



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Wednesday, 12 November 1997

Legislative Council

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

PETITION - ALBANY HOSPICE

Hon Murray Montgomery presented the following petition bearing the signatures of 102 persons -

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

We the undersigned being concerned citizens of Albany, Western Australia, do respectfully request that additional ongoing Government funding be made available to the Albany Hospice to guarantee the continuation of a vital community service for the Lower Great Southern.

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

[See paper No 1013.]

STANDING ORDERS COMMITTEE - RESPONSES FROM PERSONS ADVERSELY REFERRED TO IN THE HOUSE

Consideration - Motion

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.05 pm]: I move -

That the Legislative Assembly Standing Orders and Procedure Committee's recommendation in regard to responses from persons adversely referred to in the House be referred to the Standing Orders Committee for consideration and report to the House on the desirability of a similar standing order being adopted by the Legislative Council.

Members will be aware that the Legislative Assembly is in the process of deciding whether to put in place a standing order that would allow persons adversely referred to in that House some right of reply. That decision was made by that House, as it is entitled to do, and it is appropriate that this House also give some consideration to the issue. However, I am not necessarily wedded to the course of action determined by the Legislative Assembly. I have not had the chance to study its proposed standing order in any great detail.

This issue is one of great significance. I understand that the Senate is the only other House operating under the Westminster system which provides for this. I am also aware that many other Houses have considered this matter and decided not to proceed with any process that would allow people to have their point of view recorded in *Hansard* or in some way recorded under privilege in the parliamentary situation.

Hon John Halden: When did the Senate adopt the practice?

Hon N.F. MOORE: I do not know. I think it was relatively recent. I am not sure how it works.

The most appropriate way for this House to deal with this matter is to refer it to the Standing Orders Committee and have it deliberate upon the matter and report back to the House on any suggestions it might have on this issue.

I notice the Leader of the Opposition has given notice of a motion, No 14 on the Notice Paper, which provides a set of standing orders to deal with this issue. It is my very strong view that it is more appropriate for the Standing Orders Committee to consider a range of options than for the House to consider just one set of options. I refer to the option prepared by Hon Tom Stephens and I suspect his proposed standing orders are similar to the Legislative Assembly's standing orders.

Hon Tom Stephens: They are almost identical.

Hon N.F. MOORE: The Leader of the Opposition has requested that the House deal with this issue today. I understand the reason for his request and that is the reason I moved the motion to deal with motion No 13 ahead of motion No 1.

I advise the Leader of the Opposition that in the event that motion No 13 should be defeated, it would not be my intention to seek to debate motion No 14. As I said, it is more important for the Standing Orders Committee to contemplate any number of propositions that may be put to it than for the House to consider one proposition. I indicate to the Leader of the Opposition that I would be interested in the House debating motion No 13. I hope it passes it, because it will give the House an option to look at a range of potentialities. If the House defeats this motion it is not my intention, unless the House decides otherwise, to deal with motion No 14.

It is an issue that is worth considering. The Commission on Government and the Legislative Assembly Standing Orders Committee have considered this issue, and the Senate provides for it. There are many arguments supportive of persons adversely referred to in the House having a right of reply. On the other hand, there is the question of parliamentary privilege and the right of members to say, without fear or favour, what they believe to be the facts of a particular issue. There is also the question of the reporting of Parliament and what the media does with issues raised in the House and the effect it has on privilege and on people adversely referred to. For example, sometimes a matter is referred to in the House in a way different from the way it is referred to in the media, and one wonders whether the House is the place to retrieve the damage done to a person's character or whether it should be done through the media or through other processes available to achieve redress, such as Press Councils and like organisations.

So many issues need to be contemplated that the matter should be referred to the Standing Orders Committee of this House. I suggest in the motion that we send the Legislative Assembly Standing Orders and Procedure Committee's recommendation to the Standing Orders Committee and that it consider that in the context of the desirability of a similar standing order being adopted by the Legislative Council.

HON J.A. COWDELL (South West) [4.11 pm]: I rise not to oppose this motion but to support it, and to support it in a stronger form than the Minister has proposed it. The motion contains two concepts. We can all readily agree to the first concept that the Legislative Assembly Standing Orders and Procedure Committee's recommendation in respect of responses from persons adversely referred to in the House be referred to the Standing Orders Committee for consideration. The concept is clear; indeed it is a worthwhile exercise. I have read the Assembly's report. The persuasive argument in it should be considered by our Standing Orders Committee. There can be no objection to the initiative in that regard.

The second concept in the Government's motion is to report to the House on the desirability of a similar standing order being adopted by the Legislative Council. That is in fact merely reporting on the desirability. We have gone past this stage of fence sitting. We should not be declaring our neutrality on this matter but declaring some positive commitment to the concept involved. The second part of the motion is merely a statement of neutrality. That is, to consider the desirability of doing something - perhaps nothing, perhaps something. We need more than this neutrality. We need to convey in principle support in sending this term of reference to the Standing Orders Committee, because we are past the time for prevarication and procrastination.

We have had the Commission on Government report on this matter, in particular recommendation 64. We have had our own joint standing committee's report on this matter, which considered in detail the COG report. We have the Assembly report itself on this matter. There has been quite a deal of public discussion on the matter. We have gone past the stage of a statement of neutrality on this issue. We need to give some positive indication of support.

Members are aware of the Commission on Government recommendation in this regard, and I refer to a couple of statements contained in the COG report. The COG noted the Senate situation. The only formal alteration the committee recommended was to delete Standing Order No 90 in respect of the Legislative Assembly. That is, no reference shall be made in any petition to any debate in Parliament. With this deletion it would be possible for a person who felt aggrieved to present a petition to the Legislative Assembly outlining his or her complaint.

Hon Derrick Tomlinson: Are you citing the Senate report or the Legislative Assembly report?

Hon J.A. COWDELL: I am citing the Legislative Assembly report in this regard.

The Commission on Government noted that several submissions argued for an independent body or parliamentary committee that would listen to people's complaints and then detail the result of public hearings in this regard. It concluded with an analysis. It stated -

It can be seen from the comments highlighted above that a right of response for individuals adversely affected by comments made in Parliament was a high priority for the public. In our view, the extent of public concern demands that a formal right of reply for aggrieved citizens be introduced. This step will allay much public concern over the misuse of parliamentary privilege.

The commissioners continued -

We note, though, failure by Parliament to take immediate and appropriate action to deal with alleged abuses of privilege will, over time, diminish the stature of Parliament in the public's mind. The public will only respect the value of parliamentary privilege if members of parliament themselves show respect for it.

... Despite the existence of several avenues of redress, these do not provide a formal or consistent means for citizens seeking a right of reply. They also presume a person will be aware of the available parliamentary procedures and be confident enough to use them to their advantage.

... Accordingly, we believe that Parliament should incorporate a formal right of reply procedure into its practices. It is inappropriate for Parliament to continue to react in a piecemeal fashion to each case. For this reason, the Standing Committees on Privilege would be an appropriate mechanism to allow systematic assessment of alleged breaches. It would also help Parliament as a whole to achieve a more publicly acceptable balance between freedom of speech and its responsible use.

The commissioners then outlined their proposal as contained in recommendation 64.

Hon Peter Foss: What are you quoting?

Hon J.A. COWDELL: The first Commission on Government report ending in recommendation 64.

Our joint standing committee, on which the Government had a handsome majority - I see members whose signatures are affixed to the report nodding their approval across the Chamber - stated that the committee supported the right of response but in an altered form. It specifically agreed with parts of the commissioner's recommendation but argued for an alternative format. The committee's recommendation, as reported to this House, was as follows -

Citizens and organisations should have the following remedies available to them to respond to statements made under parliamentary privilege:

- (a) complaints concerning alleged abuse of parliamentary privilege should be directed to the relevant Standing Committee on Privilege; and
- (b) the relevant Standing Committee on Privilege should determine what action should be taken.

It was in an altered form, but still represented solid support for the commissioners' recommendations on this issue. We then have the report of the Standing Orders and Procedure Committee of the Legislative Assembly, which gained publicity recently. We referred this response to our Standing Orders Committee, as should be the case. The conclusion of the committee was as follows -

After considering both the arguments for and against, your Committee concluded that a capacity to have a response incorporated in *Hansard* should be added to the remedies already available to those adversely referred to in the House. The form of the motion presented by Dr Gallop is suitable, subject to minor change to the heading. Your Committee considers that the process for considering a submission by an individual seeking to respond is identical to most jurisdictions. ... Your Committee was satisfied that the process should ensure that no unsuitable material will be incorporated in any response.

That committee highlighted the argument for the need for this initiative as follows -

- (1) Failure by the House to take immediate and appropriate action to deal with alleged abuses of privilege may over time diminish the stature of the House and of Parliament.
- (2) It allows a person named or readily identified in debate to respond where the person may have been adversely affected in reputation or injured in some other manner.
- (3) It provides a clear and relatively uncomplicated method for an aggrieved person to secure a rebuttal.
- (4) It enables a person to seek to have a response incorporated into *Hansard* without formally placing restriction on a member's right to raise points of view.

We have passed the stage of neutrality, given those reports and the prevailing public sentiment, yet the Government has been reticent to give effect to the Commission on Government report. I now quote page 11 of the Government's formal response to the Commission on Government report, of which recommendations 60 to 64 relate directly to the power and privileges of Parliament. The response reads -

The Government considers that it is not appropriate for the Executive to decide these matters and therefore proposes that each House establish procedures to consider these recommendations and implement any necessary reform as soon as the new Parliament commences after the next general election.

This reform was not embraced. As the Leader of the House said today with respect to this motion, the Government is not necessarily wedded to any action. That is apparent from the Government's formal response to the Commission on Government report. This House needs to indicate more clearly that it is wedded to some form of action. The Leader of the House stated that a wide range of options can be contemplated, and that more than a single solution can be found. I do not disagree with him. However, a clear instruction needs to be given to the Standing Orders Committee. It is not necessary, as the Leader of the House said, to prescribe a standing order in the manner of Notice of Motion No 14, which represents one, and only one, avenue viewed favourably by the Assembly committee.

Nevertheless, the Standing Orders Committee needs an indication from this Chamber that action is expected, and that continued neutrality or the option presented by the Minister - a do-nothing option - should be ruled out. In these circumstances, I propose to move an amendment to delete all words after the word "consideration"; that is, to delete the second concept. This amendment will maintain the very clear first concept that the Legislative Assembly Standing Orders and Procedure Committee recommendation regarding responses from persons adversely referred to in the House be referred to the Standing Orders Committee for consideration.

Amendment to Motion

Hon J.A. COWDELL: I move -

To delete all words after "consideration" and substitute -

That the Standing Orders Committee prepare a standing order to embody the principle of right of reply for persons adversely referred to in the House.

It is straightforward. The Opposition parties can accommodate the Government's desire not to move straight into debate on a motion outlining a standing order by sending the matter to the Standing Orders Committee. However, we are saying to the committee - and this is legitimate if the Chamber chooses to follow this path - that it must prepare a standing order. We are not interested in neutrality and backing out of this issue; we are committed to its principle.

Hon Peter Foss: What if other things should be dealt with at the same time?

Hon J.A. COWDELL: We are not saying that the standing order must be as prescribed in Notice of Motion No 14. The amendment will leave it to the Standing Orders Committee to produce a form of standing order to suit the Chamber.

Hon N.F. Moore: It would suit your point of view.

Hon Barry House: It may be that you are narrowing the field.

