olympic programs it would still be the best. The Government is not resting on its laurels. This is an important issue. We are working on a number of initiatives to put people into other areas of this State where they can undergo part of their training. What the Opposition misunderstands in all this question is that some areas have flat spots and others have growing needs. We are trying to match those needs as best we can.

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT ACT 1998, PROCLAMATION  
DATE

**645. Mr BLOFFWITCH to the Minister for Fair Trading:**

I understand that the important Commercial Tenancy (Retail Shops) Agreements Amendment Act 1998 is to be proclaimed to commence from the start of the new financial year.

- (1) Why has the minister decided on this timing?
- (2) What does the minister intend as the benefits to new commercial tenancy agreements as a result of the new legislation?

**Mr SHAVE replied:**

I thank the member for some notice of this question.

- (1)-(2) I have considered very carefully the timing for the introduction of the retail tenancy legislation. To introduce the changes in stages would create a further class of lease and would add unnecessary confusion in the market. Significant industry impacts and compliance provisions arise from the amendments. Therefore, for practical reasons, I have decided that the new laws will come into effect as a total package from 1 July 1999. This time frame will match local financial-year cycles in compliance with nationally acknowledged audit standards. At the same time, industry will have a reasonable period in which to develop budgets for the next applicable accounting period. In the lead up to the commencement date, the Ministry of Fair Trading will finalise the supporting regulations. In addition, a new tenant guide will be developed with industry assistance, and a comprehensive industry education program undertaken. These amendments will foster a fairer and more balanced business relationship between property owners and retail shop tenants. Prospective and current retail tenants will be better informed and take relevant advice prior to entering retail lease agreements. This will be translated into improving business success for merchants and improving returns for property owners.

Members opposite, who did nothing when they were in government, should stop knocking all the time and try to do something constructive instead of sitting there opening and closing their mouths all the time.

KAMBALDA RETRENCHMENTS

**646. Mr GRILL to the Premier:**

I refer to the retrenchment of more than 500 workers at Kambalda over the past year and to my verbal and written requests to the Premier to arrange some job-relief programs for the area and the possible relocation of some sections of government departments to the town in the medium term.

- (1) What help can the Government give to Kambalda residents?
- (2) Has the Premier discussed the matter with WMC Resources Ltd management with a view to seeing implementation of a housing buy-back scheme and the other specific matters that I have raised with him?

**Mr COURT replied:**

- (1)-(2) Did the member mention that he had given me some notice of the question?

Mr Grill: I have written to you and I spoke about the matter last week.

Mr COURT: The member has written to me. I cannot give the member an answer relating to the question of housing and discussions with WMC. As I said at the time, literally thousands of new jobs have been created in the goldfields in nickel and gold mines that have been brought on stream in recent years. I am opening another one in the course of the next few weeks. The expansion has created very competitive, low-cost operations with the best opportunities for employment. I am informed that a number of the personnel involved in the closure of the high-cost mines in Kambalda were contract workers who have in some cases been successful in gaining employment in other operations. I do not think that the relocation of government services from surrounding communities into Kambalda is possible at this time. The best hope is the creation of new employment opportunities, which in many cases has already occurred. I understand that some of the people in Kambalda have bought their houses back.

Mr Ripper: Have you spoken to WMC about buying back the houses which its retrenched workers owned and which are valueless?

Mr COURT: I do not have an answer to that, but I will provide an answer to the member when it is forthcoming.

## EMPLOYMENT CREATED SINCE DECEMBER 1998

**647. Mr BAKER to the Minister for Employment and Training:**

Can the minister provide this House with a brief overview of the WA Government's endeavours in creating employment in Western Australia since 1 December 1998?

**Mr KIERATH replied:**

I thank the member for some notice of this question. I understand that answers must be brief and I will provide a summary for the member for Joondalup. I give an undertaking to him and the House that I will provide more detail in a brief ministerial statement in the next day or so.

The Department of Training has continued to carry out a comprehensive range of employment initiatives in both the metropolitan and regional areas across Western Australia. In May 1998 it launched its Access All Areas program, which included a range of information and employment creation initiatives. A variety of programs commenced operations during 1998. In addition to the ongoing programs, specific programs have been operating since December 1998. These are creating links with schools, an online chat conference, shopping centre displays, an International Conference 2001, a AAA Chatline forum, and enterprising options.

