



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
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1998

LEGISLATIVE COUNCIL

Thursday, 21 May 1998

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 2.00 pm, and read prayers.

INDUSTRY AND TECHNOLOGY DEVELOPMENT BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

SELECT COMMITTEE ON THE WESTERN AUSTRALIAN POLICE SERVICE

Disclosure of Evidence to Solicitor General

HON PETER FOSS (East Metropolitan - Attorney General) [2.04 pm]: I move -

That pursuant to Standing Order No 361, leave be given to the Chairman of the Select Committee on the Western Australian Police Service to disclose to the Solicitor General the evidence taken by and the documents presented to the committee in relation to the committee's inquiry into the conviction of Jeannie Angel on a charge of murder following her trial on 13 October 1989, subject to the Solicitor General providing an undertaking in a form satisfactory to the chairman that he will use the same for the purpose of advising the Government in connection with Ms Angel's claim for ex gratia compensation and for no other purpose.

I will bring members up to date as some time has passed since I originally gave notice of this motion. Members will recall that the interim report of the Select Committee on the Western Australia Police Service was tabled in this House in 1996 by Hon Derrick Tomlinson. Under paragraph (4) of its terms of reference, the select committee dealt with, among other things, the conviction of Jeannie Angel and the prosecution of James Heaney. From page 41 onwards, the committee report dealt with the various matters relating to the conviction of Jeannie Angel. Page 46 reads -

Similarly, in the case of Angel, the investigating officers had available to them an affidavit naming the women responsible. That information should at least have been tested. The police chose not to do so.

Following further comment on that investigation, the report refers to a second investigation -

It would appear that no cogency was given to Aboriginal lore and custom when information was received that the three women had been punished for the crime by their community elders. This exposed inadequacy in police training and procedures.

Referring to the Angel and Heaney matters, the report continues -

Both investigations were inadequate. They may have been wilfully negligent. The awful consequence was that the two people suffered the worst possible consequence of police power. They were denied their liberty and their reputation. Heaney was held in remand at Fremantle and Canning Vale Prisons for a total of nine weeks. Nine months later he was acquitted. For nine years since James Heaney has endeavoured to clear his name.

Jeannie Angel served two-and-a-half years in prison as a convicted murderer. The case against her stood only because those police officers did not exhaust other possibilities which were not only suggested, but were presented to them in a sworn affidavit. Her conviction was quashed, but she says since that time she has been subjected to continuing intimidation by police officers.

Neither Heaney nor Angel has received compensation, nor has the State apologised. In each case substantial compensation and an apology is warranted.

Following that report, I referred both matters to the Solicitor General, and he made recommendations in regard to Heaney; namely, that an apology be given and compensation be paid.

However, regarding Angel, so far the Solicitor General has been unable to give me that advice. In fact, he said that on his review of the matter, he would not recommend either of those actions.

Hon N.D. Griffiths: When did he advise you of that view?

Hon PETER FOSS: About the same time that I gave notice of this motion. When was that notice given? It was some time ago.

Hon N.D. Griffiths: You gave notice on 17 September 1997, according to Tuesday's Notice Paper.

Hon PETER FOSS: I must have anticipated this situation. The advice from the Solicitor General was given on 24 September 1997. I suspect that he spoke to me in advance. Is the member sure it was September, as I have some advice from the Solicitor General of 25 September? I have a note requesting a notice of motion on 9 October. I thought that was closer to the time notice was given. Nevertheless, upon receiving advice from the Solicitor General, I gave notice of motion. If Hon Nick Griffiths is correct, I appear to have been brilliantly prescient!

Hon N.D. Griffiths: Tuesday's Notice Paper gives the date of the notice of motion.

Hon PETER FOSS: I do not know how, but I must have been prescient because the advice was received a week after that. I wrote a note saying that we needed a notice of motion. Maybe the House has omitted a date in between those times. Such action is normally on or after, but in this case on or before, the date that I receive the information.

The Solicitor General advised that he was unable to adequately advise on certain matters in the report without access to the transcript of evidence and other material presented to the select committee. He was interested in the transcript of material relating to the cases of James Heaney and Jeannie Angel. He was advised that the evidence was taken in camera and could not be made available without resolution of the Legislative Council, and such motion needed to come before the Council. Therefore, I gave that notice of motion.

We have had slow progress on motions for which notice was given. I was concerned with the approaching prorogation of Parliament that if I did not bring it on as an order of the day on the Notice Paper, it might be lost. Therefore, I brought it on for debate today.

Hon N.D. Griffiths: Why not adopt the procedure which took place earlier today? We would have facilitated that.

Hon PETER FOSS: I am sorry, I wish the member had let me know that.

Hon N.D. Griffiths: Come on! I have asked you questions about this issue.

The PRESIDENT: Order!

Hon PETER FOSS: In that case the member knows there is a notice of motion. If he wishes to have it brought up earlier, by all means he should say so. I would also have facilitated that too but he may recall -

Hon N.D. Griffiths: But it is your notice of motion, not mine.

Hon PETER FOSS: I understand that. The important thing is that we have had a lot of criticism in this House from members opposite but we must bring these things up. Anyway, the member can make whatever comments he wishes to make on that.

Hon N.D. Griffiths: I will!

Hon PETER FOSS: I gave notice of a motion and I am bringing it up today because I believed it would fall off the Notice Paper if I did not do so today. I think that justifies bringing it on ahead of all the important matters which are on the notice paper.

My understanding of the matter is that the Solicitor General's advice is that he cannot recommend either course of action recommended by the select committee on the basis of evidence available to him to date. My advice at the moment is that there are no grounds for apology or for an ex gratia payment but, as the Solicitor General said, it may be that the committee had before it other evidence which he does not have. If the evidence can be made available to him, he can either confirm or amend his advice to the Government. It is obviously in the hands of the House to decide for or against making that information available. I am prepared to abide by the decision of the House.

An issue to consider is that witnesses who appeared before the committee in camera may object to their evidence being made available. It is not merely a question of whether the House thinks it would be a good idea. To some extent we must very much rely on the advice of the members of the committee as to whether it is appropriate that the evidence be made available to the Solicitor General. There may be policy considerations which go far beyond the knowledge of the remaining members of the House, because we do not know the circumstances under which the evidence was given to the committee in camera. We will be looking for guidance from members of the committee and we must rely on them entirely as to whether we should or should not release these papers. It is very important that the House hear from the former members of the committee. If it is their opinion that we should release these papers to the Solicitor General under those terms, the House should be inclined to go along with that. If on the other hand it is their opinion we should not do so, so be it.

The House should be obliged to take the opinion of the committee. We cannot re-decide those matters not knowing the circumstances under which the advice was given and under which the evidence was taken. That is one of the

things that is most important about preserving the position of witnesses who appear before parliamentary committees. I do not believe their evidence should be made available if it was given on the undertaking that it would not be made available, or with an expectation that it would not be made available. It does not mean the committee could not be reconstituted to check those points out with those individuals, but it should not be done if it would be in breach of an implied or express undertaking that the information would be maintained as confidential. The Solicitor General is an independent body under the Solicitor-General Act; he has the independence of a judge, although his function is quite different from that of a judge.

I suggest to the House that the appropriate way to deal with this motion is to hear from the former members of the committee as to whether they think it is appropriate to relay that evidence to the Solicitor General. If they think it is, the House should proceed with it. If they think it is not, it might be appropriate to defer dealing with the finding of the motion while, if they think it appropriate, inquiries be made with the witness or witnesses. If they think that nothing will be gained by doing that and the advice of the committee is that we reject the motion, then I believe the motion should be rejected. In either event I will be able to advise the Solicitor General that he has all the evidence that is available, and ask him to confirm the advice as to what the Crown should do under those circumstances. I am in the hands of the House and of the committee, and ask for guidance from the members of that committee about the release of those papers. I will abide by, and I suggest the House should abide by, the recommendations of the former members of the committee. Either by passing or rejecting this motion, we will hopefully end up with the matter being resolved. I commend the motion to the House but I look to the advice of the committee as to whether it should be passed, and I commend to members that they deal with it accordingly.

HON DERRICK TOMLINSON (East Metropolitan) [2.16 pm]: I have not had the opportunity to discuss this with the former members of the committee, therefore I do not presume to speak for either Hon Nick Griffiths or Hon Murray Montgomery. I sincerely hope they will feel free to express their opinions as their opinions. My opinion is that these documents, this evidence, should be made available to the Solicitor General.

The Attorney General in his opening remarks referred to the prosecution of James Heaney and the conviction of Jeannie Angel. These two cases, along with what was called the Eucla episode in the report, were used by the committee to illustrate the inadequacy of police internal investigations of complaints against the conduct of certain police officers. James Heaney was charged and tried for rape. He was found not guilty. The committee was very critical of the review of Mr Heaney's complaints by the internal investigations branch. Having examined the evidence that Mr Heaney gave to the committee and the reports of the internal investigation branch, the committee came to a conclusion that a grave injustice had occurred.

The committee was critical of the response to complaints by the internal investigations branch in the case of Jeannie Angel. Ms Angel was charged, tried, and convicted of murdering a woman in Hedland.

The internal investigations branch's response to complaints about how a confession was gained from Jeannie Angel was far from adequate. Its investigations into the procedures used by the investigators were far from adequate. It was not, however, the actions of police officers which caused Jeannie Angel's case to be reviewed by the Supreme Court. It was the action of two lawyers, George Guidice, a barrister and solicitor, I think, who at the time had a practice in Geraldton; and Ian Marshall, a Perth barrister who took up Jeannie Angel's case as a result of being approached by a warder of Bandyup Women's Prison.

Hon N.D. Griffiths: Without pay, I think.

Hon DERRICK TOMLINSON: Yes, entirely without pay. As a result of their investigations the Supreme Court caused a further investigation to be made of Jeannie Angel's case. As a consequence of that investigation an appeal was allowed. At the appeal the prosecution was compelled to say that on the basis of evidence that had been produced it could not say who had struck which blow and which blow had killed the deceased. Under the circumstances the Court of Criminal Appeal quashed the conviction of Jeannie Angel.

The select committee was very critical of the role of the internal investigations branch. The Attorney General has indicated that James Heaney has received an apology from the Government. He has also received compensation in the order of \$165 000. However, \$165 000 does not cover the legal costs Mr Heaney incurred over nine years trying to clear his name.

The evidence that I believe was seminal in the Crown coming to the conclusion that, first, Mr Heaney could not have been the offender and second, should never have been charged -

Hon Peter Foss interjected.

Hon DERRICK TOMLINSON: I use the word "seminal" advisedly.

Hon N.D. Griffiths: I will not accuse you of laughing.

Hon DERRICK TOMLINSON: That evidence was evidence Mr Heaney produced. The forensic evidence crucial to his having been charged was evidence of semen stains. Mr Heaney produced a sperm count with a DNA analysis which demonstrated that he could not have been the assailant in that case. A crucial piece of evidence that led to the apology and the ex gratia payment to Mr Heaney was not evidence that the committee had adduced; it was evidence that came from the conclusions which the committee arrived at, and Mr Heaney followed up on the advice of the Solicitor General's office.

The Jeannie Angel case is somewhat different. Much of the evidence which the committee used in its investigations was subpoenaed from the office of the Solicitor General.

Hon N.D. Griffiths: It makes this an interesting motion, doesn't it?

Hon DERRICK TOMLINSON: Having scrutinised that evidence, it was the committee's opinion that had the evidence been similarly scrutinised, the injustice that was delivered upon Jeannie Angel would have been detected some time earlier. In fact, George Guidice, acting for Jeannie Angel, had made application for an ex gratia payment. The matter had been investigated by the Solicitor General's Office. The evidence was scrutinised and the conclusion then was that an ex gratia payment was not justified.

As a result of statements I made publicly I had the privilege of having access to the files held by the then Attorney General, Hon Cheryl Edwardes. I was scrutinised by her policy officers. However, when I scrutinised those files I was concerned that crucial evidence appeared to me, as an unpractised layman, to show more culpability on the part of police officers and the Crown than had been previously admitted. Hence, when a submission was made to the committee by Mr George Guidice the committee responded by calling for that evidence.

I believe that, as is required under standing orders, that evidence was returned to the Solicitor General's Office when we no longer had use for it, although a copy is held in the custody of the Legislative Council. I believe that in giving back to the Solicitor General that which is primarily his we are not in any way breaching confidentiality.

As for the submissions of Mr George Guidice, again there would be no problems there.

Hon N.D. Griffiths: There is a difference between evidence and submission.

Hon DERRICK TOMLINSON: I have a very important reservation on which I am sure Hon Nick Griffiths will support me. When witnesses come before a select committee they come forward in the knowledge that they have the full protection of parliamentary privilege. If they do not have that knowledge, they are certainly given it. That information was conveyed to George Guidice when he appeared before the select committee. We called him at Geraldton and at our request he travelled to Perth and gave evidence. As part of the hearing procedure we advised him that he had the full protection of parliamentary privilege. This offers witnesses considerable protection. It is a very important instrument in gaining what could be constituted as highly confidential and privileged information that witnesses might not otherwise give for a variety of reasons, not the least of which is self-protection.

When witnesses give evidence under those circumstances to a select committee of the Parliament the evidence becomes the property of the Parliament, in this case in the custody of the Legislative Council. There is some caution about giving that evidence to the Executive. This House is being asked to transfer evidence, which is the privileged evidence of the Legislative Council, to the Executive. It is an action which I believe Parliament should be very cautious of following. Because it is privileged evidence, it cannot be used in any trial or as evidence. It is, in fact, entirely privileged evidence. For that reason, even though I am quite confident there is nothing detrimental to Mr George Guidice or anybody else in the evidence, there is still the principle of the relationship between the Parliament and the Executive. That is the only reservation I have about transferring this evidence.

I am relieved of that concern, however, by an earlier decision of the Legislative Council, in response to a request from the Anti-Corruption Commission for all the evidence collected by the Select Committee on the Western Australia Police Service to be delivered to the ACC. When this House deliberated upon that request, the decision was made to appoint a select committee. That select committee comprised the three members - me as chairperson, Hon Nick Griffiths and Hon Murray Montgomery - who had served on the original select committee, and it was appointed to review all the evidence and make recommendations as to whether all or part of it should be given to the ACC. The committee did so, it reported, and it approached those people to whom undertakings had been given that their evidence would not be revealed under any circumstances. Some of them acceded to a request that the information be passed to the ACC and others denied that request. From memory, between 10 and 12 witnesses declined to have their evidence passed to the ACC.

Hon N.D. Griffiths: For a variety of reasons. Some could not be found.

Hon DERRICK TOMLINSON: It was for a variety of reasons and there was nothing necessarily sinister in the decisions they made or their reasons for wanting to maintain their anonymity.

The evidence relating to Jeannie Angel was not withheld by the committee from the ACC, and neither was the evidence given by George Guidice and other witnesses. It was, in fact, among the evidence that the committee recommended should be released to the ACC. Under those circumstances, I am confident that the request of the Solicitor General should be agreed to.

HON N.D. GRIFFITHS (East Metropolitan) [2.34 pm]: Two matters concern me about this motion. I was concerned about more than two matters but Hon Derrick Tomlinson has already dealt with one; namely, the function of parliamentary privilege, witnesses, and the relationship with the Executive. In the circumstances, I think it appropriate that the former chairman of a committee which has ceased to exist be the gatekeeper in the process. I do not want my work on the select committee inquiring into the Police Service to become a lifetime job, as appears to be the case. I trust that Hon Murray Montgomery shares my view and does not want to be part of yet another select committee to go over the same old ground.

In making that observation I am sure you, Mr President, are aware, with regard to the motion, that Hon Derrick Tomlinson ceased to be the chairman when the committee ceased. No doubt, Hon Peter Foss may address that before the matter is finalised if the House so accedes.

The second area of concern is more important; that is, time. It has taken a long time for this issue to be progressed. The select committee reported to the House on 19 June 1996. The words of the select committee were quite clear with respect to the case of Ms Jeannie Angel, and reference was made to them to some degree by Hon Peter Foss. I refer to page 7 of the report of the select committee at which it is stated -

Jeannie Angel served two-and-a-half years in prison as a convicted murderer. The case against her stood only because those police officers did not exhaust other possibilities which were not merely suggested, but were presented to them in a sworn affidavit. Her conviction was quashed, . . .