Hon J.A. COWDELL: It should not be acceptable for the Chamber just to follow and adopt the terms of reference of the committee of the other place.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.29 pm]: I second the motion to amend the motion of the Leader of the House. The Labor Party's preferred position is outlined on the Notice Paper in Notice of Motion No 14. However, we anticipated the view expressed by the Leader of the House that argument can be mounted about not adopting holus bolus the arguments and arrangements put in place for another House. As Hon John Cowdell outlined, other ways may be found to formulate this standing order to better accommodate the functioning of this place through its standing orders than simply adopting the terminology to be used in the Legislative Assembly.

However, I hope that the whole House will agree quickly with the sentiment expressed by Hon John Cowdell.

I commend to the House most importantly this: We know the formula to deal with matters or not deal with matters in this place. Members know they have precisely half an hour in which the House can express a view on this motion. An alternative to that exists; namely, members could filibuster and stop the effective instruction being given to the Standing Orders Committee to get on with the task of making available to the public of Western Australia opportunities for a right of reply, such as that which is now to become the order of the day in the Legislative Assembly. If members filibuster, we can have this matter delayed until tomorrow, and I presume the day after that.

Hon N.F. Moore: You can agree to our motion. You could have agreed to it already. You want your own way all the time.

Hon TOM STEPHENS: We are not pushing for our way: Our way is contained in motion No 14.

Hon N.F. Moore: You want to tell the Standing Orders Committee what it will do.

Hon TOM STEPHENS: The people of Western Australia deserve to have a right of reply by virtue of the motion as it is proposed for amendment by Hon John Cowdell. The Government has committed itself to at least that course in the other place as a result of the invitation given to it by the Labor Party's leader in that place, Dr Gallop.

Hon N.F. Moore: This House is not a rubber stamp of the other place, as you know.

Hon TOM STEPHENS: This House more than any other House has an obligation to respond positively to the same invitation. All members know the reasons this motion as proposed for amendment by Hon John Cowdell should be endorsed to properly put in place a process that will deliver those rights to the people of Western Australia. I invite

the House to get on in double quick time with the task of passing this motion, bringing it to resolution today. If by any chance someone is speaking at five o'clock, questions without notice should be postponed or the debate should be continued after question time. For goodness sake, members should not let the sun go down on another day in the parliamentary life of this Chamber without the citizens of Western Australia having the right -

Hon Peter Foss: If you sit down, we can get on with it.

Hon TOM STEPHENS: I accept the invitation to sit down. The invitation to government members is to put in place today this instruction for the Standing Orders Committee and to get the job done, and not delay it by the processes that could otherwise occur if the motion were carried without the amendment moved by Hon John Cowdell.

HON PETER FOSS (East Metropolitan - Attorney General) [4.32 pm]: I am very concerned about this matter. I have had a view for some time on the proper way to protect the public from being maligned unfairly in Parliament. I ask members to think first about from where the damage comes. Is it the fact that somebody stands in Parliament and says something about a person that maligns him or her? If I were to malign somebody now, two people in the Public Gallery would hear me. It is not that, but what follows as a consequence, that causes the problem; that is, what we say is then reported under privilege. Although newspapers are keen to talk about cowards' castle, the real cowards are those in the Press who take advantage of what is said in the House and publish it under privilege. Not only do they do that, but they have been known to suggest to members that members raise matters under privilege so the media can report them.

Hon Ljiljanna Ravlich: How do you know?

Hon PETER FOSS: I have been approached to say something under privilege so it can be reported. I am pleased to say that I would not respond to that request. I will raise in this House only matters which I believe are appropriate for me to raise and which I believe I can say with some justification.

Interestingly, this matter has been dealt with by the Law Society of WA. Some years ago the Law Society made a suggestion to this Parliament that there was a simple remedy to this issue. Chapter XXXV of the Criminal Code provides, not a code of the law of defamation, because it was decided in *Bridge v Tozer* that that was not the case, but a number of defences to the law of defamation. Where it says in the Criminal Code that something is lawful, an action cannot be brought against a person in respect of that. Section 354 of the Criminal Code states that it is lawful - therefore, because of section 5 of the Criminal Code Act, no civil action can be brought -

To publish in good faith, for the information of the public, a fair report of the proceedings of a House of the Parliament or Legislature of the Commonwealth or any State or Territory of the Commonwealth, or of a committee or joint committee of any such House or Houses;

In other words, it is qualified privilege. We have absolute privilege; the media have qualified privilege. The words that matter in that provision are "to publish in good faith". The same section states -

A publication is said to be made in good faith, for the information of the public, if the person by whom it is made is not actuated in making it by ill-will to the person defamed, or by any other improper motive, and if the manner of the publication is such as is ordinarily and fairly used in the case of the publication of news.

What normally happens? A statement is made in the House and it is front page news containing all the accusations about the person. The person's reputation is shattered. The person must establish that that information is not correct and that he wishes to have his reputation corrected. The person would ask the House to allow a statement to be published in *Hansard* vindicating his or her reputation and allowing his or her side to be published. Let us assume that this process exists. What would then happen? Do we see in the newspapers the following day or as the headline news on television "X's reputation vindicated"? No. If we turn to page 68 of the newspaper we may find under a difficult to understand heading a garbled version of what the person said. What does that do to vindicate the person's reputation? Nothing. It means it is off our consciences. We do not have to worry about it any more because we allowed the person to reply in a similar manner to the way he or she was accused in this House before two people in the gallery, and some indication was given in the Press that it happened. We do not have to worry about it any more. We have done what needs to be done. What are they complaining about? We let them do what we did. We have paid a sop to our consciences.

The reason I am not happy with this is that for years I have been saying this is not enough; we are missing the target.

Hon J.A. Cowdell: You can always add to the amendment.

Hon PETER FOSS: Shortly I will ask the member to accept an amendment to his amendment, because I do not think I am permitted to move an amendment to it. I am concerned that the Commission on Government and some people in this House have missed the point. At last I have an opportunity to get this House to take up seriously what I

believe is an important point about the vindication of a person's reputation when that reputation has been damaged in this House.

Hon Tom Stephens: You would know; you are an expert at it.

Hon PETER FOSS: I notice that the Leader of the Opposition lowered the tone of the debate by accusing us of filibustering. I hope my point has been accepted. To test whether it has been, I ask Hon John Cowdell -

The PRESIDENT: Order! As I think the Attorney General will ask the mover of the amendment whether he will accept some change, I advise that the Attorney General is in a position to move an amendment on the amendment. It is just that we will deal with the amendments as they are proposed.

Hon PETER FOSS: Mr President, I am pleased to hear that. I misunderstood and I thought I would have to ask Hon John Cowdell to accept it. However, if I can move it, that is fine. I know I will be accused of taking up the time of the House.

Hon John Halden: Could you possibly tell us what the amendment is? We are waiting with bated breath.

Hon N.F. Moore: It would make a nice change if we had not waited for the amendment of Hon John Cowdell as well.

Hon PETER FOSS: Later I will seek to add to the amendment of Hon John Cowdell the words "and to advise the House whether any further legislative measures should be adopted to protect the reputation of persons, including amendments to the Criminal Code". I hope the House will indulge me while I go slightly into the historical reasons for the difference between the two forms of privilege - the privilege of this House and the privilege which is given to reports.

I will take up a point made by the Commission on Government which I think is a very good one; that is, the essence of dealing with people in our House. We will do nothing by this amendment unless we are prepared to deal with the people who abuse the privilege. I raise that point because we must go back to the historical reason for our privilege existing. Prior to the Bill of Rights it had been asserted. It was set out statutorily in the Bill of Rights at section 9, which says that the freedom of speech and debates of proceedings in Parliament should not be impeached or questioned in any court or place out of Parliament. The history leading up to that shows that many attempts were made to stop members exercising their rights in the House by some form of action taken against them. The classic one is when Charles I marched into the House of Parliament to arrest certain members. That gained a certain reaction.

Members could be harangued and harassed in other ways. The easy one was to take some legal action against them in the courts. We must remember that at that time the judges were not appointed for life or during good behaviour; they were appointed at the will of the king and their commissions expired on the death of the monarch. The new monarch had the choice of whether to re-appoint the existing judges. They were far more of a tool of the Executive than is the case with our current judiciary. It was then said that anything that happened in Parliament was dealt with by those in Parliament. They said, "You may not; we will."

That section of the Criminal Code which deals with how we may speak without fear of defamation and the section of the Bill of Rights are there to enforce that concept. We are the only people who decide anything that comes out of what happens in this House. We have been quite good at keeping everybody else out, but not quite so good at dealing with our own members. There is talk in the New South Wales Parliament of dealing with a Labor member of Parliament over allegations she made and which have since been found to be totally without foundation. I see there is some concern about whether she will, or will not, be expelled. The important thing is that at least in that House someone was appointed to inquire into whether the allegations were valid.

Without seeming to be partisan, I will raise the question of the final report of the Royal Commission into the City of Wanneroo, in which the allegations against the member for Kingsley have been shown to be totally without foundation. We also have the interim report, in which it is indicated that some of the allegations that were dealt with had their origin in the member for Peel.

Hon Tom Stephens: Don't try to summarise the royal commission report as if that is all it was about.

Hon PETER FOSS: I am not summarising the whole thing; I am picking out the pertinent points.

Hon Tom Stephens: These are not the only pertinent points.

Hon PETER FOSS: Surely if there is a suggestion that the member for Peel, without foundation or justification, made accusations against the member for Kingsley, which have been shown to be without foundation - I will be very charitable - it could be said to be an abuse of privilege. Under those circumstances there is an obligation on the House, at least, to find out whether that is the case and, if it is, to act against that breach of privilege. In that

statement I do not think I have said anything that is constitutionally unusual or unfair. I prefaced it by saying that I am trying not to be partisan, but it is hard to go past an example which is very fresh in my mind.

Hon Tom Stephens: Why don't you round out your examples with your references to former Attorney General Hon Joe Berinson?

Hon PETER FOSS: The interesting thing about that is that the report indicated that I was correct.

The PRESIDENT: Order! I ask the Attorney General to address the Chair and so save the interjections from being made. This is not a debate between the Attorney General and the Leader of the Opposition.

Hon PETER FOSS: I am trying to make the point that we must take other measures. The first is something that we have the power to do already, and we should affirm as a House our obligation and our intent to do it. I am saying that, first of all, we should be prepared to act where necessary where there is an abuse of privilege.

More importantly, we must deal with this dichotomy between that privilege, which is essential for the operation of this House, and the privilege which has been granted to the media to report what has happened in this House. One is a necessity for us to carry out our work; the other is purely to enable the public to know what is happening - not to know just one side of what is happening, but to know both sides. If members of the public have an interest in knowing about these matters, they have an interest in knowing all the facts, not just half of them. I should give credit where credit is due. Some time ago the Law Society of Western Australia suggested that where a newspaper or television station is taking advantage of that qualified privilege so that it uses what happens in this House as news and then subsequently there is a reply - whether this reply is in Parliament or otherwise - some equivalent coverage should be given to the reply.

Let us just see what that means. When someone is defamed, there are several ways in which an action for defamation can be defended. Let us say that a member in this House stands and says, "Mr X is a thief." If a newspaper reports that the member said that Mr X is a thief, with the public drawing the conclusion that he is a thief, if the newspaper is sued over it, the first and obvious defence is that of qualified privilege; that is, it was said in Parliament, and this is a fair report of what was said and, therefore, because of that section of the Criminal Code which I read out earlier, the newspaper is protected by qualified privilege. All the newspaper has to say is that it was reported in good faith. Additionally, the newspaper can say that it believes it can prove that Mr X is a thief. The newspaper can then plead justification. It can say that Mr X is a thief, and it will prove he is. If the newspaper proves Mr X is a thief, it will have satisfied the defence of justification and will then not be liable to be sued.