This Government, along with employers, training groups and job seekers, is totally committed to exploring every avenue possible to ensure that a job is available for all who want one and that people are given the best training to achieve the highest skill level possible. I congratulate the state Department of Training for its many and varied steps to inform young children of their job and training opportunities and for offering them sound advice. I commend everyone involved. Our young people need and deserve the best we can give to them.

## MARKETFORCE CONTRACT, REVIEW

**648. Mr BROWN to the Minister for Works:**

Some considerable notice has been given of this question.

- (1) Did the Chairman of the State Supply Commission request a review of the Marketforce contract with the Western Australian Tourism Commission, along with the Elle Racing and Global Dance contracts?
- (2) If yes, why did the chairman call for a review of the contract?
- (3) Was a review carried out on the Marketforce contract?
- (4) If yes, will the minister table the review? If not, why not?
- (5) If there was no review following the request from the State Supply Commission, why not?

The SPEAKER: Just before the minister commences, I indicate that I will give the member for Bassendean two questions in a row if he makes them a bit shorter.

**Mr BOARD replied:**

- (1)-(5) I should explain to the member for Bassendean that the State Supply Commission's role has always been, particularly with the transition of accreditation in government purchasing, to assist agencies themselves, to establish government policy on the buying of goods and services on behalf of the Government, and to review compliance with those policies. It is nothing unusual for the SSC to go into many agencies and review compliance with particular contracts, and the way in which the agency is performing under the commission's policies. The SSC has had a roaming review program during the transition to ensure those agencies have accreditation. No formal review of the contract between Marketforce and the Western Australian Tourism Commission was carried out. The SSC was considering compliance with policies. Some discussions on Marketforce took place between the SSC and the Tourism Commission. The SSC found no reason to conduct a formal review, and therefore it did not take place.

## ARMADALE-KELMSCOTT HOSPITAL

**649. Mrs HOLMES to the Minister for Health:**

In view of a recent press article implying that a deal had been done by the Government to include a privately run hospital on the Armadale hospital site, will the minister please advise -

- (1) Has the Government made a decision about the possibility of a private hospital facility being built in conjunction with the new Armadale hospital?
- (2) If such a facility were to be built in the future, does the minister envisage it would impinge upon the services to be provided to public patients at the new Armadale hospital facility?

**Mr DAY replied:**

I thank the member for some notice of this question.

- (1)-(2) No deal has been done to establish a wing of private beds at the new Armadale-Kelmscott Memorial Hospital which is currently being planned. However, it appears that there would be benefits for the local community if such an outcome could be achieved. As a consequence of that, the Health Department and the project control group are considering the redevelopment to ascertain what benefits could be achieved for the community. Some of those benefits would include, firstly, ensuring a greater critical mass of activity on the site of the hospital. That would certainly be of benefit in attracting additional services to people of the south eastern corridor.

Ms MacTiernan: When did you start thinking about this?

Mr DAY: We have been thinking about the best way to provide services to people of the member's electorate, who were neglected for the 10 years the Labor Party was in government, for a number of years. As the member is well aware, we are building a new public hospital which will be owned and operated by the Government. In addition to that, we are ascertaining whether additional benefits will be provided to the community through the provision of approximately 60 beds.

Dr Gallop: It is like the Queensland comeback: It will never happen - hopeless. It has been six years and you still have not delivered anything.

Mr DAY: We have new hospitals in Joondalup, Bunbury and Mandurah, and there will be a new one at Armadale.

Several members interjected.

The SPEAKER: Order! The minister has been over-generous with his pause, which has allowed several people to interject at the one time, which is totally unacceptable. I allow some interjection, as members realise, so that the member who asked the question can try to get to the bottom of the matter. I understand that this matter greatly concerns the member for Armadale, and I have been tolerant with her.

Mr DAY: If there were additional beds at Armadale, it would be more likely to attract additional specialists in particular, because they would be assured of a greater volume of work. That would be of benefit to the local community because these specialists would be far more likely to live in the area, rather than the current situation where many of them provide some services but do not live in the area and therefore a higher level of services is not provided.