The concluding sentence of that part of the report refers to another person, Mr Heaney -

Neither Heaney nor Angel has received compensation, nor has the State apologised.

The select committee looked at the material evidence, devoted several pages of this report, which was compiled over a number of years, to the matter, and concluded -

In each case substantial compensation and an apology is warranted.

When select committees carry out their work they do not expect the Executive to rubber stamp the reports, but they are entitled to expect the Executive to give their processes a bit more credence than allowing a matter to hang about as long as this one has. There has been too much delay in this matter and the Attorney General, as the responsible Minister, must wear responsibility for the delay.

In that context I note that on 19 September 1996 the Attorney General gave his response to the select committee report. I refer to *Hansard* of that date at page 5770. With respect to this issue the Attorney General said, under the subheading "Other matters" -

James Heaney and Jeannie Angel: The committee recommended that in these cases, substantial compensation and an apology are warranted. The Government's legal advisers are presently re-examining these cases.

That statement was made in September 1996. I am fairly patient, but Ms Angel must be very patient. She has suffered a grave injustice. The report does not deal with all the suffering that poor woman must endure; that has been dealt with elsewhere and I do not want to go into that because it might be distressing if she read about it. This issue has been of concern to former members of the committee as a whole. I am not singling myself out, but I asked the Attorney General a question on 19 June 1997, the first anniversary of the tabling of the report, which is recorded at page 4376 of *Hansard*. In question 565 I asked the Attorney General whether he was aware that the report of the Select Committee on the Western Australia Police Service had been tabled a year ago. I referred to the recommendation with respect to an apology and asked him -

Is the Attorney General now able to say whether Ms Jeannie Angel will receive an apology?

His response was no. I have heard what he said today. I suppose he is saying that on the basis of what the Solicitor General has been able to determine so far, there will be no compensation and no apology. I do not expect the Attorney General to be so hands-on that he must go through the files himself, but it is not good enough that we must wait for a decision. If notice of the motion was given in September last year, as the Notice Paper earlier this week indicates, steps should have been taken by the Attorney General to bring this matter to resolution before today. Again, it is not good enough to say that he will bring on the matter because prorogation is facing us. There was talk

of prorogation late last year. It has been the custom for Parliament to rise at Christmas and for prorogation to take place some time in February or March, and for an official opening to occur.

The Attorney General has failed to deliver the goods so far on this matter. I trust the motion will be tidied up a little in respect of the technical matter I raised, before the House grants approval. When that is done, I trust the Solicitor General will get on with the job, and the Attorney General will receive appropriate advice. I hope and I expect that a very full and public apology will be forthcoming very soon to Ms Jeannie Angel, and that she will receive substantial compensation. On the question of compensation, I pay tribute to the lawyers who acted on her behalf on a pro bono basis. This is a matter where the State should feel a little generosity towards them.

HON MURRAY MONTGOMERY (South West) [2.42 pm]: The inquiry by the Select Committee on the Western Australia Police Service was undertaken about five years ago, and one could be forgiven for not recalling all the detail of this case. When the committee concluded its work two years ago we did not think that we would be revisiting these matters at this time. I cannot criticise the fact that some of the recommendations made by that committee have not been acted on. That is the system under which we work. It is unfortunate that it has taken so long to get around to debating the motion, which seeks the provision of further information. As Hon Derrick Tomlinson said, most of the information has been returned to the Solicitor General, and it may be necessary to move other evidence into the same area. I have no problem with that, but the process should be vetted. I would not mind if Hon Derrick Tomlinson were appointed as the gatekeeper - a description used by Hon Nick Griffiths.

Hon Derrick Tomlinson: I will do anything for a feed!

Hon MURRAY MONTGOMERY: Sometimes it can be a very long feed!

Hon N.D. Griffiths: Fortunately, the Anti-Corruption Commission is not taking note of this discussion.

Hon MURRAY MONTGOMERY: Considering the concern expressed in the committee's report in relation to Jeannie Angel and James Heaney, it would be in the best interests of not only the Government and this Parliament but also the Executive to proceed with all haste to implement the recommendations to make sure that these people are dealt with properly and compassionately. Our report indicates that we did not believe that they were dealt with in a compassionate way. Perhaps officers of the Police Force treated them in a way that most of us would consider out of place in our society. For that reason, I support the disclosure to the Solicitor General of the evidence and documents, providing the process can be vetted or controlled and the privileges of this House are maintained. I support the motion.

HON J.A. SCOTT (South Metropolitan) [2.46 pm]: I am not as conversant with this issue as I would like to be. I would like the Attorney General to clarify how the information will be used. If one were cynical one could think that the information may be used to reduce any payout made to Jeannie Angel. The motion states that the Solicitor General will use the information for the purpose of advising the Government in connection with Ms Angel's claim for ex gratia compensation and for no other purpose.

Hon N.D. Griffiths: I understand that the Attorney General said that the Solicitor General said that he will not recommend compensation or an apology. This cannot detract from Jeannie Angel's position.

Hon J.A. SCOTT: If the information is released to the Solicitor General, I hope that it will also be released to the other side of the equation so that the full facts - not only particular facts - or information may be used. I am a little worried about the procedure because it is possible for the information to be used selectively. I hope that the Attorney General can tell us how we can avoid that situation. Perhaps the documentation can be made available to the people representing Ms Angel, or we can provide an overview to them, and scrutinise how the documentation is used. I am worried about a precedent being set because in future a similar device may be used by a Government which may not want to make an ex gratia payment or may seek to pay nothing by using the information selectively, when no-one has the ability to check the process. If I can be reassured on that point, I will support the motion.

HON NORM KELLY (East Metropolitan) [2.49 pm]: I appreciate that the motion must be resolved today. Irrespective of whether an apology is made or compensation is paid to Jeannie Angel, it is important to resolve the matter so that the Solicitor General can finalise his recommendations to the Government.

It is somewhat indicative of the state of the Notice Paper that it has taken so long for the House to debate this motion. It is unfortunate that we have had to wait since September, when it was initially moved.

Hon N.D. Griffiths: It was originally made a notice of motion on 17 September 1997 but the possibility was always open to have the matter brought on as a motion as we are doing now.

Hon NORM KELLY: It is indicative of the state of the Notice Paper. It probably highlights the need for this House to resolve a lot of issues quicker, issues that could be resolved with a reasonable minimum of debate.

The most important consideration before the House is the principle of confidentiality of evidence and the protection of the parliamentary privilege given by a committee. That evidence, as has been stated today, is given on the understanding that the information will remain confidential. That privilege assists with committee work and to diminish this principle of confidentiality of evidence could undermine the entire committee system of this Parliament. That is a major consideration. The Attorney General mentioned that only the former members of that Select Committee on the Western Australia Police Service who remain in this House can fully evaluate the evidence presented to them and determine whether it would be beneficial to pass that evidence on to the Solicitor General and whether there would be any serious concerns in doing that. Having looked through the committee's report and discussed the case with a few people it is quite clear that the police investigation left a lot to be desired. It could not be considered a corrupt investigation. However, the most favourable description of the investigation would be "extremely sloppy". This is probably indicative of certain attitudes to Aboriginal people in the north of the State. The underlying problems that have caused this travesty of justice for Jeannie Angel lie in those deep seated social attitudes that exist not only in the Police Service but in the wider community in the north west.

It is important that members consider the opinions of Hon Derrick Tomlinson, Hon Nick Griffiths and Hon Murray Montgomery when deciding how they will vote on this motion. I have appreciated hearing their comments and concerns about whether we should agree to pass on this evidence. I am confident that Hon Derrick Tomlinson values highly the principle that parliamentary evidence is protected and believes that the evidence would be used sparingly by the Solicitor General in his investigations. For that reason the Australian Democrats will be supporting this motion.

HON PETER FOSS (East Metropolitan - Attorney General) [2.53 pm]: First I will deal with the nature of the evidence before the committee. Unless the evidence was given on the understanding, either expressly or impliedly given, that it was not to be published, then it was within the capacity of the committee while it existed to publish the evidence with its report. There is nothing particularly unusual about publishing evidence at the order of the House provided there is no concern that such an undertaking was made to the person who gave the evidence. The fact that the evidence has not been published does not necessarily mean it could not be published. The committee could have published it if it had so decided. I was not a member of the committee and I do not know why it refrained from publishing this evidence. It may have done so because it did not see any point in publishing it or because it gave an undertaking not to publish it. We have learnt today from the comments of the former committee members that it did not publish the evidence because some such undertaking had been given. The committee could have made an order to publish.

Hon Derrick Tomlinson raised a point about providing the evidence to the Executive. It is interesting to know that traditionally the Solicitor General was always a member of the Executive. He was usually a member of Parliament and he obviously had the role of appearing, usually as junior to the Attorney General but sometimes on his own, on behalf of the Crown. Over a period of time the relationship between the Attorney General and the Solicitor General has changed. The Attorney General remains a member of the Executive and seldom appears on behalf of the Crown - although he has the ability - and the Solicitor General has ceased to be a member of the Executive and usually does appear on behalf of the Crown; he is one of the Crown's principal legal advisers.

In 1969 a step was taken which quite radically altered the position of Solicitor General. He was then appointed under the Solicitor-General Act 1969. The Solicitor General continues to have much the same role as before then but somewhat anomalously has the independence of a judge. Many of the terms and conditions of the appointment are the same as those of a judge. He holds his office on the same basis of good behaviour. The Solicitor General is only removable if he becomes incapable.

Hon J.A. Cowdell: It is just as well the Attorney General does not hold office on this basis.

Hon PETER FOSS: No, it would be very nice to have such appointments of Attorneys General, but they remain political appointments. However, the Solicitor General is no longer a political appointment. There are three grounds for removing a Solicitor General: If he becomes, by reason of illness other than temporary illness, incapable of performing the duties of office; is guilty of misconduct; or becomes bankrupt or insolvent. In every other event the Solicitor General has the same sort of independence as a judge. The position is not the same as that of a judge because under the Act the Solicitor General -

- (a) may act as counsel for the Crown in right of the State and for any other body or person for whom the Attorney-General requests him to act, and may perform such other duties of counsel as the Attorney-General directs; and
- (b) may exercise, subject to this Act any powers and functions conferred on the Solicitor-General by any Act of the State or the Commonwealth, whether passed before or after the coming into operation of this Act.

In addition, under section 13 the Solicitor General may do anything the Attorney General is authorised to do if it is delegated to him by instrument in writing.

Hon J.A. Scott interjected.

Hon PETER FOSS: The Solicitor General is a legal adviser. He is the principal counsel to the Government. The Solicitor General has been granted independence so that he may give his opinion without fear or favour. The position is considered a non-political office. The Solicitor General advises with the sort of independence that Governments should have because there is no point in having advice of a political nature. Advice which is independent and, therefore, in the best interests of the State is needed. The Solicitor General is an independent appointment. Some very eminent people have held that position. The Honourable Mr Justice Wilson, the former High Court judge, was a Solicitor General of this State. I believe he was the first person appointed to the position under this Act.

Hon N.D. Griffiths: I am not sure. He was the first or the second. I think he may have been the second.

Hon PETER FOSS: The Honourable Kevin Parker, the present justice of the Supreme Court, immediately preceded the current Solicitor General, Mr Bob Meadows QC. It is a very eminent and ancient position. It precedes the concept of having ministries. Therefore, while Hon Derrick Tomlinson talks in terms of releasing the evidence to the Executive it would actually be released to somebody who has a very similar status to a judge, although that status is for the purpose of advising the Government.

Hon J.A. Cowdell: Was the evidence in camera?

Hon PETER FOSS: It was in private session, but I do not know whether it was in secret session of the committee.

Hon N.D. Griffiths: It was evidence to a select committee.

Hon PETER FOSS: Under Standing Order No 361 it was open to the committee, had it chosen, to publish that evidence. That is why the Solicitor General had to get an indication from members that there was no constraint, either self-imposed or otherwise, on the publication. Had it been published, the Solicitor General would not be in the position of having to ask for it to be published. He could have used it. Interestingly, it could never be used, because of the Bill of Rights, in a way which impinged on that person's rights. This House can do nothing to take away those rights, which are conferred by Statute. No matter what this House does, the person still has his privileges as a witness before a committee to stop the evidence being used in any way against him.

Hon Nick Griffiths spoke about the question of responsibility. I accept that the Government has the responsibility to make a decision, but traditionally the Government has relied on the advice of the Solicitor General concerning ex gratia payments. Every now and then the Parliament has conferred some independence on officers; the Director of Public Prosecutions is a classic example. It came out of the examination by the Burt Commission on Accountability. From time to time Parliament decides certain people will be independent. It is up to the Parliament to do that. If that is decided, the Parliament can no longer hold a Minister accountable for the actions of that individual. That has been put beyond accountability. With many of the bodies which have been given separate corporate status, the Minister should have the right to direct them. By having that right, he has the control; by having that control, he is accountable; by being accountable, he is answerable to the House.

There is a touch of faith in the community that believes if people are made more independent, they will be more reliable and accountable than those who every three or four years must go back to the electorate and who, when they meet in Parliament every day, are subjected to questioning. I think the system of accountable government is a better one because it means Ministers can be asked what they are doing about certain matters. As Hon Nick Griffiths pointed out, it does not matter whether the Ministers did something, or did not, they are responsible. To the extent that we give matters to unaccountable officers, people can no longer come to the Government for answers.

In this House we get questions relating to corporate bodies. Strictly speaking, under the Westminster system the Minister can say that it is a corporate body, that he cannot direct it, and that Parliament has put it beyond the Minister to give the answer. We have not done that. Normally there has been a response from those bodies. When we set up a separate corporate body and take away the capacity of the Minister to direct it, we also take away his accountability for that corporate body. That is inadvisable. Under this Government we have tried to avoid that situation wherever possible because we believe we should remain accountable. It is a standing instruction to parliamentary counsel that if an amendment regarding a corporate body comes up, at the same time the recommendation from the Burt Commission on Accountability is added to the relevant legislation, thereby restoring the accountability.

It is quite right that I am responsible for approaching the Solicitor General or making the decision without his advice. If Hon Nick Griffiths was concerned about the delay, he could always have raised it with me. I assume he did not sit around waiting for me to raise it so he could criticise me for it. I assumed he was not concerned about the delay. If I am incorrect in that assumption, I take his point.

Hon N.D. Griffiths: I am very concerned by the delay.

Hon PETER FOSS: If the member wished to express his concern, I just wish he had done it prior to the debate. That is all I ask.

Hon N.D. Griffiths: I expressed my concern on the anniversary of the tabling of the select committee report.

Hon PETER FOSS: I have the member's question and it does not appear to me to be expressing concern. I accept that quite apart from expressing the member's concern, that is a matter for which I should have some concern. It would have helped me had he let me know about any concerns he may have had.

Hon N.D. Griffiths: The bottom line is that you are responsible for this, not me.

Hon PETER FOSS: Hon Murray Montgomery raised the point about the release to the Executive, and I have already dealt with that. Hon Jim Scott referred to ex gratia payments. An ex gratia payment is exactly that - an act of grace. There is no right to an ex gratia payment. It has become the practice that it is always referred to the Solicitor General, and sometimes the Crown Solicitor, for advice and a set of policies has grown up over time about what must be shown to justify such a payment. That does not mean the Crown is bound by that. Because there is a total discretion, there is a discretion to ignore the advice of the officers. As far as I can recall, certainly since I have been Attorney General, the only degree to which I might ignore the advice of officers is in favour of the applicant; in other words, if I receive advice from the law officers which I believe is too legalistic, harsh and unsympathetic, I may very well err on the side of greater sympathy. I sometimes may not even agree that the rules have been applied correctly. That probably applies to other Attorneys General as well. I do not think Attorneys General would disregard the advice of the law officers, but they may do that if they regard the advice is sufficiently unsympathetic and only taking into account legal matters.

Hon J.A. Scott interjected.