Some years ago the Law Society proposed - I believe it is a very sensible measure - that when something is published, based on qualified privilege from Parliament, it is evidence of bad faith not to publish something when called upon to give equivalent status to the denial. That means a newspaper has a choice. It can say "Blow you, there is no way we will let you use our newspaper for a reply; we will fight this case." Fine; it can fight it if it really believes the person is a thief.

Hon Tom Stephens: You have persuaded the Labor Party to vote for your amendment. Please do not speak for much longer, you might lose us.

Hon PETER FOSS: I will explain what I would like the Standing Orders Committee to examine. That is not an unreasonable request.

Hon N.D. Griffiths: Other parties may want to express a view.

The PRESIDENT: Order! The Attorney General has not moved the motion. When he does I will need a copy quickly so that I can work out what is going on.

Hon PETER FOSS: If a newspaper did not want to publish that person's denial it would be defended under the ordinary rules of defamation. If it did publish it and give it reasonable prominence the qualified privilege would continue, and so it should. The consequence of that would be that the public would have both sides of the story. That is in the public interest and it should be protected by qualified privilege. Public interest is not served by hearing only one side of the story. The public is entitled to hear both the allegation and the denial and it is entitled to see them in the same part of the newspaper or the television news so that the person assailed in the Parliament has his right of reply.

In essence, the problem is not with our historical right to be without fear or favour in this House, as protected by the Bill of Rights; the problem is with the way the media uses its qualified privilege. We have the wrong cowards; the cowards are the people who use qualified privilege, not the ones who use the absolute privilege. We should deal with the people who use the absolute privilege.

Amendment on the Amendment

Hon PETER FOSS: I move -

After the word "House" in the amendment insert the following words -

and to advise the House whether any further legislative measures should be adopted to protect the reputation of persons, including amendments to the Criminal Code.

Hon N.F. Moore: Is that in addition to the amendment moved by Hon John Cowdell or a different one? It is important to understand that there is no great agreement to his amendment.

Hon PETER FOSS: I do not agree with Hon John Cowdell's amendment; I agree to my amendment.

Hon N.F. Moore: We do not have to put up with it necessarily. Your amendment should be another one.

Points of Order

Hon PETER FOSS: Can you tell me, Mr President, the order in which they should be dealt with?

The PRESIDENT: Order! The manner in which we will dispose of them is that the first question will be Hon Peter Foss' proposed amendment that is apparently to add certain words to Hon John Cowdell's amendment. If that is agreed to by the House we will then consider the amendment moved by Hon John Cowdell. If that is agreed to, the motion as amended will be considered.

Hon PETER FOSS: If my amendment and Hon John Cowdell's amendment were defeated would I be incapable of moving an amendment to the original motion to the same effect?

The PRESIDENT: Hon Peter Foss would be incapable, but someone else no doubt would be capable.

Hon PETER FOSS: I am keen to see my amendment included. By so doing I am not affirming Hon John Cowdell's amendment - I am looking across the House and doing some counting. If his motion is to go before the standing committee I would like mine to go also.

The PRESIDENT: The Leader of the House has moved motion No 13 on today's Notice Paper, to which Hon John Cowdell has moved an amendment to which Hon Peter Foss has moved an amendment. The Attorney General's amendment is predicated on Hon John Cowdell's amendment being agreed to. That is not the manner in which the standing orders allow the House to deal with this. It seems that some members see some urgency in proceeding with this matter. Perhaps Hon John Cowdell and the Attorney General should get together to work out what they are proposing. If that is not possible, I am prepared to put the amendment, but I am not sure the completed motion will make sense.

Hon PETER FOSS: I understand that the word "consideration" will remain. His amendment is to delete all the words after that.

The PRESIDENT: Are the Attorney General's words to be inserted after "consideration"?

Hon PETER FOSS: I was adding them to the end of the amendment moved by Hon John Cowdell. I had trouble understanding his amendment. It reads: ". . . refer to Standing Orders Committee for consideration that it prepare a standing order and to advise . . .".

Hon J.A. Cowdell: I am happy to accept that.

The PRESIDENT: I understand that Hon Peter Foss' words are to be added after the word "House" which was part of Hon John Cowdell's proposed amendment.

Hon Peter FOSS: Yes.

The PRESIDENT: It would have been more appropriate for the House to have considered Hon John Cowdell's amendment. If that were agreed to Hon Peter Foss may have wished to amend the motion to enable his words to be added. I have difficulty in putting his words when they are added to Hon John Cowdell's amendment. We will then establish whether the words Hon John Cowdell intends to add will be agreed to by the House. If they are, Hon Peter Foss will have something -

Hon PETER FOSS: I am keen to move it now while everyone is feeling hot about it so that it will be passed. If I leave it, I might not get it through.

The PRESIDENT: That is why I raised with the House the possibility of some discussions occurring between Hon John Cowdell and the Attorney General. If that does not suit the House I am happy to put the motion.

Hon DERRICK TOMLINSON: I have been examining the original motion, the amendment to the motion and the amendment to the amendment. It seems that the whole thing hinges on the word "consideration". In the original motion the Standing Orders Committee is asked to consider and report to the House on the desirability of certain action. Hon John Cowdell's motion deletes all the words after "consideration" but leaves the enactive word "consideration". In other words, he is asking in his motion, just as Hon Norman Moore is asking in his motion, that the Standing Orders Committee look at all the pertinent points of view and the facts, and reach a considered position. The pertinent word is "consideration". That is the act that the Standing Orders Committee is being asked to perform. Hon Norman Moore's motion asks the Standing Orders Committee, having performed that act, to report on the desirability. Hon John Cowdell's motion asks the Standing Orders Committee to take the same action - to consider - but rather than report on the desirability, the Standing Orders Committee is being asked to consider "That the Standing Orders Committee prepare". It is an instruction to the Standing Orders Committee not to prepare but to consider.

The PRESIDENT: Order! I ask Hon Derrick Tomlinson to bring his point of order to a close.

Hon DERRICK TOMLINSON: Either way, the Standing Orders Committee is being asked to do the same thing. The words that are used are words that reach the same conclusion: Consider that, and recommend to the House this, that or the other.

The PRESIDENT: Order! Hon Derrick Tomlinson is now introducing debateable matter, which does not assist me in trying to resolve this issue. It is now five o'clock, but before I advise the House that we have completed the first hour of business, I ask Hon John Cowdell and the Attorney General to consider the words they are proposing, because they do not make sense to me. I am prepared to hear any argument on the matter, but in the form that those words have been presented to me, I cannot make sense of them.

Hon JOHN HALDEN: Mr President, I wonder - and I hope the Leader of the House is listening -

Hon N.F. Moore: I always listen to you. I am the only one who does.

Hon JOHN HALDEN: - whether it would be in order, bearing in mind that it is now after five o'clock, for the Leader of House to do as you have suggested; that is, meet with the Attorney General and Hon John Cowdell to resolve this matter, and have it brought back to the House at 7.30 pm?

Hon N.F. Moore: Come off the grass! Anyone would think that people were marching on the streets about this!

The PRESIDENT: Order! That is not within my power. That is a matter for the House to decide. I have made a suggestion, in seeking clarification for myself, that those members get together. However, it is entirely up to them.

Debate adjourned, pursuant to standing orders.

[Questions without notice taken.]

WILLS AMENDMENT BILL

Second Reading

Resumed from 17 September.

HON N.D. GRIFFITHS (East Metropolitan) [5.32 pm]: The Wills Amendment Bill has the support of the Australian Labor Party in this House. The Bill seeks to amend part X of the Wills Act that deals with informal wills. Part X was introduced by the Australian Labor Party in government and was subsequently amended when we were last in government. The measure before the House will advance the matter further. It provides that when the Supreme Court considers matters to do with informal wills it can be satisfied without the criminal standard of proof being attained; namely, beyond reasonable doubt. That standard of proof was put in place in the first instance because the State was following what had taken place in South Australia. South Australia has done away with it, and if we enact this legislation we will do away with it.

When we change the law on something such as wills it is appropriate to proceed with caution. We are proceeding in an appropriate way. The current provisions having been in place now for some years, it is now an appropriate time to move away from the criminal standard and move to the civil standard.

Briefly the areas affected by the Bill relate to the Supreme Court being satisfied about the making of an informal will, the informal alteration, the informal revocation and the informal revival. My comments are almost as lengthy as the second reading speech of the Attorney General. This is not a competition so I will conclude my remarks by reiterating our support for this worthwhile measure.

HON HELEN HODGSON (North Metropolitan) [5.35 pm]: The Australian Democrats also support this Bill. Having taught in this area in the past I am aware that sometimes these sorts of anomalies arise and wills are particularly susceptible to the standard of proof because the person they are talking about is not there to say what he or she meant, so one must rely on the documentation. I see no reason that the standard of proof in these matters should be equivalent to the criminal standard of proof when the civil standard would do the job adequately and protect the rights of all the parties. Therefore, we support the Bill and commend it to the House.

Question put and passed.

Bill read a second time.

Committee

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

Clause 1 put and passed.

Clause 2: Commencement -

Hon N.D. GRIFFITHS: I am not objecting to the wording; however, I have a concern. During debate on the Commercial Arbitration Amendment Bill last night the Attorney General referred to an occasion when he had to be on the telephone to Government House because there was a matter pending. My concern is whether that will affect any matters in this legislation. If we change the law somebody might lose and the change might impact on costs. One way of dealing with that event is for the State to assume some responsibility in some ex gratia way to ensure that people do not unduly suffer.

Hon PETER FOSS: It is an interesting matter because, as Hon Nick Griffiths has picked up, it is a matter of adjective law and not substantive law. It has immediate effect, irrespective of when the Bill was passed, the action commenced and so on. There is a remote possibility that someone who commenced an action seven years ago which had dragged along and which then suddenly came to trial, might think it would be won on the standard of criminal law rather than civil law. If anybody can demonstrate they have been so embarrassed, I will consider it from the point of view of an ex gratia payment. One of the reasons for the change is that there seems to be little point in having the criminal standard of proof because it is unlikely in the application of it that that would happen. The reality has been that it is hard in a civil case to apply the criminal standard of proof. It is theoretically possible.

I had a case that came to me after it had been going for 13 years. It was split into two and the preliminary point was tried. The case was eventually won, because 13 years after the person had died nobody could recall any of the circumstances of the execution of the will. It was won on a presumption of validity. I suspect that if it had come to trial within a year of the person dying, there might have been more recollection of what had happened and the decision might have gone the other way. Certainly if anyone can demonstrate that they have been disadvantaged, I will consider an ex gratia payment.

Clause put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Peter Foss (Attorney General), and transmitted to the Assembly.

LOAN BILL

Second Reading

Resumed from 14 October.

HON MARK NEVILL (Mining and Pastoral) [5.43 pm]: The Opposition supports the Loan Bill. Previous Loan Bills were introduced in 1991 and 1995, and in the latter case \$90m was authorised to be borrowed. Under this Bill the Government seeks to borrow \$20m from the Western Australian Treasury Corporation or elsewhere to repay the Commonwealth to redeem loans raised by the Commonwealth for the State of Western Australia. The money will be credited and counted as a redemption of the financial agreement debt account.

As members know, the Commonwealth no longer raises funds on behalf of the State. Since the early 1990s the States have raised their own funds. The Commonwealth simply monitors state borrowings, as do rating agencies such as Moody's Investors Service and Standard and Poor's. Those debts are due to be phased out over the next seven or eight years. The \$20m will be used to redeem some of those loans. It can be assumed that similar Bills will come before the House during the next seven or eight years until all the commonwealth loans are repaid, and that part of the commonwealth-state agreement is finally put to bed.