It is also important to note that approximately 19 per cent of the community have private health insurance. These people have a right to expect that their needs and desires will be met. In some cases, patients who are privately insured are admitted to the hospital at the moment, but they are admitted as public patients because they can see no advantage or benefit in being seen as private patients.

Finally, I draw the attention of the House to a letter that I received from the chairperson of the Armadale Health Service Community Reference Group, who indicated that the group has unanimously endorsed the concept of a 60-bed private hospital wing. The letter states that the group would prefer the land to be leased rather than sold. The Government will bear that in mind. However, the point is validly made by the community reference group that such a development would "totally complement the proposed Armadale Health Campus and provide for all needs and services".

#### EATON PRIMARY SCHOOL, NEW SCHOOL

**650. Mr RIPPER to the Minister for Education:**

I refer to a November 1996 newsletter the Liberal Party candidate and now member for Mitchell distributed to residents of Eaton which boasted under the headline "Eaton to get new primary school" that the promise was confirmed by the minister. Nearly three years later -

- (1) Have the residents received their new school?
- (2) If not, when can they expect construction to commence?
- (3) When can they expect construction to commence on the promised new Eaton High School?

**Mr BARNETT replied:**

- (1)-(3) I thank the member for the question because I was in Bunbury yesterday. I met with parents at the existing Eaton Primary School.

Mr Ripper: Did you meet with the protesters at the member for Mitchell's office?

Mr BARNETT: No, I was not at that function. I like to attend joyous events. From memory, Eaton Primary School has some 740 students. The Education Department has acquired a site for the east Eaton school. The Government made a

commitment during the last election that the school would be operational no later than the start of first term 2001. The department is currently exploring the possibility of bringing that forward. As I indicated to the parents, we hope to have that school operational by mid-2000.

#### HOMESWEST, PROPERTY PREPARATION

**651. Mr OSBORNE to the Minister for Housing:**

Anecdotal evidence has been presented to me in Bunbury that Homeswest often takes up to six weeks to prepare a property for occupancy after a vacancy arises. A property can be subject to vandalism and general deterioration in that time; for example, in the summer the garden will die. What procedures exist with Homeswest to establish and maintain a commercial attitude to this issue so public assets are managed as efficiently as possible?

**Dr HAMES replied:**

I thank the member for some notice of this question. Homeswest is acutely aware of the need for a rapid turnover of properties for the reasons stated by the member. It tries to get tenants to give notice of their intention to leave prior to their departure. When that is done, Homeswest conducts an inspection of the property and details any necessary repairs which are the responsibility of the tenant. Homeswest then attempts to arrange for those repairs to be done in advance. When that is not possible, a property inspection is conducted within 24 hours and Homeswest tries to obtain an immediate order of necessary repairs. Delays may occur on some occasions when considerable damage has been done, a lot of work is needed and tradesmen must be employed to carry out the repairs. Homeswest has a policy of trying to restrict the turnover time for properties to 10 working days. The statewide average for 1998-99 was 9.7 days. Therefore, Homeswest remains well within the policy requirement.

#### REED, PROFESSOR BILL

**652. Mr McGINTY to the Minister for Health:**

- (1) When will Professor Bill Reed's future at Sir Charles Gardiner Hospital be known?
- (2) In the interests of his patients and the general public, will the minister advise the House of the nature of the disciplinary proceedings against Professor Reed and how and when they will be resolved?

**Mr DAY replied:**

- (1)-(2) I understand Professor Reed is the subject of an investigation by the Metropolitan Health Service Board. I do not know if that investigation has been concluded, but I will seek that information and pass on what is appropriate.

#### YOUNG PEOPLE, COORDINATION OF SERVICES

**653. Mr MASTERS to the Minister for Youth:**

In the south west, a number of agencies are involved in doing things for young people in our community. However, some gaps still need to be filled and it seems that further coordination may be desirable to address problems created by the existence of several different agencies. Are there any plans to coordinate services for young people in the south west?

**Mr BOARD replied:**

I add to some comments I made in my brief ministerial statement about the appointment of regional youth development officers. For the past 12 months, the Office of Youth Affairs has been working with all government agencies in Western Australia to coordinate youth networks in the State. Thirteen networks have now been established in both metropolitan and regional areas. All government agencies come together at a common time and point to discuss the issues facing young people in the area. As a result of that, we can get the most out of our policies and programs on the ground.