Hon PETER FOSS: I have never received advice in that respect and I have never acted in that regard. In every instance where we have disregarded advice, it has been towards greater generosity, rather than the other way around. I have never received advice, other than on a strictly legal analysis from the officers of the Crown, who advise me in accordance with a policy that has grown up over a period. It is not really appropriate in the circumstances.

Hon J.A. Scott: There is a policy in place to guide that.

Hon PETER FOSS: Yes. Not everything fits into it, but that is a starting point. I will give another example of something that I must frequently deal with; that is, requests by litigants for consent to bring proceedings out of time against the Crown. People often forget to do those things. Only today I got another request asking for an extension of time when the people forgot to comply with the Act. I took advice, which was that there had been no prejudice to the Crown, so I should consent, and I did that. Of course, it means the Crown can now be sued and may have to pay out substantial amounts of money; however, that is not the issue. That has never been an issue that comes into play.

Members must understand that law officers have had a long history of making these decisions not based on any partisan position, particularly the Solicitor General. That is the logic behind his being appointed as a statutory officer, with the independence of a judge. He has no axe to grind, one way or another. He knows what his role is and carries it out, without fear or favour. That is a very important benefit. We cannot put any protection in place, other than just the role of that officer. The protection is the officers concerned and the custom of both officers concerned; that is, the Solicitor General and the Attorney General. I have no concern. Even when we look at the politics of the matter, I do not think it has happened under this Government, as far as I can recall.

Hon N.D. Griffiths: It is not a party political act, but it is do with the processes of government.

Hon PETER FOSS: This is one of those instances where we are concerned about the process of government; it is not a matter of this or that Government. I have not bothered to consider which Government was concerned because I do not consider it to be relevant. We are the Government. If the Government made a mistake, the Government has a moral duty. One does not start off by asking which Government it was; it is "the" Government. The officers of the Crown understand that. They do not bother to find out who was in government at the time. That is a total irrelevancy as far as we are concerned. It is a matter of what is right. That is the basis of this. Hon Nick Griffiths would agree that the Government has no particular interest who was in government at the time. It is not that sort of issue.

Hon N.D. Griffiths: The issue for today is for your Government to get on with dealing with this because the select committee made a firm recommendation almost two years ago.

Hon PETER FOSS: That is a different process from that being raised by Hon Jim Scott.

Hon N.D. Griffiths: What I have indicated is the relevant process for today.

Hon PETER FOSS: It is interesting that Hon Nick Griffiths should say "for today", but I am trying to answer Hon Jim Scott's question. A considerable period elapsed before we came into government when these issues were raised. There was a considerable period during which this matter could have been dealt with by preceding Governments. It took a long time to go through the committee. Hon Murray Montgomery mentioned some three years in the committee. The processes of this House might be considered to be somewhat slow. One of the slow processes of this House is moving notices of motion up the Notice Paper because this one was submitted very promptly but of course other matters have interfered with it. Interestingly enough, some of those have been at the instigation of the Opposition. To some extent we as a House must take responsibility for the processes of this House.

Hon J.A. Scott: In terms of it being seen to be fair as well as acting fairly, will that information be provided to Jeannie Angel's representative?

Hon PETER FOSS: It is not proposed that it should be. As I understand it, it is either information that has already been provided in the course of the application to the Solicitor General or further submissions that have been made on her behalf by one of the legal practitioners who pro bono has represented her. If the Solicitor General believed that anything in that evidence required an answer from her, obviously in the interests of natural justice he would do so. We had this situation with Heaney. Heaney put forward his claim and before the Solicitor General dealt with it he contacted the solicitors for the supposed victim to see whether they had any comment to make. That may be going even further than natural justice requires but it was to give an opportunity for the alternative case to be put. I can assure the member that the Solicitor General is an experienced person who will act in the interests of natural justice. If he considers it appropriate, I am sure that he will ask them to answer any points that he wishes to raise. It is open for the solicitors of Jeannie Angel to make any further submissions to the Solicitor General that they may wish to make. The process is there.

The guarantee is the person on whom we are relying. It is rather like asking whether we need to tell the Supreme Court how to behave. To some extent we must take the view that probably it knows better than we do. That is probably the case with the Solicitor General, who is very conscious of the need to act with respect to natural justice. If we start applying extra controls, we may be going too far, especially when one considers that under Standing Order No 361 the committee could publish to the world without consulting anybody. It has the capacity to say, "We publish this evidence with our report." We do not need to go that much further. There is a tendency to over legislate.

Hon J.A. Scott: If it is published with the report, everybody is able to see that evidence and how it is used.

Hon PETER FOSS: I understand that. If the member wishes to move an amendment, let him by all means do so. I do not believe it is necessary. I certainly would have no objection to his adding that the evidence be published to either Jeannie Angel or her solicitors.

One amendment needs to be made, and I seek the leave of the House to do it. It is to add the word "then" before the word "Chairman" in line 1 and after the word "the" in line 6.

Motion, by leave, amended.

Question put and passed.

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report on the Vocational Education and Training Amendment Regulations 1997

Hon N.D. Griffiths presented the "Thirty-first Report of the Joint Standing Committee on Delegated Legislation on the Vocational Education and Training Amendment Regulations 1997", and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 1623.]

VOCATIONAL EDUCATION AND TRAINING AMENDMENT REGULATIONS 1997

Motion for Disallowance

HON N.D. GRIFFITHS (East Metropolitan) [3.16 pm]: I seek leave to amend the motion standing in my name.

The PRESIDENT: Could you indicate how you propose to amend it?

Hon N.D. GRIFFITHS: If leave is granted by the House, I would propose to move that after the word "that" the words inserted be "clauses 4 and 5 of". I shall briefly mention why. The reasons are contained in the report, but

essentially the offending material to the Joint Standing Committee on Delegated Legislation are the clauses that I seek to have disallowed, if the House grants leave.

Motion, by leave, amended.

Pursuant to Standing Order No 152(b), the following motion by Hon N.D. Griffiths was moved pro forma -

That clauses 4 and 5 of the Vocational Education and Training Amendment Regulations 1997 published in the *Gazette* on 7 November 1997 and tabled in the Legislative Council on 18 November 1997 under the *Vocational Education and Training Act 1996*, be and are hereby disallowed.

Hon N.D. GRIFFITHS: The motion before the House is now that clauses 4 and 5 of the regulations, which are the subject of the thirty-first report, be disallowed. Regulations 4 and 5 permitted the Minister to waive fees for TAFE with fairly wide criteria; in fact, on one view of it, at ministerial whim.

The committee was of the view that this was inappropriate for the reasons set out in that report. After an appropriate consultation process, the Minister has agreed to the proposition that in the event that the two clauses are disallowed, the Minister goes along with the proposition that the clauses be disallowed and new clauses will be drafted and regulations published to deal with the matter raised by the committee. I refer the House to the pertinent part of the committee's report on page 2 at 2.4, 2.5, 2.6 and on page 4 at 2.15. The crux of the committee's observations are set out in bold print; namely, the committee disagrees with the proposition that there should be absolute discretion in the matter.

It is unfortunate that the report of the committee is tabled just prior to the Order of the Day being dealt with. However, that is the way of the world. This is a joint standing committee. The Houses sit late and it does take time to deal with these matters. However, at the end of the day the joint standing committee, as a body set up by the Parliament as a whole, has been able to reach a proper and reasonable accord with the Executive. It has made its concerns known to the Executive. The Executive has accepted them and the issue has been accommodated.

I trust members will take time to acquaint themselves with the report. I could speak at great length and take members through the report but there will be other opportunities for that and I therefore propose to conclude my comments.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.21 pm]: Before I comment on this disallowance motion, I will make a general statement in respect of disallowance motions. There has been a tradition that we wait almost until the last day before disallowance motions are dealt with. That has caused me some concern because I am aware that there may be occasions when members would like to adjourn a disallowance motion to obtain more information or consider the matter in more detail. However, because of the nature of disallowance motions, it is necessary they be dealt with by a particular day. We could find a situation where we finish up sitting here for a number of days dealing with a disallowance motion which is controversial, because we cannot go until it is dealt with.

As a general policy from now on, I hope we might be able to deal with disallowance motions three days before they are required to be dealt with. I ask for the cooperation of members who are moving as private members for disallowance. Perhaps I could discuss with the Delegated Legislation Committee its processes so that we have a way of dealing with these disallowance motions which is in the best interests of all members. I acknowledge on this occasion that the committee has worked very diligently to have its report ready and I was assured last night that it would be ready this morning, but that was not possible.

Hon N.D. Griffiths: We were going to meet at 9.00, then 9.30 this morning and eventually we met at 1.00 this afternoon.

Hon N.F. MOORE: I acknowledge that the members were sitting very late last night to deal with urgent business. However, I want to deal with this today because there is only one day left and, bearing in mind what I said about disallowance motions in general, we should try to deal with them earlier than we have in the past.

The regulations contain a number of different matters. It is only clauses 4 and 5 which were of concern to the committee. The regulations relate to concessions given to students who would otherwise have to meet full fees payable under the regulations; and the entitlement to concessions is normally established by the production of a card issued by another agency, usually a commonwealth agency. In simple terms a notice, as distinct from some other form of legislative vehicle, is the quickest way of giving effect consequentially to a change in the nomenclature used for granting concessions by that public authority. If the change were to be effected by an amendment to regulations, the shortest time lag for change in the regulations would be one month, using normal procedures. A notice can be published in a few days depending only on the *Government Gazette* deadlines.

The Department of Training has been making decisions about these entitlements to concessions by using notices in the *Government Gazette* rather than using the process of regulations. The Delegated Legislation Committee has

expressed its concern about that process, arguing that it does not have the capacity to scrutinise the notices in a way that it is able to scrutinise regulations. The department processes have been brought about mainly to ensure that early notice is given to people who are eligible for the concession and that the use of notices has been a more expeditious way of communicating their information rather than using regulations which take more time.

The Minister for Employment and Training indicated to the committee and to me in my representative capacity in this House that she is prepared to accept the concerns raised by the Delegated Legislation Committee in respect of clauses 4 and 5. I appreciate the amendment moved by the Hon Nick Griffiths because if we had dealt with the whole regulations without amending them to deal only with items 4 and 5, we would have chopped off some fees, I understand. The Government desperately needs all the fees it can get its hands on to make up for the \$1m this House took out of its pocket by some other regulation.

Hon N.D. Griffith interjected.

Hon N.F. MOORE: The issue of the Rottnest Island fees will come before the House. The member can knock them back if he wishes. He will also tell me who he is going to subsidise for a holiday at Rottnest Island, as I was intrigued to read about the Government subsidising holidays. That is taking socialism to the absolute extreme. However, we will debate that at another time, Mr President, and I am sure you will be interested to hear about it then. I never imagined I would think about that seriously until now.

The Minister is prepared to accept the committee's concerns in respect of clauses 4 and 5 and appreciates that the amendment was moved to deal with only those two clauses rather than the rest which dealt with fees. The Government will support the motion as amended moved by the Hon Nick Griffiths.

HON J.A. SCOTT (South Metropolitan) [3.28 pm]: I make a few observations on this. I agree with the reduction of the amendment to particular clauses because those are the parts concerning the committee as outlined in the report. However, the Leader of the House expressed his concern about the way we deal with these motions sometimes at the last moment. They can be quite important matters which have a large impact on the community. Being on the other end of this process, I hope that the Leader of the House goes back to other Ministers saying that a lot of this process can be better dealt with by better communication between the relevant committee and the department. Often the hold-ups occur because, although the committee acts as soon as it gets the information, that backup information does not come.

Hon N.F. Moore: I am suggesting not that the committee is at fault, but that the processes need to be worked through.

Hon J.A. SCOTT: I am saying that it would speed up the process if Ministers and their departments were made aware that the information must be provided to the committee quickly.

Hon N.D. Griffiths: What you are saying is correct. The committee is, in one respect, the meat in the sandwich between the Executive and the House. In this instance, the advisory-research officer wrote to the Executive on 15 January 1998, as stated in paragraph 2.1 of the report, so the committee has not been slack in its work. We are not suggesting that the Executive has done the wrong thing either. It is just the way things work out.

Hon N.F. Moore: I am not in any way suggesting the committee is at fault.

Hon J.A. SCOTT: It is worth bearing in mind in these situations that while the committee tries to expedite matters, often a last minute application is made for disallowance because the information has not been received. That matter needs to be looked at more clearly, and, as a side issue, that certainly establishes the need to put in place the legislation that has been proposed by that committee, which will tidy up the way in which many different words are used for what is in effect subsidiary legislation, such as ministerial directions, notices and so on, and will bring them all under the banner of subsidiary legislation. To put it simply, until such legislation is put in place, those directions and notices can easily be tabled in this place and undergo the same scrutiny no matter what we call them. Ministers need to have a close look at that proposed legislation, because many of these problems would not occur if that legislation were in place. Therefore, the sooner the Government gets behind that legislation, the better.

HON HELEN HODGSON (North Metropolitan) [3.32 pm]: I discovered earlier this week that it was likely that this matter would come on for debate today, and while I am in no way critical of the committee, because I recognise that circumstances beyond its control have led us to this situation, that meant that I had to check out these regulations for myself pending the committee's report so that when it arrived I would have some idea of what we were talking about.

I am pleased that the committee has agreed with my conclusion that problems exist with clauses 4 and 5 of these regulations in that they grant the Minister certain authorities which are not necessarily as accountable as I would like them to be with regard to the rates at which these fees can be set and how they are to be notified to the community. For those reasons, it is very important that these sorts of issues are scrutinised by the committee regularly and brought

to the attention of the House, because with the volume of delegated legislation that passes through this place, it is impossible for us to scrutinise every single piece without the assistance of the committee, which does very good work in this area. For those reasons, I support the disallowance of those parts of the regulations

Question put and passed.

ESTIMATES COMMITTEE HEARINGS

Timetable - Statement by Hon Muriel Patterson

HON MURIEL PATTERSON (South West) [3.34 pm]: This year the Estimates Committee hearings will be held from Tuesday, 2 June to Thursday, 4 June inclusive. The hearings will be held in the Council Chamber, which will give all members of the Legislative Council a better opportunity to participate in the proceedings. I thank the President for granting permission to use the Chamber for the conduct of hearings, and I encourage all members to participate in the proceedings. I seek leave to table the timetable for the hearings.

Leave granted. [See paper No 1624.]

"(AMSWA) ATTITUDE MONITORING" PREPARED BY WEST COAST FIELD SERVICES FOR OFFICE OF THE PREMIER

Tabling of Documents - Motion

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.35 pm]: I seek leave of the House not to proceed with the motion as it currently stands on the Notice Paper, but to substitute a new motion.

Leave granted.

Hon TOM STEPHENS: I move -

That the Leader of the House be and is hereby required to table not later than Thursday, 25 June 1998 those documents described as "(AMSWA) Attitude Monitoring" studies prepared for the Office of the Premier by West Coast Field Services, or any other organisation, since the election of the Court-Cowan Government in 1993 and which have not been tabled in either House to date, and that the documents and all written or electronic documents, notes and reports made or prepared by any person in the Premier's office in which the contents of any verbal briefings by West Coast Field Services or AMR Quantum Research relating to these studies is recorded or analysed be laid before the House without excision, alteration or interlineation.

I thank the Leader of the House for providing this opportunity to deal with this motion. As members will know, on 26 August 1997 I gave notice of this motion in its original form calling for the tabling of documents by 11 September. That illustrates the problem with which the Opposition is faced in this House in trying to have considered and advanced issues of importance to it, and in getting matters through the motion phase of this place. I will not dwell on that at this time, but simply describe that as a difficulty, because to talk about that for any longer will only cause further delay to what we have been seeking for a long time.

The background to this issue is that in late June 1995, the Labor Opposition received copies of a "Study of Western Australians - 95446, Self Completion"; hence entitled the "survey document" - from a Rockingham resident who stated that she had been asked to answer the survey which was being conducted door to door by West Coast Field Services. This survey appeared to be part of the Court Government's ongoing attitude monitoring study conducted by West Coast Field Services.