The second reading speech foreshadowed a requirement to borrow a further \$12m in 1998.

The Bill also seeks authority to permanently appropriate money from the consolidated fund to meet principal repayments, interest and other expenses of borrowings under the authority of this Bill.

The only question I ask the Minister for Finance is whether the Government considers it can borrow money more cheaply directly from the banks rather than through Treasury Corporation. What is meant by the words "or elsewhere" in clause 3(1)?

HON HELEN HODGSON (North Metropolitan) [5.45 pm]: The Australian Democrats support this Bill. It is a routine matter of borrowing the funds necessary to repay some maturing commonwealth debt. Although the State is facing many financial problems at the moment, I do not think this will increase those problems and it may assist in keeping part of the financial situation on an even keel while the Government deals with all the other matters arising.

HON BOB THOMAS (South West) [5.46 pm]: The lead speaker in this debate, Hon Mark Nevill, has indicated that the Opposition supports this Bill. It is the practice of the Labor Party to support money Bills in the Legislative Council, and this case is no different.

However, I take the opportunity to talk about several of the issues within my electorate that are important to me and, I am sure, important to other members of this House. One of the most widely reported issues in Albany recently is the amalgamation of the Albany town and shire councils. Members may have seen reports about doughnut councils and how the Department of Local Government had set up an advisory committee to consider the amalgamation of doughnut councils. These occur when a small urban municipality is surrounded by a larger shire municipality and there has been strong urban growth within the shire. By and large, these communities consider themselves to be one community and people from the surrounding shire area tend to use the facilities provided by the town. That has been a problem in Albany for a number of years. There has been strong growth in the satellite suburbs of Albany surrounding the town and a large number of shire residents use the town facilities.

The Albany Town Council has tried to provide a level of amenity similar to that available in the metropolitan area, but has been finding it very difficult because it has a small rate base from which to raise the revenue to provide those facilities. People who are familiar with Albany will know it has first-class facilities. The leisure and aquatic centre is equal to any in the metropolitan area. It has first-class playing fields and a first-class library. It has an enormous number of parks and gardens, some of which are among the most beautiful in the south west area. It costs money to provide those services. In the past 10 years relations between the two municipalities have improved and there has been far greater cooperation between the two local government authorities. The Albany Shire Council has been making regular contributions towards the provision and upkeep of those facilities in Albany which are used by its residents. One of the facilities used most often by shire residents is the leisure centre. It is estimated that the majority of users live within the shire area but the majority of funds required to operate the leisure centre are provided by the town's residents. There is also enormous demand on the town library from the residents of the shire.

It has been argued for some time that now is the time for the two municipalities to amalgamate so that the one resulting council can enjoy economies of scale through more efficient use of resources. This notion, however, has been strongly resisted by the Albany Shire Council. Members may recall the effective campaign run by the then shire president Harry Riggs and other members of the Albany Shire Council in 1988. They resisted the Albany One movement, largely based in the Albany Town Council. A referendum in 1988 rejected the amalgamation of the town and the shire. Continuing interest has been shown in this issue by a number of people, but there has been strident opposition from the shire.

The Department of Local Government, through its structural reform committee which was examining doughnut councils, held a number of meetings this year to determine the level of support for amalgamation of the shire and town in Albany. Overwhelming opposition was expressed at those meetings which were held in the Shire of Albany. Over 100 people turned up at Wellstead to oppose amalgamation. Approximately 300 people, most of whom opposed amalgamation, turned up at the Albany Shire Council offices. At the same time, the Albany Town Council took up the challenge issued by the Minister for Local Government to consider amalgamation of the doughnut councils and commissioned a number of reports.

One of those reports was the Lee report, which proposed a partial amalgamation of the Albany Town Council and Albany Shire Council. It proposed that the boundaries for the Albany Town Council be extended from Bornholm in the west, to 20 kilometres north of Albany and around to Nanarup. It indicated that the remaining shire could be either left as a specialist rural shire or divided up and amalgamated with the surrounding Shires of Denmark, Plantagenet and Gnowangerup in the east.

The residents of the Albany Shire Council were opposed to that. They believed, and I agree with their argument, that the resultant shire would be unviable. The proposal by the Albany Town Council would have taken the best rateable area from the Albany Shire Council. In particular, it would have taken the urban areas around Oyster Harbour and Little Grove which generate over 50 per cent of the shire's rates. In my view and the view of the people in the shire it would have left the Albany Shire Council completely unviable. The local residents held a rally on the foreshore on what was the coldest day of the year. It was raining heavily and was very windy, but an estimated 3 000 people turned up to protest against the Albany Town Council's proposal.

I thought it would be impossible for the proposal for amalgamation between the Albany town and shire councils to go ahead. However, about a week after that rally, members of the Albany Shire Council reached the conclusion that they were living in a climate of change and that Rob Reale and the advisory committee would recommend an amalgamation of some sort. It was their great fear that the amalgamation proposed by Mr Reale was the same as the one proposed by the Albany Shire Council. They felt they would be left in a no-win situation and that the local authority would be left almost bankrupt.

In an amazing move they stole a march on the Albany Shire Council and proposed a complete amalgamation. Their preference was for the status quo to remain. However, they recognised that as they lived in a climate of change there would be some change and they had to look at the next best option to the status quo. They felt that option was a full amalgamation of the Albany Shire Council and the Albany Town Council. In putting that proposal to the Albany Town Council they indicated there would be a number of caveats. One of them was that there had to be boundaries.

The Albany Shire Council does not have any boundaries, but the Albany Town Council, because of the area it covers, has a number of boundaries. The Albany Shire Council believed that if there was to be an amalgamation the best way to deal with the disparate issues was to have a number of wards with people responsible for various communities within the proposed city council.

The amalgamation would give the new council more than 20 000 residents. Therefore, it would qualify for city status. It was also interesting that the people in the western district, the people who live near the Malliki Peninsula, resisted the notion that they be included in the Denmark Shire Council. They believe that even though they live closer to Denmark than Albany they have a community of interest with Albany and their interests would be best served if they were part of the Albany council, or whatever it is called after the amalgamation.

A proposal has been accepted by the Albany Town Council and the councillors have announced their resignations, to take effect some time this week. The Albany Shire Councillors should resign some time this month. Administrators will run the two local authorities until it is decided how to structure the new council and when the elections should be held.

I congratulate all the people involved in the process. I cannot speak for Geraldton, Northam and Narrogin, but Albany has the best option. A partial amalgamation would have left one of the authorities unviable.

It is important that when the new structure is developed the staff, the office workers and the outside staff, are looked after. They need some certainty and security. If there is to be any reduction in staff it should be done by natural attrition. Any redundancy packages offered to the staff should be generous.

Sitting suspended from 6.00 to 7.30 pm

Hon BOB THOMAS: I have been talking about the amalgamation of the Albany shire and town councils. It is imperative that whatever structure we adopt, the outdoor and office workers must be looked after. They should not be thrown on the scrapheap. They have mortgages, they have aspirations, and they have families to look after. It is therefore important that whatever the outcome they are looked after. I understand that the Kalgoorlie amalgamation experience resulted in few reductions in staff at the lower levels. I understand that the most likely people to lose their jobs were those at the senior administrative level, because it was an amalgamation of two local government authorities and only one person was necessary in each position. Previously there were two chief executive officers, two heads of planning departments, two environmental heads, and so on. Therefore, it is important in the Albany case that we arrive at the best possible outcome for staff. We must determine what to call our shire. A number of people have some innovative and interesting ideas. I favour the title "Albany City Council". That says it all; it is a city, and people who live within the boundaries of the new shire associate themselves with Albany. Their community of interest is Albany.

Hon Max Evans: What other names were suggested?

Hon BOB THOMAS: One was the "Albany City Rural Council". I would choose the more simple title. Other people have suggested that it be called the "Rainbow Council" because that is our marketing name, and for good reason. We regularly have rainbows over the town. However, I favour the simple title "Albany City Council".

There has been heated debate in the community about how to elect the mayor of the new council. People in the Albany Shire Council and the Albany Shire Council Ratepayers' Association think that councillors should elect a peer as mayor. However, people in the town council and the town council ratepayers' association consider that a plebescite of all residents is the preferable option so that everyone can have a say in the election of the person who will have ceremonial responsibility within the town. I believe that it does not matter. I have seen people elected from within a council and they have done a very good job, just as other people elected popularly have done a very good job. The Mayor of Albany, Annette Knight, was elected popularly and she does a very good job. I might not necessarily agree with her all the time, but she does a good job. She is one of the best people I have ever seen in local government. She was elected popularly, but she would do the same good job if she were elected by her peers in council.

Keith Liddelow has just been elected shire president of Manjimup. He was a councillor of the Manjimup Shire Council and was elected shire president of the town. He is doing a very good job also. He inherited some very serious financial problems but he has put the Manjimup Shire Council on a sound financial footing with the assistance of the shire clerk, Garry Fitzgerald, who played a major role. Keith Liddelow has done an excellent job.

I contrast the two examples of people being elected differently but who are doing a very good job. I believe they would do a good job whether elected by their peers or by plebiscite. However, I note that the majority of people in Albany believe that the mayor should be popularly elected. If the majority of people believe that, it must be the way to go because we are setting up a new council and it is important to get it right. It is important to have a structure that people can relate to and feel they have some ownership of. Therefore, I support the notion of a popularly elected mayor.

Hon J.A. Scott: And what about the president of Australia?

Hon BOB THOMAS: That is a very good point. The polling relating to the election of the president of an Australian republic indicates that about 90 per cent of Australians want a popularly elected president of Australia. If we were to have a popular election of a president the position could be politicised and, as John Howard described in the media recently, we could have a Labor Party president but a Liberal Party Prime Minister. That would not be very constructive. I can see much merit in Paul Keating's argument that we would probably never have a former member of Parliament elected as president of Australia if the requirement were for a two-thirds majority of a joint sitting of the two Houses of Parliament to elect a president. I can see merit in both arguments. I can see merit in people wanting some ownership of the person they elect as president, but the position may be politicised. By the same token, if the majority of people support a popular election that is what we must have.

That is the model I support. The majority of people in Australia support a popular election of the president. Interestingly, all recent polling I have seen suggests that 60 per cent of Australians support a republic and less than 40 per cent support the retention of the constitutional monarchy. The gap is growing as people realise that Australia is a mature country and is able to elect a head of state who lives in Australia. People want that final self-determination in Australia.

I now draw the House's attention to the fact that Brian Sarre, the Principal of Walpole Primary School, and one of the best educators I have met, is retiring at the end of the year. I have had a bit to do with Brian over the years since he took up the position at Walpole, and believe he has done a fabulous job. He encourages every one of the children at that school to develop to their maximum potential. He is keenly interested in everything that takes place in the school and what the kids do. He is a superb operator. I vaguely recall that as a young man, Brian was a league footballer.

Hon B.M. Scott: With Subiaco.

Hon BOB THOMAS: I hoped that a member would remember the team for which he played. I remember he was a star ruckman. He took his trampoline program to Walpole in which he encouraged all the children to participate. Apparently, he developed this program while training for his ruck work as it enabled him to leap higher, and that is why he was one of the stars of our competition probably some 30 years ago.

One of my favourite experiences each year is to attend the end of year assembly for Walpole Primary School. It is an assembly I try not to miss as it is very special. More people turn up to the Walpole school assembly than there are people living in Walpole.