The statement I made today in the House about the appointment of youth development officers adds teeth to that and I will ensure that after coordination is discussed, some action takes place and is carried through. A lot more is happening on the ground, not only in young people having a say, but also in agencies hitting the ground and achieving a great deal more. We are having discussions with difficult areas, such as Carnarvon and Derby, and we have an interest in the difficulties facing the young people in Kalgoorlie, as the member would know. Young people in Western Australia, particularly in regional areas, will benefit from the coordination that is occurring in government.

#### CREDIT CARD EXPENDITURE, QUESTIONS ON NOTICE

**654. Mr CARPENTER to the Premier:**

- (1) Is the Premier aware that six of his ministers refused to answer a question on notice submitted on 17 November last year which requested details of the level of credit card expenditure in ministerial offices?

- (2) Does the Premier believe this failure of accountability is acceptable in his Government?
- (3) What action will the Premier take to remedy this situation?

**Mr COURT replied:**

- (1)-(3) A series of questions about credit cards have been asked and I thought that the members of the Opposition had been provided with most of that information.

Mr Carpenter: Six of the ministers said it was too much work.

Mr COURT: When we were in opposition, we could not get that information. We are in government now and we are providing the information. I will make inquiries about why some ministers have not provided it. We have provided information about consultants and travel which we never received when we were in opposition.

#### SCHOOL BUSES, SEAT BELTS

**655. Mr BRADSHAW to the Minister for Education:**

- (1) Is the minister aware that a school bus at Harvey was involved in an accident on Monday, 8 March 1999?
- (2) As parents in my electorate have expressed concern at the lack of seatbelts and children standing on school buses, are there plans to fit seatbelts and provide seats for all students travelling on school buses?

**Mr BARNETT replied:**

- (1)-(2) I thank the member for some notice of this question. I am aware of the accident that occurred at Harvey and fortunately no children were seriously injured. The Minister for Transport, who is responsible for the school bus service, and I have discussed the issue - not that particular accident. He is proposing to introduce a trial over a 12 to 18-month period to test the effectiveness of seatbelts in buses. Seatbelts should be fitted to school buses and I have made it clear to the Education Department and the Country High School Hostels Authority, that, should any government education department funding go towards a school bus, it must have seatbelts fitted. However, a more creditable survey and trial period will be undertaken through the offices of the Minister for Transport.

O'CONNOR, MR R.

**656. Ms MacTIERNAN to the Minister for Fair Trading:**

In February this year the minister was reported in *The West Australian* as saying that he would be asking the Land Valuers Licensing Board to explain why it decided not to hold an inquiry into Mr R. O'Connor's fitness to hold a land valuer's licence after he had been convicted of stealing \$61 000 from a trust fund. I ask the minister -

- (1) Has the minister made that inquiry?
- (2) What was the board's explanation?
- (3) Is the minister satisfied with that explanation?

**Mr SHAVE replied:**

- (1)-(3) I wrote to the Land Valuers Licensing Board and asked for consideration of the issues. I do not have a copy of that letter in front of me, but, to the best of my knowledge, a response has not been received. When it is, I will let the member know the details.

#### WHITFORDS SEA SPORTS CLUB

**657. Mr BAKER to the parliamentary secretary representing the Minister for Sport and Recreation:**

The Whitfords Sea Sports Club urgently requires funding to upgrade its facilities, its clubrooms and boat launching areas in Ocean Reef. Can the minister advise whether the Western Australian Government, via the community sporting and recreation facilities fund, can provide moneys for this much needed upgrading?

**Mr MARSHALL replied:**

I thank the member for this question. The minister has provided the following response -

- (1)-(2) The Whitfords Sea Sports Club successfully obtained a grant through the community sporting and recreation facilities fund for \$49 138, of which \$36 850 has been paid to the club to date, and the balance will be paid on completion. If additional financial assistance is required, the club is welcome to apply for further funding in the next round of the CSRFF grants, for which applications will be called in July. It should be noted that the club may be eligible for funding through the recreational boating facilities scheme, administered by the Department of Transport, for the boat launching facility component of its upgrade proposals.