In response to opposition questioning, Premier Court agreed to table the results of the three waves of attitude monitoring study conducted by West Coast Field Services. Documents were tabled in August 1995, 22 November 1995 and on a number of occasions since then, as I understand it, although my briefing notes were prepared for me nearly 12 months ago in the lead-up to when I gave notice of this motion, so perhaps some additional documents have been tabled since then.

The first wave of the attitude monitoring study states that the scope of the questionnaire was ultimately determined in consultation with the Office of the Premier and the researcher. There are numerous examples of identical wording in the two documents. The frequency of this repetition demonstrates that the survey documents formed the basis for the attitude monitoring study, the responses to which appeared in the tabled document. The survey document contained 164 questions, yet responses to only 38, or 23 per cent, of these questions were contained in the tabled document. On 22 August 1995 the Premier answered no when asked whether the questions put to respondents were exclusively about issues contained in the November 1994 report of the attitude survey. We are left with the conclusion that questions were asked in the attitude monitoring study, and the answers to those questions have not been tabled in the Parliament.

The Premier originally stated in Parliament in the Estimates Committee on 23 August 1994 that he would table the questions asked in the attitude monitoring study. However, that did not occur and the Premier said that neither he nor any officer of the Government had seen a copy of the questionnaire, which is the property of West Coast Field Services, and indicated that he would not release the questions.

Subsequently, the Leader of the Labor Opposition Dr Geoff Gallop had the opportunity of discussions with the people who conducted this survey. However, this has increased the appetite of the Leader of the Opposition to pursue the motion that is before this place. We have seen the inclusion of demographic and personal information in the survey, suggesting motives other than broad statewide attitudinal monitoring. The information obtained by West Coast Field Services is entirely suitable for use by a political party and is in accord with what we know about Liberal Party campaigning techniques and its computer software - Libsys, the voter identification program and Mapinfo systems. It includes names and addresses, age, marital status and number of children. It is referred to as "stage of life" data and contains detailed demographic data designed to be compatible with Australian Bureau of Statistics demographic data as used by the Liberal Party's campaign software. The survey document is Victorian in origin and coincides with the Victorian Liberal Party using identical campaigning techniques and computer software. It is clear that the data collected by this survey can be used by the Liberal Party's Libsys and Mapinfo systems to paint a demographic system of swinging voters in WA. In fact, it is difficult to imagine a survey more superbly tailored for party political use than this one.

We are aware of the types of Liberal Party campaign techniques that have been employed in state elections, both in Western Australia and Victoria, using this type of voter identification program involving the use of personal computers running tailored software to process data obtained from detailed polling. There are two main aspects in relation to the VIP system, the first being voter intention and issue sensitivity of individual electors. That is either canvassed by telephone or door to door. The information is then entered into the Liberal database system, Libsys, and is combined with the electoral roll. It is then used to generate direct mail letters or personal visits from high profile front benchers lobbying on particular issues. Secondly, the survey data is used to generate a demographic profile of swinging voters. Locations fitting this profile were heavily targeted using a number of campaigning techniques. The Victorian and WA Liberal parties both use this geo-demographic software package Mapinfo in combination with the 1991 ABS census on compact disk to implement this technique.

This is an effective campaigning system; however, professional polling services are expensive. At the last state election the Liberal Party used volunteers to collect its polling data in an attempt to slash the cost of the VIP system. The disappointing performance of the VIP system at that election forced the Liberal Party away from volunteers to professional polling despite the cost. The over-reliance of the Liberals on the VIP system, the necessity to employ expensive professionals, and declining political donations from businesses has created extreme stress on the Liberal Party's various election strategies.

[Continued below.]

Sitting suspended from 3.45 to 4.00 pm

SELECT COMMITTEE ON THE WESTERN AUSTRALIAN POLICE SERVICE

Disclosure of Evidence to Solicitor General - Statement by President

THE PRESIDENT (Hon George Cash): Order! Earlier today the House passed a motion authorising the former Chairman of the now dissolved Select Committee on the Western Australian Police Service to release certain documents to the Solicitor General. It has been drawn to my attention that the documents, being records of the House, are in the possession and under the control of the Clerk. The House has not formally authorised the Clerk to release those documents. Although such authorisation might be inferred from the resolution, to put the matter beyond doubt, I now seek leave of the House for the Clerk to release the documents, the subject of the resolution.

Leave granted.

[Questions without notice taken.]

"(AMSWA) ATTITUDE MONITORING" PREPARED BY WEST COAST FIELD SERVICES FOR OFFICE OF THE PREMIER

Tabling of Documents- Motion

Resumed from an earlier stage.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.33 pm]: The issues of taxpayer funded polling were well canvassed in an article written by Dr Geoff Gallop, the then Deputy State Labor Leader,

dated 27 February 1996 and entitled "Government Polling and the Right to Know". The final paragraph of that document states -

Until there is full and open disclosure in relation to this polling, the Labor Opposition will continue to use all the forums at its disposal to raise the issues and ask the questions.

We have obtained some information from documents that have been tabled in the House, from briefings of the Leader of the Opposition, and through freedom of information applications. However, unfortunately the Government has not been forthcoming with all of the information.

Hon N.F. Moore: Think back to the days when you were in government and how much you told us about the polling that you did - absolutely nothing!

Hon TOM STEPHENS: As the Leader of the House would know -

Hon N.F. Moore: You do not accept the responsibility. Fair enough.

Hon TOM STEPHENS: Did the Leader of the House teach ancient history when he was a teacher?

Hon N.F. Moore: No, but I will remind you forever of your time in office, because people need to be reminded of what you do when you get hold of the purse strings.

Hon TOM STEPHENS: We do need to learn from history, but this leader has a constant desire to live in history and to be part of history, rather than move on from that history. All I am saying to the Government is that it should not repeat the mistakes of the past, if indeed they are, as members opposite describe them. I commend to the House a new direction of open government with regard to the use of taxpayers' funds. I commend the motion to the House and look forward to the opportunity of bringing this motion before the House for early consideration and resolution.

Debate adjourned, on motion by Hon N.F. Moore (Leader of the House).

NATIONAL COMMISSION OF AUDIT

Submissions by State Government - Motion

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4. 37 pm]: I seek leave of the House to amend the motion before the House by deleting the words "11 September 1997" and substituting the words "25 June 1998".

Leave granted.

Hon TOM STEPHENS: I move -

That the Minister for Finance be and is hereby required to table not later than Thursday, 25 June 1998 those documents forming any submission or contribution by the Government to the Commonwealth Government's National Commission of Audit which refer to taxation reform and taxation reform options, including any documents in which the desirability or feasibility of the introduction of a goods and services tax ("GST") or value added tax ("VAT") by either the State or Commonwealth Governments is discussed or referred to, and that the documents be laid before the House without excision, alteration or interlineation.

I thank members for granting me leave for that purpose, which is clearly consequent upon the long delay in having the House consider this motion. I look forward to the opportunity of bringing this motion before the House for early consideration and resolution. I commend the motion before the House.

As members will appreciate, State Governments regularly have the opportunity to make submissions to the Commonwealth's National Commission of Audit. When the current Commonwealth Government came into power in 1996 it established the role of the commission to review commonwealth and state finances. The States and Territories made a joint submission to the review on the issue of commonwealth-state financial relations. Western Australia made a contribution to the review, which we understood included a discussion on taxation reforms. After a number of attempts and false promises by the Premier, the Opposition has been denied access to the Western Australian contribution. On 28 May he stated that a copy of the submission could be obtained from the Commonwealth Department of Finance. On 20 August he said that the submission was not publicly available but he was prepared to make a submission available to the member asking for it. On 14 September he said that he was not aware of the subsequent decision not to make any further copies available and that because the submission was made by all States and Territories the Western Australian Government would abide by the Commonwealth's decision not to make the submission publicly available.

The Premier's answers to all the questions above related to the joint state and territory contribution. The questions

specifically asked for the Western Australian Government's contribution to the joint submission. The Premier intentionally avoided the question of tabling the Western Australian contribution by answering the questions in the context of the joint submission. Besides the issue of what submission was being discussed the Premier promised to make the submission available to the Opposition even when he knew it was not publicly available. The Premier then backflipped and refused to table the document on the premise that it was not publicly available. The result is that the submission has never been available publicly in any forum. Presumably this submission contains this Government's preferred tax reform agenda for the Federal Government.

On 16 September the Leader of the Opposition asked whether the Premier would give a commitment to consult with business and community organisations in preparing the Government's reform proposals to the Commonwealth. The Premier said that he was prepared to say that the Government would support a goods and services tax under certain conditions and a share of income tax arrangements under certain conditions. On 14 October the Premier said that he was not referring to a state based GST. He said that in general terms the State should have access to a share of a GST and to a share of income taxes.

The Premier has talked a lot about the need for taxation reform and the need to reform the current financial relations between the Commonwealth and the States. However, the Premier has refused to provide detail on his Government's preferred arrangements. So far the State Government has made contributions to the National Commission of Audit and the official steering group on taxation reform. However, the Western Australian public still has no clear idea of what the Premier is supporting. The State Government has also tabled two glossy brochures on taxation reform - the "National Tax Reform and Commonwealth-State Tax Arrangements" and "The Case for Reform". These only outline the need and options for taxation reform and give no further detail.

The Premier has also refused to commit to consulting openly with business and community groups on taxation reform. When the Premier was asked in Parliament whether he would consult on taxation reform he simply avoided answering the question. Other calls from the Opposition for consultation again fell on deaf ears. This stance regrettably highlights the secretive and arrogant approach of this Government on these questions. Taxation reforms are important issues and the public of Western Australia has the right to know what this Government's submissions have been to the Federal Government. The State Government previously implied that it supported a GST and would be comfortable with introducing a state based GST.

Hon Simon O'Brien: What is that document?

Hon TOM STEPHENS: I am taking the opportunity to read from speech notes. I appreciate Hon Simon O'Brien's point that I am referring to them more liberally than I should.

Hon Simon O'Brien: I wondered if it was a document.

Hon TOM STEPHENS: No, I am looking for a document to be made public - that would be the case if my motion is successful - and these speech notes, to which I am constantly referring, relate to that document.

Hon Simon O'Brien: They would be speech notes that you are reading. I have made the point.

Hon TOM STEPHENS: The Government has often criticised the Opposition for its stance on a GST. The Government states that the Opposition is not serious about tax reform because it will not consider a GST. However, the same criticism could be levelled at the Government, which could be seen not to be serious on taxation reform because it wants to consider only a GST.

Although it is true that the wholesale tax system is cumbersome, the different rates aim to reflect equity considerations; for example, luxury cars are taxed at a much higher rate than are necessities. It is also true that there are some anomalies in the current wholesale tax rates which should be addressed.

The Opposition has questions to put to this Government: Has the Government undertaken any analysis of the equity affect of a GST on low and middle income earners and the administrative costs on small business; what is the ability of a GST to reduce the current level of tax evasion; and what are the Government's thoughts on the current use of trusts and income splitting for minimising tax? Too frequently in the term of this State Government -

Hon Simon O'Brien: Why not tell us your policy?

Hon TOM STEPHENS: The taxpayers of Western Australia have a right to know -

The PRESIDENT: Order! I know that Hon Simon O'Brien has now been here one year - like most other recently elected members - but he is still subject to the rules, be it his birthday or not.

Hon TOM STEPHENS: Maybe we will all have the opportunity of celebrating the member's birthday. If he lets me finish my speech quickly I will offer the member a drink in the bar later.

The taxpayers of Western Australian are entitled to answers to these questions, particularly as this Government has used taxpayers' funds to prepare a submission to the National Commission of Audit which argues a way for the GST to apply and to be introduced. The Opposition believes this information should be available given the complete disregard shown in the past by the Commonwealth Government for commonwealth-state financial matters. What hope is there that any new taxation arrangements negotiated by the Howard Government will be to the benefit of Western Australia or any State? There is no guarantee that a GST centrally organised would do anything more than concentrate economic power in the hands of a centralist Government in Canberra and not provide any redress to the fiscal imbalance, which everybody regularly says needs to be resolved.

The issue of health funding which saw Premier Court walk out of negotiations with the Federal Government has led to ongoing dispute between the State Government and the Federal Government. Negotiations over health issues have demonstrated an inability of the two leaders of government at state and federal level to resolve issues in the best interests of the people of Western Australia. It presents a real justification for the need for a change of Government - certainly at the first opportunity at the federal level - so we have the opportunity of having a Government led by a Western Australian of stature and significance and with a connection to the people of Western Australia who would be more responsive to the needs of this community than the current Prime Minister appears to be. Certainly that is evidenced by the complaints laid about him in relation to the health funding issues that the Premier of this State so regularly shoots home to the Federal Government. The State Opposition believes that reform of commonwealth-state financial relations is necessary. We support changes that give the States greater security of a revenue base.

The Opposition believes that the State Government should consult widely with business and community groups to develop proposals which are truly representative of the Western Australian people. On the question of specific reform, the Opposition believes the income tax revenue should be shared between the Commonwealth and the States. The Opposition feels that the 1992 proposal for commonwealth-state financial relations put forward by Prime Minister Hawke and Premier Greiner should go straight back on the agenda for debate and become the basis of reform for the federal-state system. This motion has been a long time coming, it was moved in August 1997. It was relevant at that time and it is even more relevant now when taxation is looming as the most significant issue confronting the people of Australia in the lead up to the next federal election. The taxpayers of Western Australia are entitled to know what they have paid for by way of a submission prepared on their behalf by this Government. That submission has been put to the Federal Government as the proposal that should be considered in developing the taxation strategies and the tax arrangements between the State and the Federal Governments in the future. I commend the motion to the House.

Debate adjourned, on motion by Hon N.F. Moore (Leader of the House).

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.52 pm]: I move -

That the House do now adjourn.

Budget Debate - Adjournment Debate

Hon N.F. MOORE: I will raise a couple of matters before the House adjourns. The first is in respect to next week's sitting. There are a number of Bills to be dealt with but they are not extensive. I am hoping that next week some time can be spent on the motion related to noting the budget papers. I advise members who wish to make a speech on that issue that they should have an opportunity next week. I believe members may speak for one hour on the issue and I hope they do not all feel the need to take all their time. They may talk about anything they wish in this debate. I suggest members be prepared for that debate next week.

Rottnest Island Holiday Cost - Adjournment Debate

Hon N.F. MOORE: In question time today, I was asked about the relative cost of going to Penang and to Rottnest. Since then I have done some research into what these different holidays cost. It is important that members understand this as there have been some letters in *The West Australian* along the lines of it being cheaper to go to Asia than to Rottnest. I would like members to look at some of the figures. For a single adult to go to Penang, on the figures provided by Hon Tom Stephens, it would cost \$699 for eight days. If that person went to Rottnest and had a six bed unit it would cost him \$735. It would, therefore, be more expensive to go to Rottnest as a single individual and stay in the most expensive accommodation at Rottnest with three bedrooms more than needed.

Hon Ljiljanna Ravlich: What about ferry fares?

Hon N.F. MOORE: It includes that. There are a number of other accommodation options at Rottnest which are significantly cheaper than the \$700 that Hon Tom Stephens quoted in his question. Let us go up the ladder a bit and

look at a twin share, because the \$699 Hon Tom Stephens quoted would be twin share going to Penang. That twin share would be two times \$699 which is roughly \$1 400. It would cost two people going to Rottnest \$30 for their ferry fare from Fremantle, which includes the landing fee, plus \$700, which is the maximum unit value and which two people would not really need -

Hon Tom Stephens: Has the price gone down \$5 since question time?

Hon N.F. MOORE: I said my recollection was \$35, it is, in fact, \$30. It is \$40 from Perth and \$30 from Fremantle. With two people, two times \$30 is \$60 for the fare and the landing fee plus \$700 for a unit even though a unit of that size would not be needed. The total cost is \$760 against \$1 400 in Penang. It would cost twice as much for two people to go to Penang as it would for them to go to Rottnest. The cost of two adults and two children going to Penang working on the basis that children are half fare - and they are usually not - would be \$2 100. At Rottnest the cost would be \$10 per child to travel from Fremantle to Rottnest on the ferry and return, including the landing fee. The travel and accommodation would total \$780. For a family of two adults and two children to go to Penang the cost would be \$2 100, to go to Rottnest the cost would be \$780.