Hon B.M. Scott: Are they aliens?

Hon BOB THOMAS: No, they are family and friends who come from throughout the south west. The Walpole Town Hall is jam packed. If one does not arrive early, one misses out on a seat and people spill out through the doors. It is a magic feeling. Each class puts on a production and the attention to detail in the costumes and backdrops is fabulous. Each class performs some musical production. It is a great night out. I wish Brian Sarre the best in his retirement and he will be difficult to replace in Walpole as he has done a great job with a terrific staff.

Another issue of which the House should be aware is the Albany foreshore redevelopment. This project started when the Labor Party was in government in 1984. Varying reports can be heard about the genesis of this project; however, I understand it came about principally because the Albany community wanted the same type of development project as Bunbury had been promised under the Bunbury 2000 project, which included the Bunbury city harbour redevelopment.

When we were elected to Government in 1983, Bunbury already had a competent proposal for the redevelopment, which included the relocation of the marshalling yards from the centre of town to open up land around the harbour for cultural facilities, landscaping and retail outlets. Albany did not have such a project on the drawing board at that time. A meeting was called at the Premier Hotel by Mr Bert Newman, who later joined the council, and other members of the Labor Party, including Joe Lynch. They resolved to write to Brian Burke indicating that they wanted a project similar to Bunbury's because the Albany town had been separated from the foreshore for too long by the marshalling yards. It was important that the foreshore be redeveloped to make a vibrant city centre. Brian Burke wrote back suggesting some sort of consultative process.

At the same time, the Great Southern Development Authority was established, and it took on this project and consulted widely. A number of groups made contributions. The Frederickstown Committee, which included the present Minister for Health, the current MLA for Albany, made some suggestions and we ended up with a project which had the railway spur lines, which formed the marshalling yards, removed. One line went past the Albany Railway Station to the port in the east. The nature of rail traffic these days is significantly differently from such traffic 100 years ago. We no longer have trains carrying general cargo which needs to be separated on the spur lines as we now have large unit trains carrying single commodities, which in Albany is usually grain. We needed to re-configure the rail system so that it was easy for the train to pass the Co-operative Bulk Handling Ltd silos and unload under power as the vehicle moved back towards the west.

This created a lot of land which could be used for cultural, tourism and retail facilities. The escarpment on Stirling Terrace and the Albany Railway Station was freed up, and the old Western Australian Government Railways buildings were removed, which created a lot of land to be developed for commercial purposes.

The Government also put money into re-configuring the way in which trains went through the Albany Port so instead of zig zagging across the port to be fuelled on one spot and oiled and greased on another spot, a shed was built costing about \$3m so that as the train moved through, all the jobs were carried out in the one spot. This reduced the turn around time for trains by about 40 minutes. As a lot of land was freed up in stage 1, the Government directed money into refurbishing the Albany Railway Station and relocating the tourist bureau.

Paul Lionetti, a local businessman who I think is very progressive and for whom I have a lot of time, tastefully developed the old Galafrey Wines building into a supermarket and wholesale outlet. He acted as a catalyst for other good developments there. Stage 1 was completed before the Labor Party left government. In 1992 the Western Australian Land Authority Act was passed, which created LandCorp. I invited the then Chief Executive Officer of LandCorp, Vince Paparo, to Albany to meet members of the Albany economic development unit, which was a combined unit of the Albany town and shire councils. I requested that LandCorp consider becoming involved in stage 2 of the Albany foreshore development. This involves land south of stage 1 between the transport corridor and the foreshore. Vince Paparo agreed to do that after consultation with the LandCorp board and committed the Government to a maximum subsidy of \$4m. LandCorp was to act as the developer and was to put in all the services - roads, sewerage, power and so on - and sell off the blocks for a range of services, such as hotel, retail, commercial and residential accommodation.

A consultative process took place. Proposals were put forward and LandCorp received all the approvals it required for the project from the Albany Town Council and government agencies. There was not too much opposition to it, although there was some uncoordinated opposition from some residents. However, at the beginning of this year there was concerted opposition to the proposal from a number of sources. An unorganised group of people in the Albany town, including people such as Elizabeth Barton and Don Phillips, feel the project should not go ahead. They believe all the area should be public open space. However, they are a small minority in the town. I believe a majority in the town think it is a good project and that it will deliver many benefits to Albany and surrounding regions.

Many people have some reservations about one aspect of the project. For example, some believe there should not be a four storey hotel; others do not agree with the number of retail outlets that are proposed. There was some

unorganised opposition from within the town. Councillor Bert Newman would be the most vocal opponent of the foreshore development.

The most organised and concerted opposition has come from the adjacent shires, the port users and the primary producers in the hinterland. They have run a vocal campaign, led by a good friend of mine, Ian Peacock from Green Range. He is the chairman of the port users' liaison group. That group's opposition tends to stem from the fact that it believes the residential housing within the project may compromise the efficient functioning of the port. It believes the port related truck transport may be stopped by residents in the western part of the development who object to the volume of truck traffic or noise generated from the traffic or who have concerns about safety aspects. Although I respect their right to hold that view, I do not agree with it because at present there are 8 000 vehicle movements a day on Princess Royal Drive. Of that, less than 10 per cent of the traffic is port related truck traffic; the rest is local and tourist traffic. By 2020 the volume of freight through the Albany port is expected to double with developments in woodchipping and silica sand and significant improvements in the productivity of grain production in the south coast area. If that were to happen, the volume of truck traffic on Princess Royal Drive would double. However, it would still be less than 10 per cent of the 8 000 vehicle movements a day on Princess Royal Drive.

At present there are over 9 000 vehicle movements a day on North Road, which goes through suburban Albany, and over 9 000 vehicle movements a day along Chesterpass Road, much of which is heavy traffic. Many private residences butt onto Chesterpass Road. Although I respect the views of those who are opposed to the residential development, I do not think their argument about the impact of traffic on the residents is correct. I do not agree with their assertion that in future residents may become politically motivated and may try to force the Government or the council to restrict truck traffic access to the port because of the inconvenience to those who live within the residential areas of the foreshore development.

I point out to them that the issues they raise are road transport issues and are covered by the Road Traffic Act. They are not planning issues and they are not issues that can be taken into account on planning matters. No matter how much money they have or how good a barrister they get, they will be hard pressed to present a case for the restriction of truck access to the Albany port because of the inconvenience of the noise that access poses for residential development in that area.

I just point out that I believe the Albany foreshore redevelopment is vital to the long term economic development of the region. It will offer hundreds of jobs in the future as the hotel, commercial and residential developments take place there. I support this project; however, my opinion is that the density of the retail development is too high in the current climate where retail small business in Albany is struggling. Many people in small business in Albany have told me that trading conditions are now worse than they were during the 1991 recession. It would be wrong for us to be developing an extra 30 specialty stores on the foreshore which would undermine the viability of those small businesses already operating in Albany. Albany does not have, and will not have over the next 10 years or so, the critical mass to support the extra volume of specialty stores.

I also believe the residential density in the foreshore development is too high. It is proposed that about 50, and possibly up to 80, condominiums will be built on the western end of the development and that these will come down to within 6.3 metres of the waterfront. There will be a boardwalk along the waterfront coming up to the boundary of those condominiums. I do not believe that is right. In our egalitarian society most people will object to those in the condominiums being seen to own a private waterfront. Most people will not see a 6.3 metre boardwalk as being public open space, but rather the private space of those who live in the condominiums. Therefore, it is necessary for the housing development to be moved back from the foreshore so that all people, irrespective of whether they live in that area, have access to the foreshore.

I will touch on a couple of other issues briefly. The first is that I notice the lower great southern health region budget for 1996-97 has been reduced by \$100 000. I believe this is shortsighted and wrong. It does not take into account all of the demographic factors of the region. In Albany the proportion of seniors in our community is 50 per cent higher than the state average. We all know that as people age they have greater health needs and, as such, they place greater demands on health services. At a time when the Albany population is growing and ageing, it is shortsighted and wrong to be cutting this region's health budget.

One impact that is having on our town is that it reduces the ability of the Health Department of Western Australia to assist the Albany Hospice. In recent years we have seen an escalation in the demand on the Albany Hospice services, but there has been no corresponding increase in its budget. The Albany Hospice receives about \$70 000 or \$80 000 a year under the state palliative care program. With a cut in the budget of \$100 000 there is no scope for any increase to be made to the Albany Hospice. As I have said, the demand is increasing on the inpatient care and on the home and community care programs it provides.

I am also concerned that the Federal Government has not done enough to identify some way of accrediting at least

two of its beds as acute care beds which attract Medicare funding. The responses to those who have written to the Federal Government have been inadequate. They have been short two-liners saying that the Federal Government is not aware that the Albany Hospice has applied for acute care funding for any beds, yet the people at the hospice say that they thought they had applied. I do not believe the Federal Government is doing enough and I certainly think the State Government has it wrong in cutting the budget for this health region by \$100 000.

To conclude my remarks, this week I established a part time office in Bunbury. I will be conducting a clinic at that office once a fortnight. I will continue to live in Albany and to have my full time office there; however, on a regular part time basis I will attend the Bunbury office.

Hon Barry House: You will need to do a lot of work to get near my office.

Hon Kim Chance: Will it be Busselton next week?

Hon BOB THOMAS: It will be Walpole the week after that. We had a very good opening of the office the other day. It was officially opened by the Leader of the Opposition and we got some good publicity on GWN and ABC radio and television, and in the newspaper.

Hon Greg Smith: Was it the same story as the one about the woodchipping?

Hon BOB THOMAS: I do not know what has got into members opposite. I cannot understand a word they are saying.

Hon Kim Chance: My Mt Magnet office will open next month!

Hon BOB THOMAS: I am looking forward to the time I will spend in Bunbury. It is a great place. I am looking forward to articulating Labor policies and seeing the seats of Bunbury and Mitchell come back to the Australian Labor Party at the next election. With those few words, I commend the Bill to the House.

HON CHERYL DAVENPORT (South Metropolitan) [8.08 pm]: In supporting the Bill, I will raise two issues, one of which has received excessive, but very much needed, publicity over the past couple of months - aged care, the up-front bond in nursing homes and hostels and the daily charge that was to be implemented as of 1 November which has now been moved out to 1 March next year. The second issue is domestic violence. I will comment about the recent Reclaim the Night rally as well as the Federal Government package of \$25m over three and a half years that was announced last week.

I am very concerned about the pressure placed on seniors across this nation as a result of the legislation that we claimed as an Opposition, both federally and at the state level, was ill conceived and ill thought out. Quite clearly it was done in conjunction with the sector of profit for aged care. The performance of the Howard Government in the past two weeks in relation to the changes that have been announced to that policy have done no good for seniors. It has just confused the issue more.

The Government through the Prime Minister with no consultation made a complete change in policy on the up-front bond, changing it to an annual fee of \$4 000, which could range to as much as \$10 000. We still have no knowledge whether it will be over one or five years, but ultimately it could be as much as the up-front bond without a cap that was originally legislated for. As Opposition spokesperson for seniors, I have been telephoned by many seniors and their families with complaints about uncertainty over their future.

I can cope with hostels requiring up-front bonds because some people spend probably from five to 10 years in a hostel. The original legislation put in place by the Hawke Labor Government was good. It enabled hostels to upgrade their facilities and to provide a decent quality of life for residents. However, the policy on nursing home bonds is very cruel and ill thought out. Members who have taken the trouble to find out will know that, in the main, the average stay of patients in nursing homes is 13 months. To put people through that trauma when they are frail and vulnerable is despicable and something of which both the State and Federal Government should not be proud. I am pleased to say that to some extent the Government saw the error of its ways, although I suspect it was poll driven. However, much uncertainty still surrounds that issue for seniors.