## DETECTIVE FRANK SCOTT, CORRUPTION ALLEGATIONS

**658. Mrs ROBERTS to the Minister for Police:**

On 10 March last year the minister's predecessor told Parliament that he was awaiting legal advice before deciding whether to table a report into corruption allegations by former Detective Frank Scott. He also claimed that he was hoping to table that report in the near future.

- (1) Has the office of the Minister for Police received that legal advice?
- (2) Does the minister intend to table the report into Mr Scott's allegations?

**Mr PRINCE replied:**

I thank the member for the question and some little notice of it.

- (1)-(2) I have not been able to follow up this matter because I have busy with other matters, but my office has. It has endeavoured to contact the Solicitor General to find out what has happened to the advice. As yet, it has not been received; however, that is being followed up. If the member wants to know more, I am happy to offer her a briefing on it. As of 1.55 pm that is the best information I can give.

## LAKE JOONDALUP, WATER LEVEL

**659. Mr BAKER to the Minister for Water Resources:**

I refer to the ongoing concerns raised by my constituents during the summer months regarding the low water level at Lake Joondalup and also to their various concerns regarding the possible impact on the level of this watertable by domestic and commercial bores in the vicinity of the lake and the Gnangara pine plantation. Will the Government's proposal to harvest the pine plantation in the Gnangara forest have any beneficial impact on the water level of Lake Joondalup and on the watertable in the general area?

**Dr HAMES replied:**

I thank the member for some notice of this question. Some modelling of the water usage of the pine plantation has been done. It is a significant user of water; however, that pine plantation is six kilometres upstream from Lake Joondalup and its effect on the water level in the lake is not known. With the Department of Conservation and Land Management, we propose to look at some thinning options for the pines in that area, and to see whether they will make a difference. I remind the member that we have had significantly low rainfall in Western Australia for many years. A graph, which is part of the model going back 100 years, shows that the flow into our dams has reduced by 40 per cent in the past 25 years. That may have changed in the past few days, but the rainfall and runoff into the dams have been significantly low for some time. That is also affecting Lake Joondalup and other lakes throughout the metropolitan area.

## COUNTRY SCHOOLS, TEACHER INCENTIVES

**660. Mr RIPPER to the Minister for Education:**

I refer to the Premier's announcement on 30 April last year that \$13.9m would be spent over four years on incentives to attract teachers to country areas, and to the difficulties of the Education Department in finding teachers for regional schools. I understand there are still 24 vacancies in country schools.

- (1) Is it the case that teachers have yet to receive a cent of the money promised to them by the Government's country incentives package?
- (2) Is it the case that the Government is offering to pay only 20 per cent of the extra money it boasted about in the first year of the country incentives scheme?

**Mr BARNETT replied:**

- (1)-(2) The country incentives scheme is very important in addressing some of the issues of staffing in rural and more remote schools. I am not sure - I did not have any notice of this question - whether any of the incentives have been paid up to this point, and I will check on that. I assure members that the Government will honour fully the commitment made under the country incentives scheme; that is, to provide \$17m to be paid over three years. It will be paid in full for those teachers who sign up. As I remarked in the House earlier, by about late January 270 teachers had signed up for the scheme, and 85 per cent of temporary teachers stayed on in their schools largely because of the country incentives program.

Mr Ripper: There are still 24 vacancies.

Mr BARNETT: There are 24 vacancies and there are 17 500 teachers. At one stage this year vacancies were down to 15. Some members who represent more remote parts of the State will be aware that, unfortunately, some teachers take up postings, arrive at the school and, for whatever reason, leave. There is a turnover. Currently, there are 24 vacancies out of 17 500 teacher positions but the children are being taught and the schools are operating. Indeed, there have been problems in education this year. I have made no secret of that at all. There has been a smaller number of graduates and a hesitancy among young people to take up country postings. That is why we introduced the country incentive scheme, and it is working very effectively, as is the remote teaching service.

Mr Graham interjected.

Mr BARNETT: There are problems. The member should come to me with some positive suggestions. For the first time teachers have been offered incentives. For the first time, with my colleague the Minister for Housing, 300 housing units are being built. They will be paid fully under that program. There is no backing off on country incentives. I am sure that that upsets the Deputy Leader of the Opposition. As I understand it, the union now fully supports it.

The SPEAKER: We had 18 questions in 36 minutes. I compliment members on question time.

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