Hon Ljiljanna Ravlich: Did the Leader of the House use the off peak price when he calculated the air fares?

Hon N.F. MOORE: I am using the figures quoted by Hon Tom Stephens in question time today when he told the House about a deal for return travel from Perth to Penang for eight days for \$699. I assume that is the air fare and the accommodation. I suspect that is not peak period but the figures I am giving the House for Rottnest are peak period time.

If six adults want to go to Penang for a holiday at \$699 each it totals \$4 200. The same six adults going to Rottnest would cost \$880. It would cost four times the price to go to Penang as it would to go to Rottnest. It is nonsense to claim that by charging \$700 for a six bed unit at Rottnest we are sending people off to Bali and Penang on the basis of the figures that are around.

Hon Ljiljanna Ravlich: I live by myself.

The President: Order, Hon Ljiljanna Ravlich!

Hon N.F. MOORE: I suspect that is how Hon Ljiljanna Ravlich spends most of her holidays, Mr President. If she has the same effect on other people that she does on me, nobody would go with her.

Hon Ljiljanna Ravlich: That is all right, the Leader of the House would not be coming with me.

The PRESIDENT: Order!

Hon N.F. MOORE: Hon Ljiljanna Ravlich would have to pay my fare and I still would not go with her.

Hon Ljiljanna Ravlich: The Leader of the House would have to pay me to take him.

Hon N.F. MOORE: Hon Ljiljanna Ravlich would have to pay me and I still would not go.

Hon Ljiljanna Ravlich: I do not care.

The President: Order, members!

Hon E.R.J. Dermer interjected.

The PRESIDENT: Order! I hope Hon Ed Dermer does not want to speak during the adjournment debate. I will not give the call to people who interject until they understand some of the standing orders of the House. I understand Hon Ljiljanna Ravlich wants to speak; she should not interject.

Hon N.F. MOORE: If Hon Ljiljanna Ravlich wants to take a holiday by herself then, as I said at the beginning of this comment, it would cost her \$699 to go to Penang for a week on the figures provided by Hon Tom Stephens and I hope she enjoys herself.

The PRESIDENT: Order! If the Minister speaks to me instead of others he will not encourage interjections.

Hon N.F. MOORE: If Hon Ljiljanna Ravlich wants to go to Rottnest I suggest she does not take a \$700 unit. That would sleep six people which Hon Ljiljanna Ravlich would not need if she was by herself. I suggest Hon Ljiljanna Ravlich stays in a \$200 unit which probably has two or three beds in it and she could stay there by herself. Under those conditions the cost of going to Rottnest from Fremantle would be \$30 for the ferry return fare, including the landing fee; the cost from Perth is \$40. Staying in a unit worth \$200 for a week the holiday would add up to \$235 for the week. This as opposed to \$699 in Penang. People have to decide whether they would rather go to Penang for twice the price of going to Rottnest. That is their decision.

Hon Tom Stephens tried to suggest that somehow or other because it is going to cost a bit more to go to Rottnest people are going to choose to go overseas. As I acknowledged in my answer to the question, people are choosing to go overseas not because of what it costs at Rottnest, Dunsborough, Eagle Bay, Yallingup or Geraldton. They are going overseas because of the way the currency rates are at the present time. People can buy lots of Indonesian rupiah and Malaysian ringgits and other currencies in Asia with Australian dollars, so with the currency fluctuations it is quite cheap. I also explained that lots of Australian dollars can be brought with an English pound, it was 38p to the dollar the other day. In addition, lots of Australian dollars can be bought with an American dollar. That means that people are coming to Western Australia from overseas in very large numbers. That is something that is very important to our economy. As I said earlier, there are swings and roundabouts. To suggest that by putting up the price at Rottnest in exchange for significantly improved conditions the way the Government has is somehow or other driving people to Asia is absolute rubbish. As I have demonstrated, the price of a holiday at Rottnest, even with the new rates, is very cheap and reasonable for a family in what is probably one of the most delightful destinations in the world.

I have visited some of the villas at Rottnest. Some units are from here to the opposite benches away from the ocean. One can walk out the front door, stand on the sand and look across the ocean to Fremantle and the coast of mainland Western Australia. The sea is beautiful and extraordinarily clear. It is a magnificent location. The wind blows in the morning, but that is not a problem because it is an easterly. It is as good as Capri or any other destination in Europe. Given the price people are paying and the quality they are getting, is it one of the premier holiday opportunities anywhere in the world. We want people to come from overseas and say that they want to stay on Rottnest for a week. When they see how much it costs, they will stay for two weeks because it is such good value.

New Members' First Anniversary - Adjournment Debate

HON SIMON O'BRIEN (South Metropolitan) [5.01 pm]: I speak as a comparatively new member of this Chamber. I do not claim to speak on behalf of other new members, but they may wish to associate themselves with my sentiments. As you pointed out, Mr President, today marks the end of the first year of my parliamentary term.

Hon Kim Chance: It seems longer.

Hon SIMON O'BRIEN: It is not over yet. Today is 21 May and my term commenced on 22 May last year. The President referred to this as my first birthday. I appreciate the Leader of the Opposition's offering to buy me a drink, although the President was using the term "birthday" as a euphemism.

Hon Ken Travers: You have aged more quickly than I have.

Hon SIMON O'BRIEN: I did have a birthday last Saturday, so I am certainly not ready for another -

Hon Ken Travers interjected.

Hon SIMON O'BRIEN: No, I was not 40; I was 23. The birthdays are starting to come around more quickly, so I am not ready to have another one five days after the last.

As members know, much happens in the first year of a parliamentary member's career. It is a steep learning curve and a time of discovery about this institution, the wider community and oneself. All members, including those who arrived on the same day that I arrived, have had that experience.

This is a time for reflection. In so doing, I acknowledge the assistance that I have received from members on both sides of the House. I appreciate the guidance which has been offered to me and which I have gratefully accepted, again from both sides of the House. Occasionally the guidance has not been kind, and it has even involved travel directions - I have been told where to go. By and large, the advice and guidance offered by more senior members has been positive, constructive, genuinely offered and gratefully received. I thank my colleagues and other members in this House and the officers and staff in the Chamber. I have appreciated their support as I have tried to be a constructive member of this place. Of course, I especially thank you, Mr President, for the guidance that you have given me.

Hon Ken Travers: You just wanted to crawl.

Hon Ljiljanna Ravlich: You must be looking forward to the next question time.

Hon SIMON O'BRIEN: Yes, I do look forward to the next question time. I did not want this occasion to pass without making these comments, and I thank the House for the opportunity to do so.

HON HELEN HODGSON (North Metropolitan) [5.06 pm]: I will also make a few comments on the anniversary of our arrival in this place. Most members, apart from those elected at by-elections or those appointed, are

celebrating an anniversary. The father of the House has been here for 21 years and the most recently elected have been here for only one year.

All members recognise that last year was different in many respects because of the change in the composition of this Chamber. The way the Chamber has operated over the past year has demonstrated that it was an evolutionary change. Nothing has collapsed and we have been able to contribute to changes in the way things are done. Although I cannot speak from experience prior to that date, from what members have said to me at various times there have been times when the changes have been recognised as improvements.

In common with Hon Simon O'Brien, I have experienced a steep learning curve. In fact Hon Norm Kelly has often said that "MLC" stands for "massive learning curve". As a Democrat, I have had no mentor and have had to pick things up and learn procedures. New members would not have been able to do that without the assistance of various members of this House, including you, Mr President, the officers of this place and the Chamber staff. It has been valuable to be able to access their expertise to assist us in our duties in this Chamber.

The House as a whole has had to adapt to these changes. I will not say that the adaptation process has always been easy. On occasion the Democrats have felt that satisfactory results would not be achieved. However, most of the issues have been resolved and we have negotiated conclusions that were acceptable to the majority of members. On occasion we have had to agree to disagree. I recognise that and all members understand that that is what this place is about: Being able to put different points of view. If members cannot convince others to agree with their points of view they must accept that that is democracy. As we have all gained in experience, that has become an easier process.

We are finding more and more occasions on which the Government and the Opposition have been willing to listen to suggestions put forward by other members. At times those suggestions have been accepted as appropriate. However, where they have been deemed to be inappropriate, other resolutions have been put forward that have achieved everyone's goals. Compromise is an important part of the art of politics. There are times when one must disagree but there are also times when compromise is necessary.

A number of changes have been made to the processes of this place in the past year, including those to the committee system. I was pleased this week to see a committee report tabled for the first time listing a participating member.

Hon Derrick Tomlinson: Who was that?

Hon HELEN HODGSON: That in itself has not been an easy process. I congratulate the chairman of that committee.

We had to seek advice a number of times on how exactly the new standing orders were to be interpreted. A number of times we looked at each other and said, "It can't possibly mean that!" The clerk's were helpful in trying to find a practical solution when such issues arose.

The Bill's classifications committee was established shortly before the Australian Democrats arrived in this place, and this committee is important in progressing the way business is managed. All parties now have a voice on the business management committee, and can have an input to the business of the House. I jumped the gun a little, as it is not a business management committee at this stage. Such a committee is important and is the next development down the road. All these changes make this place work more efficiently, effectively and help to achieve the workload the public expects from us.

Finally, I have made some friends in this place across party boundaries, which is another part of the process. I thank all members for their assistance over the last year.

Ministerial Answers - Adjournment Debate

HON J.A. SCOTT (South Metropolitan) [5.11 pm]: I place on record my concern about the poor standards of many answers we are receiving in this place. It has reached the level of almost being dishonest in the way Ministers approach answering questions.

I now cite the most recent example which annoyed me. Part (1) of my question today asked the Minister whether he was considering a proposal to build an iron ore loading facility at Kwinana. A number of other questions flowed. The answer was that no decision has been made regarding Koolyanobbing changing its port operations. Clearly, I did not ask whether a decision had been made. It was a clever way of slipping out of providing a proper answer. Since question time, the Minister for Transport said he would provide further information to me.

However, too many times we receive such answers which do not allow us to carry out our proper role of scrutinising the Government. In this instance, I am concerned about the port proposal because the State is providing funding for an ore loading facility at Esperance for the same company as is involved in the other sites. Huge amounts of money

were spent upgrading train lines and other facilities for Esperance. When I hear that the facility will come to Kwinana, and I get such a misleading answer meant to brush me off, I become irritated.

We need to ask Ministers whether they will answer the questions we ask. They have some freedom on how they answer questions, but accountability to Parliament requires questions to be answered properly.

Also, during question time, the Minister for Transport responded that he would not supply requested documentation to back up claims regarding diesel versus gas buses. However, in the urgency debate on the new road funding proposal, on 28 April on page 1897 of *Hansard*, I asked the Minister to identify the papers from which he was reading. He said it was only a note from his department which came from further documentation. He said he would provide the original documentation to the House. To my knowledge, that never occurred. If we are to be accountable in this place, we must ensure that documents are tabled when indication is given that they will be provided. Otherwise, we cannot carry out our role properly. Those inadequacies leave me frustrated as I cannot do the job I am paid to do in this place.

Widespread Worker Discontent - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [5.15 pm]: I raise my concerns about the number of workers currently on the streets. A few weeks ago everywhere I went in Fremantle I saw members of the Maritime Workers Union on strike because they had been sacked. Most of them were desperate as they have mortgages to pay and families to keep.

On Wednesday, I came to work and the nurses were out on the streets. In fact, I nearly ran over one. My usual bland drive to work was coloured with the red and white of nurses' uniforms; I thought it was a new variety of butterfly. The nurses are discontented. Yesterday I finished a meeting of the Standing Committee on Ecologically Sustainable Development, and as I headed back to Parliament House I saw building and construction workers on the street.

The Government must be very concerned about the number of workers who are disenchanted and currently feel that their work conditions and rates of pay are under threat by this Government and as a result of conservative government policy nationally.

Several members interjected.

The PRESIDENT: Order! Hon Ljiljanna Ravlich does not need any help.

Hon Simon O'Brien: She needs a lot of help.

Hon LJILJANNA RAVLICH: I am sure with more conditioning I will become better behaved.

The PRESIDENT: Order! This is serious.

Hon LJILJANNA RAVLICH: This issue is absolutely serious as it reflects a great deal of worker discontent in our community. This Government must address this issue. These workers are voters, apart from anything else, and it will ultimately be a political problem for the Government if they are not happy. The workers should be on the wharves, in the hospitals and on construction sites. They are not. They have been forced out of their workplace and onto the streets to fight for their conditions.

Very few people in the State would argue that nurses do not deserve a pay rise, or that they do not work very hard mentally and physically. Also, they are not particularly well paid and over the last few years they have had to accommodate staff shortages. Therefore, nurses have had to work harder. Public hospitals have had fewer nursing positions and, at the same time, the number of patients has increased. In 1996-97, I understand that fewer nurses were employed than the previous year, yet the number of patients increased by 1 300.

Nurses perform a very vital function. It is just not the nursing; often they are expected to be involved in the counselling of both patients and families. They do an enormous job for the community. In view of the fact that they are such valuable members of the community, I find it hard to believe that this Government is trying to do them out of what I and most Western Australians believe is a very fair deal.

The bottom line is that the offer made by the Government was not in accordance with what the nurses believed was fair and equitable. It meant losing certain conditions and nurses would be forced to sign workplace agreements. That action means they would no longer be covered by a federal award, and over time under a workplace agreement their conditions and rates of pay would be at risk of deteriorating further. A part of the trade off would result in them losing an accrued 12 days off a year; they would also lose their shift penalties from noon to 9.00 pm. The offer by the Government was one in which they had to trade off quite a number of their conditions, and over time that is not in anybody's interest.

I want to get this on the record: I am concerned about the building and construction industry workers, but I will address that at a later date because I will get caught out by time.

Major asset sales have taken place since this Government came to office. Major contracting out arrangements have been put into place. Multi million dollar contracts are running over 40 years. The rate of contracting out has been enormous, and the Government claims that the success of contracting out has been on average a 20 per cent savings across the board.

Hon Kim Chance: Except it does not show up in the Budget!

Hon LJILJANNA RAVLICH: It does not show up anywhere. I do not know why the Government hides it because if one were achieving a 20 per cent savings across the public sector, one would want to highlight it in the Budget. However, this Government does not highlight it in the Budget; this Government has hidden it in the Budget and it has increased taxes for Western Australian taxpayers. It has denied good workers such as nurses their working conditions and their rates of pay. It is squeezing conditions and rates of pay for members of the Australian Nursing Federation. I would have thought that a Government that was doing this well through asset sales and savings as a result of contracting out, would want to look after its workers. I would have thought there would have been plenty of money in the kitty to look after its workers: however, that is not the case.

Hon Kim Chance: I think you are supposed to lie back and think about the Budget surplus.

Hon LJILJANNA RAVLICH: It does not fill me with much joy. As a result of the Government's Budget surplus, Western Australians in the past two years have seen an increase of \$372 in taxes and charges over the past two years. The community has seen its schools close and its nurses under threat in terms of their conditions and rates of pay. Hon Simon O'Brien might laugh.

Hon Simon O'Brien: I am laughing at you!

Hon LJILJANNA RAVLICH: For somebody who is so unintelligent and makes such a useless contribution as Hon Simon O'Brien - if I were him, I would sit there and keep my mouth closed.

The SPEAKER: Order! Hon Ljiljanna Ravlich will address her comments to me.

Hon LJILJANNA RAVLICH: If there is such a thing as a Budget surplus, and if at the end of the day these enormous savings do exist, then this Government should be offering a fair rate of pay and facilitating good working conditions for Western Australian workers; Western Australian members of the Maritime Workers Union, the Australian Nursing Federation and the building and construction industry union should not be protesting on the streets. This Government should be asking some very serious questions about why these people are on the streets and what are the implications of them continuing to be on the streets; firstly, in terms of what is happening to the level and quality of public service, and whether this is how it should be reflected. Secondly, the Government must recognise that these people should be taken off the streets, put back into jobs and treated fairly and equitably.

Question put and passed.