From 1 November a new tax will be imposed - that is what the daily fee will be - largely because over the past two years the Federal Government has seen fit to cut approximately \$500m from the aged care budget. The new daily fee, plus the graduated scale that will affect part pensioners and self-funded retirees, could mean that people will pay as much as \$443.10 a week. That is the highest a patient could pay and they would be receiving a substantial amount of money as a self-funded retiree. Nonetheless, it is clear that it could increase from the \$26.40 current basic daily fee prior to 1 October to as much as \$63.30 a day next March. That money will not necessarily go to the nursing home; it will go into government coffers. There are no guarantees it will come back to aged care revenue. Therefore, the infrastructure problem in relation to nursing homes will not necessarily be fixed.

The other area that has not been thought out is the impact of the policy on existing aged care services that encourage our seniors to stay in their own homes for as long as possible. I have referred previously in this place to my experience in the home and community care area. Over the first two days of the implementation of the up-front bond one of our clients, who had lost her husband at the beginning of this year, had a bad fall and had to go into hospital. The aged care assessment team determined that it would be impossible for her to return to her own home. She therefore had to make a choice about nursing home care. She was a Russian immigrant from the Second World War days and she had no other family in Western Australia. She relied essentially on our program to assist her in negotiating the up-front fee and in cleaning and tidying her home in readiness for sale, etc. That assistance took four of our people, including our voluntary treasurer, two days to effect. Home and community care is not funded to provide that service. It is not its role, but what should we do when people have nobody else? If it is a caring service it must take on cases like that, but such services must be funded to do so.

As I said to the Minister, the services for the frail aged in this State are stretched; they have received no growth funding for two years. We have been told by the Commonwealth that unless the State Government adopts a compulsory fee for service it will not be able to maintain growth funding. That is the situation this ill thought out policy has placed on already overstretched services at a state level.

I refer now to domestic violence. I applaud the Federal Government's announcement last Friday on what is called the Partnerships Against Domestic Violence program discussed at the recent Heads of Government Meeting. The \$25m will be released over the next three and a half years and is for a range of services which have yet to be revealed. I suspect the allocation is largely as a result of the very poor evaluation Australia received at the United Nations on the Convention on Elimination of All Forms of Discrimination Against Women when the UN asked Australia to report on its activity in that regard.

Australia's report was not good, although we gained some credit on the domestic violence front. However, members ought to be aware that despite commitment in the 1996-97 federal Budget, \$500 000 was cut from the domestic violence services aimed at country areas. There was therefore good reason for Australia to be judged harshly. Despite that, the fact that domestic violence is on the political agenda can be traced back to the courageous efforts of the Women's Refuge Group which celebrated its 20 year anniversary a month or so ago. I congratulate that organisation for the strides it has made to place the issue of domestic violence fairly and squarely on the political agenda, after years of its being ignored.

During the recent parliamentary break I visited both Bunbury and Albany to meet with domestic violence and sexual assault services in both areas and the two women's refuge organisations. Some of the issues that were brought to my attention, particularly for victims of long term violence, were that although crisis counselling is available to women and children, no long term counselling, particularly for children who have been the victims of both physical and sexual abuse, is available. Research now shows, particularly with young boys who are abused both sexually and physically, that in many cases, unless they have long term counselling they will go on to become the violence perpetrators of the future. For a very small amount of money, ongoing counselling could be provided for the victims of that appalling violence. Governments would then save on future Health or Justice budgets. That matter was drawn to my attention by both of the services in those country centres, and I will certainly write to the Minister for Women's Interests and request that the Government take up this issue. I also hope that money will be made available in the commonwealth package to fund such programs.

The annual Reclaim the Night march was held on 31 October. I was not in Perth for the rally that was held this year in Claremont but was a keynote speaker at the Albany march. I was most impressed by that march, which was not just for women, as the metropolitan marches held across the nation have tended to be, but was aimed at families. The march was attended by 350 to 400 people, which was a great response. That is a great tribute to the leaders of the Reclaim the Night Collective in Albany, Manera Sommerton and Karen Berkhout. I have met and was most impressed by those two young women, and I congratulate them for organising such a successful event.

One of the things that women are saying with regard to Reclaim the Night is that we have the right to be safe in our own homes, in the local street, at work and on public transport. That should be a basic right of all citizens. However, I am afraid that that is not the reality for many women and children. Graphic examples of that fact were the murders of two young women and the disappearance of Sarah Spiers in Claremont, and the abduction and murder recently of young Gerrard Ross in Rockingham. It is a tragedy that surveys have found that women's travel patterns are being influenced strongly by their perceived need to avoid danger. Women are taking precautions on an everyday basis of not travelling at night, changing railway carriages or buses to avoid being alone, and even restricting visits to public open space and the beach.

While the law considers some forms of violence and abuse more serious than others, research shows that it is not that simple to predict the impact upon women's lives. Single events which are not defined as serious can have long lasting impacts upon some women, while other women demonstrate incredible resilience in the face of constant abuse.

Repeated abuse or a single incident can result in years of nightmares and have a profound impact on a woman's ability to trust and be intimate with others. The physical costs in the form of scars, broken bones, lacerations and internal damage can also be horrendous. For some women, the result is permanent disabilities; for other women, the result is miscarriage, HIV infection and a range of other consequences.

Much remains to be done with regard to providing financial and human resources to help these women. The acknowledgment by the Federal Government last week is part of that process. Australia's record as a developed nation is one of the best in the world, but the personal and social costs of violence against children are still immense. For example, little money has been provided to establish long term counselling services for women. Continual pressure is being placed upon already meagre budgets, and service providers have had to stretch their resources to meet the needs of an ever increasing number of women and children in crisis.

The cuts to legal aid over the past 12 months have affected the ability of women to access services at legal aid and community legal centres for family law matters. As a member of the Women's Legal Service, I can assure the House that this very new service has suffered from the cuts to legal aid by the escalation in the number of women from both metropolitan and country areas who access that service.

From all of our perspectives, much remains to be done to tackle this difficult problem, and we will know that we have succeeded in reclaiming the night when we meet the declaration from the 1993 United Nations Human Rights Conference which states that gender-biased violence and all forms of sexual harassment are incompatible with the dignity and worth of the human person and must be eliminated. With those words and having pointed out some of the problems that still exist for the community, I commend the Bill to the House.

HON J.A. SCOTT (South Metropolitan) [8.26 pm]: In supporting this Bill, I will raise an issue which is quite timely and about which I have been feeling annoyed for some time. That issue is a statement that was made by the Leader of the House, Hon Norman Moore, on 10 September about the *Griffin Venture*. It is timely because there has been another incident on board that vessel, this time not on the production side of the vessel but in the engine room. However, on both occasions the master was in charge of the vessel.

The reason I am annoyed about that statement is that it is another misleading attempt to divert attention from the deficiencies of the Department of Minerals and Energy. The statement by Hon Norman Moore followed from a previous statement which had played down the allegations that I had made in this place and said basically that I was causing trouble for the department, which was doing its job very well. The second statement acknowledged that there were problems, but implied, once again, that somehow I had got it all wrong. There has now been a fifth investigation into the *Griffin Venture* incident, which occurred on 29 May 1994. That investigation somehow exonerated the Department of Minerals and Energy of any wrongdoing in failing to carry out an investigation. In fact the Barrell report did not even consider the role of the Department of Minerals and Energy. Dr Barrell came to my office when he commenced the last investigation - the mark V investigation - into the *Griffin Venture*. He explained that it was not his role to look at what the Department of Minerals and Energy did. Yet, Hon Norman Moore has put this report forward as in some way exonerating the department of any wrongdoing.

Hon N.F. Moore: Nothing would satisfy you.

Hon J.A. SCOTT: Hon Norman Moore stated -

In light of the recently released *Second Review of the Management of Safety in the Offshore Operations of BHP Petroleum* conducted on behalf of the Commonwealth Government by a North Sea safety expert, Dr Tony Barrell, I wish to respond in a general sense to numerous statements and allegations previously made in this House by the Hon Jim Scott concerning a gas-freeing incident which occurred on 29 May 1994 on BHPP's floating production, storage and off loading facility *Griffin Venture*.

One of the most serious allegations made by Mr Scott is that there was a "cover up" by BHPP with the concurrence of the Western Australian Department of Minerals and Energy (WADME) in order to prevent alleged breaches safety or other laws being properly investigated.

On the premise that Dr Barrell's review of this incident and its aftermath should be accepted as expert and impartial, my comments will consist mainly of appropriate quotes from the body of Dr Barrell's report . . .

Immediately there is a problem because it is not an investigation into the department's role. Dr Barrell states -

"I am satisfied that a copy of the draft BHP Petroleum report was hand delivered to WADME on 10 February 1995 as stated, but I can understand how Mr Visscher might have subsequently formed his stated view that all was not completely "above board" in respect to this issue. In subsequent written references to the receipt of the BHP Petroleum report and ensuing investigation, WADME's wording lacked clarity and

contained a measure of ambiguity, particularly regarding how and when the investigative process unfolded. Further, there is circumstantial evidence suggesting that in their conversations with Mr Visscher regarding the May 1994 gas-freeing incident -

Dr Barrell was accepting that gas-freeing was occurring when in the earlier inquiries BHPP tried to pretend that it had not occurred. He goes on to say -

- WADME officials were very guarded and cautious when discussing what was known by the Department at that time. Perhaps WADME officials did not want to say much at all about the incident until such time as they felt they were fully acquainted with the facts."

That is all very nice. This report was hand delivered to the Department of Minerals and Energy. The thing about hand delivering a report to such a department is that, of course, it is not likely to go through the same procedures that normal mail would go through - that is, it would not be stamped, dated and recorded as having been received on a certain date. That is very convenient because this report was hand delivered on 10 February 1995, some eight months after the incident occurred, and that just happened to be a couple of days before Mr Visscher got tired of the failure to carry out any proper investigation into the incident and went to the federal Minister.

We have a couple of coincidences here. First, the report was hand delivered. How often would a report on something that is not regarded as a reportable incident according to BHPP be hand delivered to the department, not even in a complete form according to the information which we have and which we can prove? Suddenly BHPP felt a bit of a rush to deliver the report by hand rather than getting it together in its entirety, sending it off and letting the department know.

Other strange circumstances are not explained by the Leader of the House. Hon Norman Moore quotes Dr Barrell in his statement as follows -

The inadequacies in procedures and training probably constituted a breach of safety law -

The law Hon Norman Moore is referring to is the Petroleum (Submerged Lands) Act, which involves both the State and Federal Governments as joint authorities. When the Department of Minerals and Energy receives notification of a reportable incident it must immediately inform its federal partner in that joint authority. That was not done. Why not? Is this another coincidence? The second Barrell report pointed out certain problems within the department. Hon Norman Moore further quoted Dr Barrell, who made reference to the guardedness and caution of the officers, as follows -

In part, the above may have been attributable to somewhat loose document drafting. There may well have also been confusion as to what WADME were actually in the process of undertaking at any given moment - an initial assessment of the matter, a 'desk top' review, a preliminary investigation, or a formal inquiry.

They did not know what they were doing. Those officers were quite happy to tell the Senate inquiry that they had carried out an inquiry into this incident when they had not. They later retracted that statement. They initially told this Parliament, in answer to a question from me, that they had carried out an inquiry. When I asked a further question it became an informal investigation. In fact, it was so informal that when I asked the department for the notes from the investigation, the Minister stated that the officer who took the notes was no longer with the department.

We are told that the officer who took the notes had a laptop computer; that he had taken the laptop with him when he left; and that the department no longer had the notes. What a lot of nonsense. If the Minister or any member of the Government accepts such absolute twaddle, they are not very serious about investigating this matter and they are in as deep as the department in covering up this incident. There is no way an officer of the department would be able to take away investigative evidence on a departmental computer to another job. When the departmental official said he was no longer with the department, he was not quite telling the truth, as it turned out. He had been seconded at some time but he was still with the department. I have been able to track down Mr Hallett. I wonder why the inquiries of the department have not been so successful and have not revealed whether he has these mysterious notes which disappeared.

The reality is that Mr Hallett and another officer were on board the *Griffin Venture* to carry out its annual audit. The department tried to mislead everybody when it said that something else had happened. That was total nonsense. One cannot say that one is about to carry out an investigation into an incident which may blow up a vessel and not make notes. I want the incident and the department properly looked at. I do not want idiotic answers from the Minister, with his saying that because Dr Barrell has carried out an investigation into this incident, even though his terms of reference do not mention looking at the role of the department, the department is somehow exonerated.

Quite a number of other little issues have not been made clear about this incident. The Minister's statement reads

that while in his opinion there was no cover-up afterwards, some persons endeavoured to play down the significance of the incidents. What do members call a cover-up? When a vessel is about to be blown up and people play down the incident and say that it is not true that it was about to be blown up, I would say that is a cover-up. The cover-up was more than just endeavouring to play down an incident. People on that vessel told straightforward lies. This can be proved. Mr Visscher provided Dr Barrell, a number of other inquirers and Ministers with information that direct lies had been told. There was the example of the gas-freeing. The mark II report said that the second mate, Mr Visscher, misjudged the signs that appeared to indicate that gas-freeing was about to commence when in fact there was no intention to commence gas-freeing at the time. Mr Visscher has documentation to do with the running of the vessel at that time which show that gas freeing was certainly on target and about to happen. It was only through his efforts that it was stopped. That mark II report statement was based solely on evidence supplied by the senior staff of BHP Petroleum, who said that gas-freeing would not take place until safety equipment, which comprised gas detecting instrument calibration and span gas, arrived by supply boat the following morning, 30 May 1994.

Mr Terry Hewett was an onshore superintendent. Mr Andrew Brooks was the production and engineer superintendent on the *Griffin Venture*. Mr Brooks quoted what was said at a safety meeting prior to the commencement of the tank operations. He wrote -

Hewett said that there would be no gas freeing until the span gas was on board. This statement was verified by Brooks, who attended the toolbox (safety) meeting.

When questioned, other attendees could not remember this statement being made. Hewett remembers Visscher raising a question regarding the lack of span gas, which is the calibration gas, for testing the tankscope, which is a gas detection instrument. He responded to the question by saying that he would not proceed beyond the point where the tankscope became a crucial item and the span gas was on board the *Griffin Venture*. Mr Visscher has provided evidence that that is simply not true; these are straight lies. If people are telling straight lies about such an incident, surely that is a cover-up. What on earth is a cover-up in the opinion of Dr Barrell?

When Dr Barrell was in my office speaking to me about this incident he said there were two ways to look at what happened on the *Griffin Venture*: One was that the Department of Minerals and Energy staff had been pretty incompetent in the way they did their book work and that their reporting left a lot to be desired. One could say that they were pretty slack in their approach. In fact, he is quoted as saying that in Hon Norman Moore's speech. Hon Norman Moore said -

WADME's procedural deficiencies in 1994, particularly the loose document drafting and the perhaps unduly cautious approach of the inspectors when discussing the matter, were mainly due to relative inexperience of inspectors and high staff turnover. The Department has for some years found it difficult to retain suitably experienced officers.

Hon Norman Moore was quite happy to paint the picture that really it was incompetence on the part of the department, which is a bit of a shift for him, as in his previous statement to this House he said that I had it completely wrong. Dr Barrell also said that it resulted from either incompetence or a cover-up. He said that he preferred to believe it was the former. That is very convenient for Dr Barrell, who said in both his inquiries that as it was a couple of years since the incident occurred and even though there were some problems, we should forget about it and get on with fixing up safety on board. That would be best for whom? It would not be best for anybody if we sweep these things under the carpet. After the Easton inquiry this Government pursued Carmen Lawrence for a very long time. It had royal commissions to determine whether she had told a lie. Here we have an incident where a whole lot of people could have been blown up and killed. The department, according to the meaning of the investigator, had been either incredibly slack or had been part of a cover-up. Dr Barrell preferred to believe it was incompetence. This is a far more serious incident than telling a lie.

Hon M.D. Nixon: Nobody died in this case.

Hon J.A. SCOTT: Only because Mr Visscher pushed his case and prevented the first mate from allowing the process to continue, otherwise it would have resulted in loss of life.

Hon M.D. Nixon: What happened in Carmen Lawrence's case?

Hon J.A. SCOTT: Some people claimed she said one thing and others that she said another.

Hon M.D. Nixon interjected.

Hon J.A. SCOTT: That is an outrageous statement, because no-one believes that was the reason for the death of Penny Easton. That is crazy. No such finding has ever been made, despite the best efforts of the Government to paint that picture.

Dr Barrell has played down the situation. He stated -

The threat to the vessel and crew was averted by the fact that gas-freeing did not proceed until new Tankscopes and the accompanying reference gas were brought on board the *Griffin Venture* on 30 May 1994. I am of the view that, in all probability, it was the actions of Tim Visscher that led to tank preparations not proceeding to the gas-freeing phase on the night 29 May 1994.

Mr Visscher was the subject of a prolonged and savage attack by the people he had stopped from blowing up that vessel. He had to stand out against incredible odds to get the truth out. He has been commended by Dr Barrell for his good work. I have been happy to support Mr Visscher, because people like him ensure people's safety and also protect the environment of our coast. It is easy for people to go along with the status quo and to cave in when a little pressure is applied. However, after a terrible accident, of which there would have been little evidence of what had occurred, it would have been far too late for anybody to apportion blame or carry out any corrective procedure because no-one would have known what had occurred. Dr Barrell tried to play down the danger. He states -

However, I am also of the view that the extent of the threat to the vessel and crew, had gas-freeing occurred with an actual 9% level of hydrocarbon in the tank, cannot be determined with confidence. It is by no means certain that a source of ignition would have been present and even if there had been a spark - followed by an explosion, it is not likely to have been of quite the catastrophic proportions claimed by Mr Visscher.

Mr Visscher provided Dr Barrell with evidence of where there was a spark. He has tried consistently to provide that information to inquiries and it has been ignored. Statutory declarations have been tabled in Parliament to show how that spark certainly would have occurred. Yet Dr Barrell says that there was no certainty that a source of ignition would have been present. He says that he cannot say for sure whether they would have been blown up. He is not going as far as saying they would not have been blown up, but he is confident that any concerned and reasonable person would be satisfied that, although there were deficiencies in the Department of Minerals and Energy's investigative procedures and BHP's safety procedures, there have been major ongoing improvements in these areas which have been welcomed by both industry and regulators. I do not know whether the recent explosion in that industry is due to unsafe procedures again. Perhaps Dr Barrell's confidence may be misplaced and the inadequacy persists.

What worries me is what happened not on the *Griffin Venture* but in the department. Once again a silly document has come into this place which does not answer the serious questions I put to the Minister. I will again go through the questions that the Minister has not answered. The department told a federal inquiry that it had conducted an inquiry, when it did not. Why did it do that? The department provided statements to this House that were patently untrue. It said that it had received a draft document from BHP advising the department about the incident before the federal inquiry was sparked in Canberra by Mr Visscher's meeting with Ministers and members of the Federal Parliament. Members will remember that when I asked the Department of Minerals and Energy whether it would table the letter from BHP Petroleum and its reply that it would carry out an inquiry instantly, it refused to table it in the Parliament because it did not exist. The department could not table a non-existing document. I wait patiently to see it table those documents that I asked for a long time ago. When the department can provide proof of the things it said it did - that is, carry out an investigation and receive a document on the day it did - I will believe it.

I asked the department to come up with the notes that were made when it carried out what started as an inquiry but dropped back to an informal investigation, according to my briefing. I want to see the notes off Mr Hallett's laptop computer. It is probably the department's laptop computer. I am sure if I were working for the Department of Minerals and Energy I would not take my only laptop computer offshore onto a oil rig. When Mr Hallett gives back the department's computer and we can look at the minutes which show that an investigation was conducted, we will see whether the department was telling lies to this Parliament and the federal inquiry, and was covering up. Until it does, that question still hangs over the department's head. I ask the Minister to find out what is going on with that department. I support the Bill.

HON LJILJANNA RAVLICH (East Metropolitan) [8.58 pm]: I too support the Bill. Since coming to this place I have tried on a number of occasions to address the issue of worker safety, but because of limited time in either the urgency motion or the adjournment debate I have not had the opportunity to go through this issue systematically. I will take the opportunity to do that this evening.

I make this speech in memory of a number of people. First, my late father Ivan, who was unfortunately the victim of an industrial accident at his workplace. I am sure that shortened his lifespan and it certainly had a profound and disastrous effect on the remainder his life. I make this speech in memory of the late Mark Allen, the Builders Labourers, Painters and Plasterers Union organiser who was killed on the East Perth construction site last year; rigger John Perrott; and Wayne Dayman, who was crushed to death by an electrical transformer on a building site near the Forrestfield Forum shopping centre. The number of people who are killed in accidents at work or who die

subsequently as a result of injury caused by an accident at work is quite significant to say the least. It is of enormous concern to me that, given the number of serious injuries and diseases in the workplace and the number of fatalities in this State, a full investigation has not been carried out into the operations of WorkSafe WA and WorkSafe Western Australia Commissioner Bartholomaeus. Tonight I will consider the issue in great detail. Before doing so, it is important to outline the full extent of the problem. In doing so I refer to an article in "WorkSafe News" at page 16 under the heading "What is the extent of the problem?" Although it refers to the problems of work related injuries and diseases within the Australian context, it is applicable to the situation in Western Australia. It states -

Work-related injury and disease is a significant social and economic burden.

It is estimated there are at least 2,900 work-related deaths in Australia each year - nearly one and a half times the number of annual motor vehicle traffic accident deaths. Around 450 compensated fatalities are traumatic workplace deaths; while occupational exposures to hazardous substances account for a further 2,300 deaths. The remainder are attributable to work-related diseases, other than those resulting from exposure to hazardous substances.

One in 12, or over 650,000 workers suffer a work-related injury or illness each year - at least 175,000 require five or more days absence from work as a result.

This is interesting because one would think the cost of occupational injury and disease to society in itself would be enough for the Government to review the policies of WorkSafe to ensure better results are achieved than at present. The article continues -

Industries with the highest number of fatalities are manufacturing; transport and storage; construction; agriculture, forestry and fishing; and mining.

Economic losses from work-related injuries and disease impose a heavy burden on the Australian economy. In 1995-96 dollars, the total cost is estimated at \$27 billion each year.

That is a substantial figure. At page 12 of this source there is reference to what \$27b can buy. It outlines that Australia's current account deficit for 1995-96 was \$20.3b, which is three-quarters of its annual occupational safety and health cost. That indicates the magnitude of the problem in Australia. I argue that it is in everybody's best interest to closely examine what can be done to reduce the number of occupational accidents on Western Australian worksites.