House adjourned at 5.24 pm

QUESTIONS ON NOTICE

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

BUNBURY BACK BEACH RESTORATION PROJECT

1256. Hon BOB THOMAS to the Leader of the House representing the Minister for Regional Development:

With regard to the State Government's proposal for the restoration of the Bunbury Back Beach -

- (1) Given that at its meeting on February 18, 1997 the Bunbury City Council endorsed the full plan for the Back Beach Restoration Project why was no Cabinet Minute prepared at that time?
- (2) If one was prepared, when was it presented to Cabinet?
- (3) What was the outcome of that Minute?
- (4) What representations or correspondence did the Minister receive from:
 - (a) Ian Osborne MLA;
 - (b) Dan Barron-Sullivan MLA;
 - (c) Hon Barry House MLC; and
 - (d) Geoff Prosser MHR or anyone acting on his behalf,
 about that proposal?
- (5) What meetings did the Minister have with, or representations did the Minister receive from -
 - (a) the Premier;
 - (b) the Minister for Lands; and
 - (c) the Minister for Planning,
 on this matter?
- (6) Why did the Government then amend the project as outlined by the chairman of the Coastal Enhancement Steering Committee when he re-approached the Bunbury City Council in July 1997?
- (7) Did Council agree to the revised plan?

Hon N.F. MOORE replied:

- (1) The Bunbury City Council special meeting on 18 February 1997 considered the review of the public consultation process, as undertaken by the Coastal Enhancement Steering Committee, and a proposed plan for upgrading the Back Beach area. The City of Bunbury Council endorsed the proposed plan.

The Coastal Enhancement Steering Committee proceeded to prepare an evaluation report which would form the basis of a Cabinet submission.

The Steering Committee met on 14 March 1997 and 14 April 1997 to determine the content of the evaluation report and Cabinet submission. A draft of the Cabinet submission was circulated to Committee members for comment. During this time some opposition was registered to the development of 'A' Class Reserve land.

The draft Cabinet submission was not progressed.

- (2) No submission was made to Cabinet.
- (3) Not applicable.
- (4)
 - (a) Meeting on 19 March 1997. Correspondence on 7 February 1997 (Information Sheets). Correspondence on 20 February 1998 (Recommendations of Project Steering Committee).
 - (a)-(b) Meetings on 10 June 1997 and 20 November 1997 attended jointly by Mr Ian Osborne and Mr Dan Barron-Sullivan.
 - (c)-(d) Nil.

- (5) (a) Nil.
- (b)-(c) 10 June 1997 and 20 November 1997.
- (6) The Coastal Enhancement Steering Committee recommended the alterations to the plan as a result of some opposition to the proposed development of 'A' Class Reserves.
- (7) Yes.

OLDFIELD KNOTT ARCHITECTS PTY LTD'S CONTRACT

1399. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to the Transport Department's contract with the firm Oldfield Knott Architects worth approximately \$318 270 for the provision of renovations to Aberdeen Hotel, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractor's financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company -
 - (a) when was the company formed; and
 - (b) what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors ministers or senior public servants?

Hon E.J. CHARLTON replied:

- (1)-(5) In view of the effect of the Graham Farmer Freeway project on the Hotel, Oldfield Knott Architects were appointed by Main Roads to design and document required changes and renovations to ensure the Hotel remained viable and at the same time enable use of the rear portion of the property for the project.
- (6)-(9) Seven tenders were received. Parliamentary Question 1808 in 1997 concerning Contract 633/96 indicated that renovations to the Aberdeen Hotel were undertaken by Oldfield Knott Architects. The Commissioner of Main Roads has now indicated that Knightsbridge Builders Pty Ltd was the successful contractor. This company submitted the lowest tender and offered the best value for money.
- (10)-(12) This information is not known nor was it considered by Main Roads necessary at the time to enquire.

P.B. & K.A. BRAJKOVICH PTY LTD'S CONTRACT

1405. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to the Transport Department's contract with the firm PB & KA Brajkovich worth approximately \$54 000 for the provision of demolition corner Parry and Lord Street and 9 Edward Street, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?

- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractor's financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company -
 - (a) when was the company formed; and
 - (b) what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors ministers or senior public servants?

Hon E.J. CHARLTON replied:

- (1)-(6) This contract involved the demolition of the old Telstra site as part of the Graham Farmer Freeway Project. A separate business case and comprehensive cost benefit analysis was not carried out as it was not justified.
- (7)-(9) The demolition contractor, P B & K A Brajkovich Pty Ltd, was assessed as being capable of carrying out the work and the tendered price was the lowest.
- (10)-(12) This information is not known nor was it considered by Main Roads necessary to enquire.

CITY NORTHERN BYPASS

Shelton Partners' Contract

1409. Hon LJILJANNA RAVLICH to the Minister for Transport:

In relation to the Transport Department's contract with the firm Shelton Partners worth approximately \$61 243 for the provision of records officer temporary at City Northern Bypass, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractor's financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company -
 - (a) when was the company formed; and
 - (b) what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors ministers or senior public servants?

Hon E.J. CHARLTON replied:

- (1)-(6) This contract involved the provision of clerical services for a nine week period. A separate business case and comprehensive cost benefit analysis was not justified in the circumstances.

(7)-(9) Quotes for this work were sought from four potential suppliers, with Shelton Partners offering the best value for money.

(10)-(12) This information is not known nor was it considered by Main Roads necessary to enquire.

MAIN ROADS AND WESTRAIL, GREAT SOUTHERN

1430. Hon BOB THOMAS to the Minister for Transport:

- (1) What was the total amount of the Main Roads WA payroll (wages and salaries) for the Great Southern Region for each of the years -
 - (a) 1992/93;
 - (b) 1993/94;
 - (c) 1994/95;
 - (d) 1995/96;
 - (e) 1996/97; and
 - (f) 1997/98 (up to December 31 1997)?
- (2) What was the total number of employees (Wages and Salaried) employed by Main Roads in the Great Southern Region as at -
 - (a) December 31, 1992;
 - (b) December 31, 1993;
 - (c) December 31, 1994;
 - (d) December 31, 1995;
 - (e) December 31, 1996; and
 - (f) December 31, 1997?
- (3) What are the projected number of permanent Main Roads positions in Albany as at -
 - (a) December 31, 1998; and
 - (b) December 31, 1999?
- (4) How much was paid by Main Roads to Albany (postcodes 6330, 6331 and 6332) based suppliers of goods and services for the years -
 - (a) 1992/93;
 - (b) 1993/94;
 - (c) 1994/95;
 - (d) 1995/96;
 - (e) 1996/97;
 - (f) 1997/98 (up to December 31 1997)?
- (5) How much was paid by Westrail to Albany (postcodes 6330, 6331 and 6332) based suppliers of goods and services for the years -
 - (a) 1992/93;
 - (b) 1993/94;
 - (c) 1994/95;
 - (d) 1995/96;
 - (e) 1996/97; and
 - (f) 1997/98 (up to December 31 1997)?
- (6) What was the amount of payroll paid to Westrail employees (Wages and Salaries) based in Albany for each of the years -
 - (a) 1992/93;
 - (b) 1993/94;
 - (c) 1994/95;
 - (d) 1995/96;
 - (e) 1996/97; and
 - (f) 1997/98 (up to December 31 1997)?
- (7) As part of the right track reform of Westrail, what were the numbers of former Albany based employees who -
 - (a) lost their employment with Westrail; and
 - (b) were transferred to contractors for Westrail?

- (8) What is the number of Albany based employees of Westrail who -
- (a) were redeployed to other government agencies; and
 - (b) are still awaiting redeployment?
- (9) Where a Contract contains a local purchase clause requiring the contractor to comply with the Western Australian Government Purchasing Policy, what penalty(s) can be imposed on a contractor to Main Roads who does not comply with that Policy?
- (10) Where a contract contains a clause giving preference to the employment of former Main Roads employees, what penalty(s) can be imposed on a contractor who does not comply with that requirement?
- (11) Where a Contract contains a clause requiring the contractor to be based in Albany, what penalty(s) can be imposed on a contractor to Main Roads who does not comply with that requirement?
- (12) What like for like financial comparison has been undertaken by Main Roads to confirm that the costs for delivery of works under the existing Term Maintenance Contracts are cheaper than the costs of delivering the same works by the day labour workforce?
- (13) What risk analysis, either in house or by consultants, has been undertaken as part of the implementation of Performance Based Contracts in Main Roads?

The answer was tabled. [See paper No 1625.]

ALBANY HIGHWAY, KOJONUP

Speed Limit

1438. Hon BOB THOMAS to the Minister for Transport:

- (1) What is the current speed limit on Albany Highway within the town of Kojonup?
- (2) What is the proposed speed limit for that stretch of road?
- (3) What has the Commissioner for Main Roads advised the Kojonup Shire Council, or other residents, in relation to reducing the speed limit within the town?
- (4) On what scientific basis was this decision made?
- (5) What contrary advice has the Commissioner received from the sections within Main Roads WA which are responsible for setting speed limits?

Hon E.J. CHARLTON replied:

- (1) 60 kilometres per hour.
- (2) 50 kilometres per hour.
- (3) At a meeting with Council in January 1998, the Commissioner of Main Roads advised that the speed limit will be changed as requested by Council.
- (4) The operating speed as measured in a speed zoning survey varies between 54 and 60 kilometres per hour depending on the time of day. The average speed of all vehicles as measured in the survey is 50 kilometres per hour.
- (5) None.

MAIN ROADS, SOUTH WEST REGION

1459. Hon BOB THOMAS to the Minister for Transport:

- (1) What was the total amount of the Main Roads WA payroll (wages and salaries) for the South West Region for each of the years -
 - (a) 1992/93;
 - (b) 1993/94;
 - (c) 1994/95;
 - (d) 1995/96;
 - (e) 1996/97; and
 - (f) 1997/98 (up to December 31 1997)?

- (2) What was the total number of employees (Wages and Salaried) employed by Main Roads in the South West Region as at -
- (a) December 31, 1992;
 - (b) December 31, 1993;
 - (c) December 31, 1994;
 - (d) December 31, 1995;
 - (e) December 31, 1996; and
 - (f) December 31, 1997?
- (3) What are the projected number of permanent Main Roads positions in Bunbury as at -
- (a) December 31, 1998; and
 - (b) December 31, 1999?
- (4) How much was paid by Main Roads to Bunbury (postcode 6230) based suppliers of goods and services for the years -
- (a) 1992/93;
 - (b) 1993/94;
 - (c) 1994/95;
 - (d) 1995/96;
 - (e) 1996/97;
 - (f) 1997/98 (up to December 31 1997)?

Hon E.J. CHARLTON replied:

(1)	Year	Wages Earnings	Salaries Earnings	Total Earnings
(a)	1992/93	\$2 799 526	\$1 262 103	\$4 061 629
(b)	1993/94	\$3 231 389	\$1 386 757	\$4 618 146
(c)	1994/95	\$3 149 146	\$1 644 765	\$4 793 911
(d)	1995/96	\$3 512 596	\$1 684 747	\$5 197 343
(e)	1996/97	\$4 049 180	\$2 229 453	\$6 278 633
(f)	1997/98	\$2 060 628	\$1 045 299	\$3 105 927

*Up to December 1997.

(2)	Year	Wages Employees	Salaries Employees	Total Employees
(a)	December 31 1992	106	33	139
(b)	December 31 1993	95	33	128
(c)	December 31 1994	108	38	146
(d)	December 31 1995	95	41	136
(e)	December 31 1996	117	46	163
(f)	December 31 1997	90	47	137

- (3) (a)-(b) The number of Main Roads positions in the South West Region will depend on the degree of outsourcing of construction and maintenance services and routine technical services as well as the number of supervisory staff required to oversee term contracts.

(4)	Year	Goods and Services
(a)	1992/93	\$1 594 235
(b)	1993/94	\$2 183 645
(c)	1994/95	\$3 078 175
(d)	1995/96	\$4 286 275
(e)	1996/97	\$2 286 546
(f)	1997/98	\$1 175 380

*Up to 31 December 1997

JOONDALUP RAILWAY SERVICE

1470. Hon KEN TRAVERS to the Minister for Transport:

What was the number of passengers on the Joondalup line for each month over the last three years?

Hon E.J. CHARLTON replied:

Patronage Figures for Joondalup Line

Month	1995/96	1996/97	1997/98
July	283 190	281 103	254 909
August	288 693	374 418	341 564
September	357 242	296 738	267 175
October	285 035	297 729	331 207
November	300 692	338 231	259 977
December	318 855	263 438	263 978
January	254 665	254 807	
February	291 663	254 927	
March	374 778	293 855	
April	257 702	277 448	
May	298 811	270 666	
June	341 600	297 728	

The numbers of people using the Joondalup line declined in the 1997/98 year as a result of an extended work to rule campaign by Westrail staff. The work to rule campaign resulted in a significant disruption to Westrail services, with the result that many services were not able to be delivered.

PETROL CONTAINING METHYL TERTIARY-BUTYL

1471. Hon KEN TRAVERS to the Minister for Transport:

Does petrol sold in Western Australia contain methyl tertiary-butyl ether ("MTBE")?

Hon E.J. CHARLTON replied:

Methyl tertiary-butyl ether (MTBE) is an octane booster that is often found in imported fuels.

Methyl tertiary-butyl ether is not added by the BP refinery to the fuel manufactured in Western Australia.

TRAFFIC OFFENCES

Failure to stop at a T Junction

1479. Hon BOB THOMAS to the Minister for Transport:

With regard to your article in the Albany Advertiser on December 18, 1997 headed "Traffic Fines to double in 1998" I ask -

- (1) What is the offence of "failure to stop at a T-junction" for which the penalty has risen from \$75 to \$150?
- (2) What is the regulation which covers this offence?
- (3) When was this offence introduced?
- (4) If it does not exist, does the Minister have plans to introduce such an offence?

Hon E.J. CHARLTON replied:

- (1) The media statement issued on 9 December 1997 by my office contained an inaccuracy which was repeated in the Albany Advertiser article. No offence exists for failing to stop at an uncontrolled T junction and the content of the media statement should have referred to Road Traffic (Infringements) Regulation 609. Regulation 609 lists the nature of an offence as "Failing to give way at an intersection when approaching from a terminating road". The penalty for this offence was revised from 1 January 1998 and now invokes a \$150 fine and loss of three demerit points. Any confusion resulting from the incorrect information contained in the media statement is regretted.
- (2) Regulation 609 as described above.
- (3) Regulation 609 was introduced in the original Road Traffic Code of 1975.
- (4) Not applicable.

KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD BLASTING

1531. Hon GIZ WATSON to the Minister for Finance representing the Minister for the Environment:

In reference to a letter dated June 24, 1996, titled KCGM Blasting Concerns and Tailings Spillage, reference 187/88, signed for Andrew Baker by J Miragliotta addressing complainants -

- (1) Did the officers from the department obtain blast vibration data from a number of sources so that the exact magnitude of the vibration could be assessed?
- (2) If not, why not?
- (3) Can the Minister for the Environment state what specific blast vibration data was obtained and the source or sources of the blast vibration data?
- (4) If not, why not?
- (5) Will the Minister table all the blast vibration data that was obtained by the officers of the department?
- (6) If not, why not?
- (7) Can the Minister state what action if any was taken against KCGM with respect to the complaint that was made with respect to the blast on June 5, 1996?
- (8) If not, why not?
- (9) Does KCGM monitor ground vibration for each and every underground blast at the Mount Charlotte Mine?
- (10) Does KCGM supply ground vibration data for each and every underground blast to the Department of Environmental Protection ("DEP")?
- (11) If not, why not?
- (12) Will the Minister or the department immediately request all ground vibration data for each and every underground blast to be supplied to the DEP?
- (13) If not, why not?

Hon MAX EVANS replied:

- (1) No.
- (2) Blast vibration data was obtainable from only one source, namely, blast monitoring results as provided by Kalgoorlie Consolidated Gold Mines (KCGM).
- (3) Yes. The specific blast vibration data obtained were the peak particle velocities recorded at six monitoring locations and were obtained from KCGM.
- (4) Not applicable.
- (5) Yes. See tabled document.
- (6) Not applicable.
- (7) Yes. The blast with respect to which the complaint was lodged actually took place on June 1, 1996 (not June 5, 1996). No action was taken against KCGM with respect to it because KCGM had followed the appropriate notification process.
- (8) Not applicable.
- (9) No, however the company does monitor blasts involving large amounts of explosives (see (11) below).
- (10) No.
- (11) KCGM only monitor ground vibration for those significant underground blasts which have the potential to cause seismic events. Data so obtained is supplied to the Department of Environmental Protection (DEP) on request, as happened in this case.
- (12) No.
- (13) Underground blasts occur up to four times a day, but only two or three a year are of the type and size which occurred on June 1, 1996. As the data for such blasts is available on request there is no need for all ground vibration data for each and every underground blast to be supplied to the DEP.

BEDFORD CLEANING SERVICES' CONTRACT

1542. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 2523 asked in the Legislative Assembly in relation to the Transport

Department's contract with the firm Bedford Cleaning Services for the provision of washing and steam cleaning of MetroBus operated buses, can the Minister advise -

- (1) What was the value of the contract?
- (2) Was a business case conducted?
- (3) Did it include a comprehensive cost benefit analysis?
- (4) If so, what did it show?
- (5) If not, why not?
- (6) What were the identified inherent risks?
- (7) What other options were considered?
- (8) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (9) If yes, did it include a check of the contractors financial background?
- (10) Who carried out the financial background check?
- (11) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (12) Who are the directors of the company?
- (13) Are any of the company directors Ministers or senior public servants?

Hon E.J. CHARLTON replied:

(1)	Redcliffe Depot	\$152 956.00
	Palmyra Depot	\$243 423.00
	Kalamunda Depot	\$ 54 515.00
	Total:	\$450 894.00

The contracts were awarded on 1 July 1997 for a 12 month period to 30 June 1998. The contract for the Kalamunda Depot was terminated in January 1998 when the Department of Transport contracted out the Kalamunda bus services to a private contractor.

- (2)-(3) Yes.
- (4) That the system of using "mixed function personnel" (bus drivers at their hourly rate) to conduct the cleaning was costing MetroBus \$1 205 500 per annum. The total cost for tendering out the system (including the contract with N&M Cleaners) would cost \$654 994.00. MetroBus would generate savings of \$550 506.00 per annum.
- (5) Not applicable.
- (6) The inherent risks identified were maintenance of quality and current standards.
- (7) Two options in addition to the contracting out of the service were considered:
 - (a) Maintaining the existing "mixed function personnel" system.
 - (b) Employing dedicated staff to provide the cleaning function. This option would have been cheaper than the "mixed function personnel" system, but meant that MetroBus would be responsible for additional staff with all the Human Resources issues and costs of absenteeism, sick leave, payrolls, workers compensation, administration, etc.
- (8) Yes. Following State Supply Commission guidelines all companies were checked for quality assurance, references given were checked and memberships to professional bodies were considered.
- (9) The company had previously performed cleaning contracts for MetroBus without incident. In addition payments for the cleaning services are only made after satisfactory completion of the task.
- (10) Not applicable.
- (11) 1983 - Sole Trading Company.
- (12) Nigel Bedford - Managing Director.
- (13) No.

EVANS AND PECK MANAGEMENT'S CONTRACT

1546. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Transport Department's contract with the firm Evans and Peck Management worth approximately \$176 420 for the provision of support services for design and construct process for contract 404/95, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon E.J. CHARLTON replied:

The Member is referring to Contract 732/96, which was let by the Commissioner of Main Roads, not the Department of Transport.

- (1)-(5) This contract involves the provision of contract management support services related to the construction of the Graham Farmer Freeway. A separate business case and comprehensive cost benefit analysis was not considered necessary.
- (6)-(9) Evans and Peck Management were assessed from a selective tendering process as offering the best value for money.
- (10)-(12) This information is not known nor was it considered by Main Roads necessary at the time to inquire.

LANDSCAPE DEVELOPMENT'S CONTRACT

1547. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Transport Department's contract with the firm Landscape Development worth approximately \$349 743 for the provision of landscape works for Great Eastern Highway/Orrong Road, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?

(12) Are any of the company directors Ministers or senior public servants?

Hon E.J. CHARLTON replied:

(1)-(6) This contract involves the provision of landscaping works as identified in the scope of works for Contract 344/95. A separate business case and comprehensive cost benefit analysis was not considered necessary.

(7)-(9) The contract was advertised, with Landscape Development offering the best value for money and being assessed as the most suitable to undertake the work.

(10)-(12) This information is not known nor was it considered by Main Roads necessary at the time to enquire.

P B & K A BRAJKOVICH PTY LTD'S CONTRACT

1548. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Transport Department's contract with the firm PB & KA Brajkovich worth approximately \$62 000 for the provision of demolition blocks H & I, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?
- (7) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (8) If yes, did it include a check of the contractors financial background?
- (9) Who carried out the financial background check?
- (10) If the contractor is a company, when was the company formed and what is its share capitalisation?
- (11) Who are the directors of the company?
- (12) Are any of the company directors Ministers or senior public servants?

Hon E.J. CHARLTON replied:

(1)-(5) This contract involved the demolition of buildings within Blocks H & I to enable the construction of the Graham Farmer Freeway. A separate business case and comprehensive cost benefit analysis was not considered necessary.

(6)-(9) Quotes were sought from an established list of demolition experts, with PB & KA Brajkovich offering the best value for money and being the most suitable to undertake the work.

(10)-(12) This information is not known nor was it considered by Main Roads necessary at the time to inquire.

WOODWARD CLYDE PTY LTD'S CONTRACT

1555. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 1808 asked in the Legislative Assembly in relation to the Transport Department's contract with the firm Woodward Clyde Pty Ltd worth approximately \$47 250 for the provision of geotechnics consultants services, can the Minister advise -

- (1) Was a business case conducted?
- (2) Did it include a comprehensive cost benefit analysis?
- (3) If so, what did it show?
- (4) If not, why not?
- (5) What were the identified inherent risks?
- (6) What other options were considered?

Hon E.J. CHARLTON replied:

The Member is referring to Contract 275/96, which was let by the Commissioner of Main Roads, not the Department of Transport.

- (1)-(5) A separate business case and comprehensive cost benefit analysis was not considered necessary.
- (6) This contract for the provision of geotechnical services related to the design and construction of the Graham Farmer Freeway and was advertised in the newspaper with Woodward Clyde Pty Ltd assessed as offering the best value for money.

MANDURAH MARINA PROJECT

1587. Hon J.A. COWDELL to the Leader of the House representing the Minister for Regional Development:

- (1) When will the Government release its response to the Mandurah Marina project report of April 1997?
- (2) What Governmental contribution is sought for infrastructure costs?
- (3) What private investment is expected to be attracted to this project?
- (4) What commitment will the Government make to the infrastructure costs of the marina project?
- (5) What impact will a delay in infrastructure development have on the private sector component of the project?

Hon N.F. MOORE replied:

- (1)-(5) The project has been considered by Cabinet. Treasury requested an examination of opportunities for earlier involvement by the private sector and this has been completed. Timing for the project is not expected to change and \$2m has been included in the 1997-98 and 1998-99 budgets with \$6.2m in subsequent years to 2002 to implement the project.

N & M CLEANING CONTRACT

1636. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 2535 asked in the Legislative Assembly in relation to the Transport Department's contract with the firm N & M Cleaning for the provision of washing and steam cleaning of Metrobus operated buses, can the Minister advise -

- (1) Was a due diligence check carried out on the contractor before the above contract was awarded?
- (2) If yes, did it include a check of the contractors financial background?
- (3) Who carried out the financial background check?
- (4) If the contractor is a company, when was the company formed and what is its share capitalization?
- (5) Who are the directors of the company?
- (6) Are any of the company directors Ministers or senior public servants?

Hon E.J. CHARLTON replied:

- (1) Yes. Following State Supply Commission guidelines all companies were checked for Quality Assurance, references given were checked and memberships to professional bodies were considered.
- (2) The company had been performing cleaning services for the Private Operators, ie Swan Transit.
- (3) Not applicable.
- (4) 1997 - Spunn Pty Ltd (Business Registration) trading under N & M Cleaning.
- (5) Norman Blunn, Carol Ann Blunn and Michael Anthony Sparks.
- (6) No.

BUNBURY REGIONAL HOSPITAL WAITING LIST

1643. Hon BOB THOMAS to the Minister for Finance representing the Minister for Health:

- (1) What is the estimated size of the waiting list for each of the procedures for which waiting lists are kept for the Bunbury Regional Hospital?

- (2) What was the size of each of those lists for -
- (a) March 1997; and
 - (b) March 1996?
- (3) What is the estimated waiting time on each of those lists for the Bunbury Regional Hospital?
- (4) What was the waiting time on each of those lists for -
- (a) March 1997; and
 - (b) March 1996?

Hon MAX EVANS replied:

We are unable to answer these questions as the Doctors run private practices and hold their own waiting list.

QUESTIONS WITHOUT NOTICE

ROTTNEST ISLAND HOLIDAY COSTS

1546. Hon TOM STEPHENS to the Minister for Tourism:

- (1) Is the Minister aware that in today's edition *The Australian Financial Review* reports that more and more Western Australians are heading overseas to take advantage of cheap Asian holiday deals, such as eight days in Penang for \$699?
- (2) Given that a week's accommodation on Rottnest Island costs about \$700, and will cost more from 1 July, would it be more sensible to keep holiday costs on Rottnest Island as low as possible to encourage Western Australians to holiday in their own State, rather than overseas?
- (3) Have the Minister's planned increases in holiday costs on Rottnest Island simply given Western Australians another incentive to spend their hard earned holiday dollars overseas instead of at home?

Hon N.F. MOORE replied:

- (1)-(3) I have not seen today's edition of *The Australian Financial Review*. In fact, I have not seen too many newspapers today at all, for a variety of reasons. It is a fact that a large number of Australians, not just Western Australians, are taking advantage of cheap holidays in Asia. Until recently they were taking advantage of cheap holidays in Bali because of the respective currencies of Indonesia and Australia. This question relates to Penang. Obviously the currency variations between Australia and Malaysia would make the costs of a holiday in Penang attractive. The Leader of the Opposition gave the example of an eight day holiday in Penang at a cost of \$700. I presume that is the cost for one person to fly to Penang, to be accommodated for a week, and then to fly home again. The cost for an average family of two adults and two children can be calculated by multiplying the figure of \$700 by two and adding it to the fare for two children, although I do not know the exact cost for them. I suspect with these fares it would be about \$500; in fact, a child must be very young to have access to those fares. We are looking at the cost of a holiday for this family of two adults and two children totalling \$2 400.

The cost of \$700 for a holiday on Rottnest Island is based on accommodation in a villa which will sleep six people. There is a trend at Rottnest Island, which the Rottnest Island Authority allows, for more people to use a cottage than the number of beds available. A six bed cottage is normally set up so that 10 people can use it. Given the comparative costs of a holiday in Bali or Penang and one at Rottnest - I stress \$700 will get accommodation that will sleep 10 people for a week, and then there is the cost of the ferry it is a far cheaper to go to Rottnest Island for a holiday than to Penang. I have not been to Penang; however, I can think of no better place than Rottnest Island for a holiday for the sort of price people are being asked to pay.

This is a fascinating subject and I need more time to provide an answer. The Opposition keeps raising this issue, so I feel a need to respond to it. Those opposite are making some assertions that are grossly inaccurate. We cannot compare a holiday in Bali or Penang with a holiday at Rottnest Island; they are two different things. As I said, the cost of \$700 for a holiday in Rottnest is for accommodation in a villa which can sleep up to 10 people, but more easily would sleep six.

The planned increase is not an incentive to send people overseas. However, I acknowledge that overseas holidays are cheaper by virtue of the currency fluctuations, rather than anything else.

Hon E.J. Charlton: If we let the Labor Party into government, the currency will be even lower.

The PRESIDENT: Order! Perhaps the Leader of the House should just continue with the answer.

Hon N.F. MOORE: I am quite happy to acknowledge that there are cheap holidays in Asia. As a matter of interest, the number of tourists coming from London to Australia, because of the variations in the currencies, has increased by 19 per cent in the 12 months to the end of February this year. I have not seen the figures to the end of March.

Hon J.A. Cowdell: That must be because of the Agent General's role!

Hon N.F. MOORE: There is give and take in respect of currency fluctuations and tourism. What we win on the swings, we lose on the roundabouts. I just wish the members of the Labor Party would stop whingeing about Rottnest Island and accept the fact that they made a mess of it when they were in office, and that it is being fixed up by this Government; by having people pay a little more. It is still a very good value holiday, based on the vastly improved quality of accommodation. As I say, those opposite should simply acknowledge that they made a mess of it and that it has been fixed up.

ROTTNEST ISLAND HOLIDAY COSTS

1547. Hon TOM STEPHENS to the Minister for Tourism:

Does the Minister know the charge for an adult and a child using the ferry to go to Rottnest Island?

Hon N.F. MOORE replied:

The price on the ferry is about \$35, if my memory serves me correctly. I have not been across on the ferry since just before last Christmas. I paid for myself. I think the fare for a child is half price, although I am not sure for what age group that is applicable. As I explained to the House yesterday, the fares on the ferries have not been increased by the Government. Those are private sector operators. We increased the landing fee. It has gone up \$2 for an adult, but it will go up progressively to \$4.50 and then to \$9.50 over three years. For children, it will remain at 50¢.

Hon Tom Stephens: You know you are not showing the relative costs between the other places that you mentioned yesterday. You talk about total access costs to those places, compared with the total access costs to Rottnest Island. You should compare like with like.

Hon N.F. MOORE: I take it that that is a supplementary question, so I would like to respond to it.

The PRESIDENT: Order! It is not a supplementary question and I ask the Leader of the House to continue answering the question he was responding to.

Hon N.D. Griffiths interjected.

The PRESIDENT: Order! I know it is Thursday and that all members worked late last night. However, I have in front of me a list of eight members who wish to ask questions. If the Leader of the House has finished his answer, I will give the call to the next member who wishes to ask a question.

Hon N.F. MOORE: I have not finished answering yet, Mr President, and I crave your indulgence. The cost of going to Rottnest Island on the ferry, which is the subject of the question which has been asked of me, is about \$35, but it may be cheaper, depending on the ferry that is used. We have not had any effect on that price. The service is run by the public sector. The Government has increased the landing fee, which we think is still fair and reasonable, given what is available at Rottnest Island and what people should be prepared to pay to use those facilities.

MILPARA RESIDENTIAL PSYCHIATRIC REHABILITATION SERVICE

1548. Hon NORM KELLY to the Minister representing the Minister for Health:

- (1) What is the occupancy rate for the Milpara Residential Psychiatric Rehabilitation Service?
- (2) What is the maximum length of stay at this service?
- (3) How many places will be provided at the new site for people with severe, persistent psychiatric illness who may need longer term supported accommodation?
- (4) What other accommodation centres are provided in the community in the regions covered by the Milpara service, for people with severe, persistent psychiatric illness who may need longer term supported accommodation?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The average occupancy rate for the six months from July to December 1997 was 88 per cent.
- (2) The maximum length of stay for the residential rehabilitation component of the Milpara service is six months. There is scope for this guideline to be applied flexibly depending on individual client needs.
- (3) Milpara has not previously provided long term accommodation for people with severe and persistent psychiatric disabilities. Development of long term accommodation services for people with severe and persistent psychiatric disabilities is being considered separately.
- (4) The following long term accommodation options are provided in the region for people with severe and persistent psychiatric disabilities -

Richmond Fellowship has 16 beds.

John Wilson Lodge has 25 beds.

Independent Living Programs which provide Homeswest housing linked with support are also available.

KWINANA FREEWAY IMPROVEMENTS

1549. Hon N.D. GRIFFITHS to the Minister for Transport:

I refer to the Government's Transform WA publication "Bringing the Pieces Together" in which it is stated that in relation to Kwinana Freeway improvements and the widening of the Narrows Bridge research indicates that every dollar invested will return \$34 to the community.

- (1) Can the Minister explain what benefit Western Australians who do not use the Kwinana Freeway will directly receive?
- (2) Will the Minister table the research, report or other documents that came up with this figure?
- (3) If not, why not?

Hon E.J. CHARLTON replied:

- (1)-(3) As with every road in Western Australia, whether it be a road that is currently in place, a new road or an upgraded road, a calculation has been put together by AUSTROADS, which is the one that Main Roads has used. It is an independent assessment of the criteria that take into account a number of things, such as vehicle movements, travel times and environmental effects. Out of that evaluation Main Roads arrives at a figure for no reason other than to demonstrate to the community that there is a benefit to the community as a consequence. In the case of the Kwinana Freeway and the widening of the Narrows Bridge, it showed a benefit of 34:1. That road showed the greatest benefit of all the works that are currently being undertaken. As to the question of people who do not use it, they do not use it. That situation currently exists. If people do not drive on the Great Eastern Highway, along which some of us have to drive on a regular basis, they do not have to experience the total inadequacy of that road, which happens to be a national highway. Once one gets 30 kilometres out of Perth one finds that the road becomes a single carriageway. If one travels south one can travel 100 km and be on a dual carriageway. That is an example of the variation. I have received correspondence which asks why we are putting someone's licence fee up when he happens to live in the eastern suburbs and will not go near the Narrows Bridge or the Kwinana Freeway. That may be quite right, but who paid for all of the roads in all of Western Australia? The people of Western Australia paid for them for generations from two sources - licence fees and fuel levies. The increase in the licence fee is a component of a number of changes that have been made to licence fees and fuel levies over the years, most of the money from which has gone back into roads, except when the Labor Party was in Government when it siphoned some of it off.

IRON ORE LOADING FACILITY AT KWINANA

1550. Hon J.A. SCOTT to the Minister for Transport:

- (1) Is the Minister considering a proposal to build an iron ore loading facility at Kwinana?
- (2) Will this loading facility be handling ore from Koolyanobbing?

- (3) What new infrastructure will be required and who will be paying for it?
- (4) Why is this ore not being exported from Esperance?
- (5) What measures will be taken to reduce dust and noise pollution?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question yesterday.

- (1)-(5) No decision has been taken in regard to changing Koolyanobbing's port operations.

FREMANTLE PORT AUTHORITY AND POLICE SERVICE MEETING

1551. Hon JOHN HALDEN to the Attorney General representing the Minister for Police:

I refer to the meeting between the Fremantle Port Authority and the Western Australia Police Service on 2 April 1998, as detailed in the answer given by the Minister for Transport to question without notice 1536.

- (1) Were any minutes taken of this meeting?
- (2) If so, will the Minister table them?
- (3) If not, why not?

Hon PETER FOSS replied:

- (1) No.
- (2)-(3) Not applicable.

ELECTED MEMBER DEVELOPMENT PROGRAM

1552. Hon RAY HALLIGAN to the Minister representing the Minister for Local Government:

The Government recently launched the elected member development program for the training of local government councillors. How is the program to be run and is to be made compulsory?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The elected member development program is an initiative of the Local Government Professional Development Committee, which is chaired by the Executive Director of the Department of Local Government. Thirteen training modules have been developed in conjunction with municipal training. They are designed to address key areas of identified need in the development of elected people in local government and will be delivered around the State. The program is run by municipal training and is designed to enhance leadership qualities, improve strategic thinking skills and raise awareness of community consultation practices. Councils that support participation in this professional development program are enhancing the quality of decision making and contributing to the development of a mature local government culture.

Newly elected members are often unaware of what is expected of them as councillors. The program's 13 modules cover most of the issues councillors are likely to come across, such as strategic planning, legal responsibilities of elected members, the relationship between elected members and staff, ethics, community consultation and participation, policy development. I do not favour making such training compulsory at this point, but I will monitor the extent of councillor participation as the program develops. However, early indicators are very positive and suggest that the program is meeting the needs of councillors by providing participants with the broad spectrum of knowledge they need to meet the challenges of an increasingly more complex sphere of government.

FITZROY RIVER INTEGRATED IRRIGATION PROJECT

1553. Hon GIZ WATSON to the Leader of the House representing the Premier:

In respect of the feasibility study into the development of an integrated irrigation project in the Fitzroy River and the associated memorandum of understanding, I ask: Notwithstanding the consideration and evaluation that the Government will apply on an ongoing basis to Western Agricultural Industries' feasibility studies, has the Government given any commitment or undertaking to Western Agricultural Industries that the development of a large scale, integrated, irrigated agriculture industry submitted by Western Agricultural Industries at the end of the feasibility study, will be -

- (a) accepted;
- (b) considered;
- (c) evaluated; or
- (d) rejected?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The Government's position with Western Agricultural Industries on the West Kimberley project is formalised in the memorandum of understanding. The Minister for Primary Industry has indicated that he would be happy to provide an extensive briefing on the West Kimberley project, should the member wish to contact that office.

BUS PURCHASE

1554. Hon KEN TRAVERS to the Minister for Transport:

I refer to the fact that the Director of Transperth, Brett Inchley, admitted on Monday that officials did not know whether diesel or natural gas was better for buses. How can the Government justify the ignorance of the Department of Transport on this issue, given that it has had five years to research this matter?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The following statement was reported in *The West Australian* on 20 May 1998 -

Transperth director Brett Inchley admitted on Monday that officials did not know whether diesel or natural gas was better.

Mr Inchley has advised me that this comment was not reported in the context of the discussion that occurred with a reporter. That is a surprise! The subject of the discussion was information provided to Transperth which compared the emissions produced by the Mercedes-Benz gas and diesel engines. It was clear from this information that the engines operating on gas produced greater quantities of hydrocarbons and carbon monoxide than the diesel engines. These emissions are generally thought to contribute to greenhouse effects; on the other hand, it is also clear that diesel engines produce greater quantities of nitro oxides and particulate.

It was at this point that Mr Inchley commented that it was not clear which of the two fuels was preferable from an environmental point of view. That comment was clearly limited to the information which was the subject of the discussion at the time, and the comment was then unfairly taken out of context.

I want to put on the record some statements again perpetrated by, I think, only one member of the Labor Party; namely, the person who is referred to as the shadow Minister or spokesman on transport for the Labor Party. I say that by way of introduction.

Hon Tom Stephens: But she is a great member of whom we are fiercely proud.

Hon E.J. CHARLTON: This is very important. Last week Hon Julian Grill publicly distanced himself from Hon Alannah MacTiernan, who said there was no place for the Government to contribute road users' funds for roads in the member's electorate.

Hon Tom Stephens: She did not say that.

Hon E.J. CHARLTON: Yes, she did. She said the money should be paid out of consolidated revenue, not come from road users, because there was no return on it. Regardless of whether she said it, the facts are that Hon Julian Grill disagreed with her. When it comes to gas buses, a couple of weeks ago Hon Alannah MacTiernan made the comment that is the basis of this question; she said that the Government should be buying gas buses based on the Transcom technology. She has repeated that over and over again. Transcom has a contract with this Government to convert existing motors with totally reconditioned motors, converting them to its technology. It has a contract to produce 100; it is six to 12 months behind schedule, and I think either two or three of them are actually on the road. Yet this irresponsible member of the Labor Party says that the Government should buy that technology. Now I think she has come to the conclusion that she is on the wrong track and has made a terrible blunder. Now she is peddling Renault buses. She has a letter from Renault saying that it could supply gas buses so why does the Government not buy Renault. The previous Government bought Renault buses and nobody in the Transperth operation wanted to drive them. Why? Because they are inferior. The previous Government bought them because they were the cheapest, not because they were good. They are no good to drive and passengers do not like them, but that does not matter, the last Government thought it got the best deal.

For the benefit of the member, because I take the member as a genuine member, who is asking a genuine question, unfortunately it is based on misinformation that has been spread by his colleague. The Government has 46 gas buses that were purchased by the previous Government that are absolutely and totally inferior to the old diesel buses that we have on the fleet.

Hon Ljiljanna Ravlich: Just table the information; cut it short.

Hon E.J. CHARLTON: We will not go down the path of committing the taxpayers of this State to buying a vehicle about which Mr Brett Inchley quite properly said there is no evidence in the world to guarantee that gas buses are available new on the market today and able to perform with reliability. The reason is that only 1 per cent of buses purchased in the world today run on gas.

Hon Ljiljanna Ravlich: Never mind the detail, give us the documents.

The PRESIDENT: Order! Minister, I must ask you to draw your answer to a conclusion.

Hon E.J. CHARLTON: Yes, I will.

Several members interjected.

The PRESIDENT: Order! There are other members, not the ones who are interjecting, who want to ask questions.

Hon E.J. CHARLTON: Operators throughout the world, with higher environmental standards than those found in Europe, are operating with only 1 per cent of gas buses. Why? Because gas buses are yet to demonstrate that they will do the job.

FAMILY COURT ACT 1997 PROCLAMATION

1555. Hon HELEN HODGSON to the Attorney General:

- (1) Has the Family Court Act 1997, which received assent in December 1997, been proclaimed?
- (2) If not, why not?
- (3) If not, when will it be proclaimed?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Subsidiary legislation is currently being drafted.
- (3) Upon completion of the subsidiary legislation.

OFFICE OF YOUTH AND THE *LEEWIN*

1556. Hon MURIEL PATTERSON to the Minister representing the Minister for Youth:

- (1) Can the Minister outline the link that has developed between the Office of Youth and the sail training ship *Leeuwin*?
- (2) Does this link extend to the funding of training berths on the ship, and if so, will any of the positions be made available to individuals based out of regional ports like Albany?

Hon MAX EVANS replied:

I thank the member for some notice of this question. I am advised that -

- (1) The Office of Youth Affairs has assisted the Leeuwin Ocean Adventure Foundation to generate support and use of the *Leeuwin*. The LOAF recently applied successfully for funding through the Youth Grants WA program to assist the operation of the program. The *Leeuwin* will also be used by the Cadets WA program for leadership training.
- (2) Yes. The Leeuwin Ocean Adventure Foundation has been funded to provide leadership and development training to young people. This will involve participants on three discrete programs of about five and 10 day duration. The aims are to recognise and reward consistent performance and effort; motivate participants to excel beyond preconceived limits; develop self-esteem, self confidence and communication skills; and instil a sense of community service, awareness and responsibility.

Young people from metropolitan and regional Western Australia have been selected to be involved in the program. Young people from the south west have been involved in the training program today. The *Leeuwin* will be visiting Albany and Esperance ports in January and February 1999. It is hoped that this will engender interest in future voyages from this area.

Older people may also use it and members will find out from Hon Peter Foss that he has achieved all these aims.

NURSES DISPUTE

1557. Hon CHERYL DAVENPORT to the Minister representing the Minister for Health:

- (1) Was a meeting held on Tuesday, 19 May 1998 between health personnel managers to discuss the nurses dispute and the Australian Nurses Federation?
- (2) If so, who attended?
- (3) Was the meeting recorded on video?
- (4) If so, by whom was it videoed and what was the purpose of doing so?
- (5) Is it normal practice to video these types of meetings, or meetings generally?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Country managers attended.
- (3) Yes.
- (4) It was videoed by Demic Video Productions and the purpose of videoing was to have it available for those country managers who had expressed an interest in attending but were unable to do so.
- (5) No, it is not normal practice to video such meetings except in the circumstances described above.

ABORIGINAL HERITAGE ACT

1558. Hon CHRISTINE SHARP to the Minister representing the Minister for Aboriginal Affairs:

- (1) Has the Government considered upgrading resources and developing guidelines to improve the efficiency and effectiveness of the administration of the Western Australian Aboriginal Heritage Act 1972?
- (2) Is the Government preparing to amend the Aboriginal Heritage Act 1972 in 1998-99; and if so -
 - (a) what changes are being considered;
 - (b) why are the changes being considered without consultation?
- (3) If yes, how will the changes affect -
 - (a) the protection of Aboriginal cultural objects such as paintings, engravings, stone arrangements, skeletal material, stone artifacts, scarred trees and quarry sites;
 - (b) the protection of Aboriginal cultural sites;
 - (c) the conduct of Aboriginal site surveys; and
 - (d) the involvement of Aboriginal elders and custodians in the site identification process?
- (4) Does the Government propose to seek public comment on the amendments?
- (5) What will be the period of public review for the proposed amendments?
- (6) What is the role of the Minister for Aboriginal Affairs or his office in these proposed amendments?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Yes.

- (2) Yes. The State has been engaged in submissions and discussions with the Commonwealth on changes to the Commonwealth's Aboriginal and Torres Strait Islander Heritage Protection Act 1984. The state legislation may need to be amended to conform with the commonwealth Bill.
- (3) The new legislation will provide protection for important and significant cultural and archaeological sites, with greater involvement of traditional custodians. In conformity with the commonwealth Bill, there will be an opportunity for early consideration of Aboriginal heritage issues in regard to land use activities.
- (4) Yes.
- (5) Unknown at this stage.
- (6) The Aboriginal Affairs Department has been involved in the discussions with the Commonwealth and with the amendments.

ROTTNEST ISLAND TEA ROOM TENDERS

1559. Hon TOM STEPHENS to the Minister for Tourism:

- (1) Is the Minister aware that when the Rottnest Island Authority called for tenders to operate the tea room facilities, potential bidders were shown an area that was described as the area from which the proposed tea rooms would operate?
- (2) Is the Minister also aware that after the tenders had closed, the location of the tea rooms was changed to a more favourable location near the beachfront?
- (3) Can the Minister explain why the location of the tea rooms was changed after the tenders had closed, and why the tenders were not readvertised?

Hon N.F. MOORE replied:

- (1)-(3) I am aware that tenders have been called to operate the tea rooms. Obviously I do not involve myself in the details of the tender. The Rottnest Island Authority is a statutory authority and has the capacity to call for tenders and allocate those tenders through the proper processes. I will check to see whether what the member's question says is correct. I am aware that the site has been changed. The original site was the site of the former tea rooms, which were demolished for health reasons because they were in such bad condition that they could not be resurrected. Another site has been chosen between the Dome coffee shop and the hotel. That site is closer to the beach and is considered to be a better location for casual dining than is the site of the original tea rooms. Tenders have been called for the operation of that facility. I am not aware that tenders were called for one site and that another site was chosen without calling for tenders, but I will find out and let the member know.

COLLIE DISTRICT HOSPITAL

1560. Hon J.A. COWDELL to the Minister representing the Minister for Health:

Is it the Government's intention to downsize Collie District Hospital?

Hon MAX EVANS replied:

I thank the member for some notice of this question, and I am disappointed it is such a short question after yesterday. No, it is not the Government's intention to downsize Collie District Hospital.

GREENWOOD PRIMARY SCHOOL SITE SALE

1561. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

- (1) Will the Minister confirm that when addressing the Save our Schools rally on the steps of Parliament House on the afternoon of 30 April 1998, he said that when each school site was sold, two-thirds of the money raised would be reinvested in the local area of that school?
- (2) By what date is it anticipated this commitment will be fulfilled in respect of the \$2.3m raised by the sale of the Greenwood Primary School site?

Hon N.F. MOORE replied:

I thank the member for some notice of this question and indicate that I am responding on behalf of the Minister for Education, so when the member asks did I do things, obviously it was not me.

- (1) The local area education planning framework states that up to two-thirds of the net amount made from the sale of a school site can be used to fund improvements to schools in the local area. The Minister has stated in the other House that he will consider allocating above the two-thirds ratio in the areas of Cannington-Maddington and Kewdale-Belmont currently undergoing local area education planning. This is based on equity issues and the fact that the likely focus on vocational programs in schools in this area will be more expensive to provide for. In most cases planning will be finalised prior to any disposal of land, and in these cases, a Valuer General's Office valuation will be used to predict the sale price.
 - (2) Planning for other primary schools in this local area has not yet begun. However, it is anticipated all plans will be finalised by the end of 1999. When the plans for this local area are drafted, the Education Department will consider any proposed reinvestment. Following a consultation process, final plans, including a reinvestment statement, will be submitted to the Minister for Education for approval.
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