Yesterday the Minister tabled the annual report for WorkSafe Western Australia, and I was interested to read the objectives of this organisation. I had some difficulty coming to terms with what are purported to be some of the key goals and objectives as opposed to what actually happens. I will explain that in detail. At page 8 of the report it is stated that the mission of WorkSafe WA is -

To assist the Minister in the administration of the Occupational Safety and Health Act, the principal objective of which is to promote and secure the safety and health of persons in the workplace.

The vision is -

By the year 2000 Western Australian workplaces achieve world best practice in occupational safety and health; the lowest work related injury, disease and fatality rates in Australia; and Western Australian work related injury, disease and fatality rates be at least 50% lower than they were in June 1995.

Although that sounds like a very good target for which to aim, it causes me some concern. I wonder how it will be achieved. Will reliable statistical comparative data be used to achieve that 50 per cent reduction? Alternatively will a change be made to the way in which these statistics are calculated or will some of the accidents that occur on worksites not be recorded because they will be dealt with through the Medicare system rather than through the workers' compensation system? These issues need to be investigated and, although the Government has set itself a very commendable target, I question the integrity by which it may be achieved. I note that in this annual report WorkSafe WA outlines its functions as follows -

The department assists the Minister for Labour Relations in the administration of the Occupational Safety and Health Act 1984, the objects of which are:

to promote and secure the safety and health of persons at work;

to protect persons at work against hazards;

We know it is doing that particularly well, because I mentioned in this place yesterday that in one year it made five visits to hairdressing premises. It is doing an outstanding job, and if it is making that many inspections of other

workplaces in this State it must be out to set a record! The third function of WorkSafe WA is to assist in securing safe and hygienic work environments. The fourth is to reduce, eliminate and control the hazards to which persons are exposed at work. Clearly, given the number of occupational diseases, many of which occur as a result of people handling chemicals at work, one questions whether this function is being suitably met.

The next function, and this is the one that causes me some concern, is as follows -

to foster co-operation and consultation between, and to provide for the participation of, employers, employees and associations representing employers and employees in the formulation and implementation of safety and health standards to current levels of technical knowledge and development;

Given WorkSafe's handling of union involvement in workplaces and the fact that it purports to have as one of its functions the desire to foster cooperation and consultation between employers and employees and associations representing these people, one can only conclude it is an absolute joke and that WorkSafe has absolutely no intention of fulfilling this function. It has included it as one of its functions because it sounds good, but in practice it will not do a helluva lot about it.

Given the information presented to me, WorkSafe WA falls short in meeting its functions. There is no doubt that inspections are getting weaker and increasingly WorkSafe WA is reactive rather than proactive. It might inspect workplaces, but it is not carrying out sufficient inspections or instituting precautionary measures to the point where they are of benefit to workers in unsafe workplaces.

Most employers are good and try to look after their workers. However, I did not come down in the last shower and I acknowledge that there are employers who do not look after their workers as well as they should. If there is an avenue by which they can cut costs, they certainly will take it.

I was successful in obtaining WorkSafe's 1997 prosecution summary index for Western Australia. It contains some interesting information. People do not realise how disastrous some of the accidents that occur in workplaces really are. I inform the House of a case involving Keyport Pty Ltd, trading as Statewide Demolition. The breach was that Keyport failed to provide and maintain a working environment in which employees were not exposed to hazards. The background is as follows -

On 18 October 1995 the fatally injured employee, was part of a demolition crew contracted to remove redundant equipment, obsolete plant and concrete footings.

Whilst removing an electrical cabinet, slung from an overhead gantry crane, the employee was trapped by the neck between the edge of the cabinet and the pulley of the overhead gantry crane, and died as a result of the injuries sustained.

The system of work followed by the deceased employee was deemed not to be safe because it involved the following -

inadequate supervision, in that the employee was an inexperienced demolition worker and his immediate supervisor's only experience began at the commencement of the contract.

That is a real problem because there are many operators in the demolition industry who are not trained in demolition practices. They pick up a job because they lodge the lowest tender. The result is that the safety provisions on the site are often inadequate. It was also found that -

inadequate training - no planned or formal training was carried out, no employee of Statewide on the worksite was trained or held a certificate of competency as a rigger, which led to inappropriate slinging of the electrical cabinet.

A flexible steel wire rope sling used was marked "condemned" due to its poor condition.

The Magistrate found that "there was such a hazard involved in the slinging and shifting of electrical cabinets on site that it was necessary for employees involved in that work to be both in themselves adequately trained in rigging work and supervised by a competent person."

The charge for this breach was \$35 000. There have been many breaches. Another one involved Presto Construction Pty Ltd, trading as Presto Scaffolding. The background to this case is as follows -

On 13 July 1995 the (injured) employee and three other workers, were stripping a suspended birdcage scaffold from a lantern roof of a building under construction, approximately 5 metres above the ground floor level when he lost his balance and fell to the concrete slab below. There was no fall arrest equipment provided.

The employees' injuries were a shattered right knee cap, 3 breaks to his right arm, fractures to his left and right cheek bones, bruising of the brain and impaired vision (80% loss) in the left eye.

On 21 March 1997 Presto Construction Pty Ltd was convicted at the Perth Court of Petty Sessions and fined only \$5 000 plus \$1 400 costs.

Clearly, many of these safety breaches could have been avoided and some employers are taking the soft option. Basically they are cutting their costs by cutting back on safety provisions for workers. As a consequence people have broken limbs. Some people have lost their lives, leaving their families shattered. Brothers and sisters are losing fathers, and wives are losing their husbands. This has enormous repercussions for families. I went through it in my family and it is difficult to come to terms with that loss. Many families never recover from it.

It is in our society's best interest to ensure that Western Australian workplaces have the highest standards of safety. Critical to this is the notion that before awarding contracts some checks should be made on whether the company which has put in a tender for a contract has been fined for breaches of safety in the past. This would indicate whether the contractor was suitable and was likely to meet the safety requirements on subsequent contracts he received.

I put a question to the Minister about whether demolition contractors were required, as part of their tender application, to signal whether they had breached safety requirements. I was advised there is no such requirement. If this Government is dinkum about improving safety in Western Australian workplaces perhaps contractors should be required to specify where, how often and under what circumstances they had breached the occupational safety and health regulations. They should be required to outline the sort of damage that individuals had sustained as a result of that breach.

That would go some way towards improving the general occupational health and safety standards across industry in this State.

A review of the prosecution policy is being undertaken, and I have no problem with that. However, it appears there are some inconsistencies with the fines imposed for breaches of occupational health and safety standards. We should have a review of the entire WorkSafe organisation; we should not focus only on prosecution policy. The Government is trying to short change the Western Australian public, because enormous pressure has been put on the Government to do something about WorkSafe, to undertake a full investigation into the organisation and the activities of Commissioner Bartholomaeus. The public has been bought off yet again, because the Government has promised to review its prosecution policy. It is like examining a minute part of the *Titanic* wreck to work out why the vessel sank. It is an inadequate approach, and it will not meet the requirements of the public in regard to WorkSafe Western Australia.

WorkSafe claims that work related injuries and accidents in industry have decreased by 6.8 per cent. The department promotes that figure as a major achievement for 1996-97. If the figure were real, perhaps it could be regarded as a positive achievement. I turn now to the 1996-97 annual report of WorkSafe, which states -

The department's major achievements in the Regulatory Services program during 1996/97 were:

The rate of work-related injury and disease was reduced by 6.8% between July 1995 and June 1996. An 18.6% reduction has been achieved since July 1993, exceeding the Government's initial target of a 10% reduction between July 1993 and June 1997.

On the face of it, it all looks hunky-dory, but any logical person would raise a number of questions about those statistics. A number of conclusions can be reached: Firstly, for example, I do not know how much of the 6.8 per cent reduction can be attributed to the fact that many people have signed workplace agreements - a policy forced on workers by this Government. I do not know how much of the reduction can be attributed to the fact that some people are simply too frightened to report accidents, because if they do they will be shown the door. People can say this is not the case, or can query the reason for a lack of reporting under this Government rather than under a previous Government. Under a Labor Government people were not forced onto workplace agreements; under this Government they are. According to the evidence, people are simply too frightened to report accidents.

I turn now to an article in *The West Australian* on 19 September titled "Fear forced hurt hand", about a young man, Brett Zurakowski. The article reads -

Brett Zurakowski worked for six hours after crushing his hand in a pressurised vice because he was afraid of his boss' reaction.

Three fingers were crushed, their nails lost, the middle finger was broken after it was smashed into a "mushroom shape" and the tip sliced off in the accident in a Perth cabinet-maker's workshop in April.

"It hurt like hell," the Morley 16-year-old said. "But I was scared of what he was going to say. He would have gone ballistic at me. I just like to keep the peace so I just kept on working."

If this is what goes on in our workplaces, as a society we should be hanging our heads in shame. This is unacceptable, and it is just the tip of the iceberg. Many people endure the same predicament, and many accidents go unreported.

I refer again to the prosecution summary, and the case of SBF Engineering Pty Ltd trading as SBF Shipbuilders. The company was fined because it failed to report forthwith accidents occurring in a workplace to the WorkSafe Western Australia commissioner, as specified under regulation 201(1)(e). The background to the case was that -

1. On 19 March 1996 the injured employee lacerated his right thumb when using a trimmer. He was off work for 13 days.
2. On 9 May 1996 the injured employee suffered an amputation and laceration of his fingers on his left hand whilst grinding. He was off work for a period of 3 months.
3. On 26 September 1995 the injured employee suffered tendon and nerve damage and lost part of his fingers on his right hand when he tripped while carrying a steel plate. He was off work for 12 weeks.

In handing down the penalty the Magistrate referred to comments by the Prosecutor on reasons for reporting accidents. The Prosecutor's comments were that such accidents need to be reported so that enquiries or investigations can be carried out to ensure compliance with legislation and to ensure that measures are put in place to prevent a reoccurrence.

In this case, the fine was \$1 000 for each charge. This is evidence that some employers are not reporting industrial accidents. If they are not reporting industrial accidents, they are not appearing in the statistics. If they are not appearing in the statistics, we must be concerned. We should ask why people are not prepared to report injuries sustained in the course of their work. It is unacceptable that in this day and age, under this Government, people are too afraid to say they have injured their back, lost fingers, or had parts of their body crushed.

The 6.8 per cent reduction does not take into account the number of employees not reporting accidents. Some employees do not report injuries because rather than being treated through the workers' compensation system they are referred to the Medicare system. That is a transfer of liability. I understand that in many cases employees do not put in claims for insurance; they claim Medicare benefits and pay the cost differential.

In fact, five or six people a week suffering from workplace accidents are going through the Medicare system rather than the workers' compensation system. We need to address the loopholes in the legislation which allow employers to be able to transfer this liability from the private sector to the public sector. The system should be tightened up. To what extent are work injured workers being diverted from the workers' compensation system to the Medicare system? The Government would not know the extent of this practice, and it would be well advised to find out the magnitude of this problem.

When raising the issue of the transfer of liability from workers' compensation to Medicare, Hon Greg Smith stated that employers were encouraging employees with minor injuries to go to the doctor. I quote from the uncorrected proof of *Hansard* of Tuesday, 21 October, in which the member stated -

I have been an employer and an employee. If someone in the shearing industry has a minor laceration and goes to the doctor under workers' compensation to get two or three stitches, it costs \$120 because of all the bureaucratic forms the doctor must fill out. However, if one pays for a visit oneself, it costs \$25.

If this is the attitude of employers, it is a real worry.

Hon W.N. Stretch: It is saving almost one hundred bucks.

Hon LJILJANNA RAVLICH: This is absolute nonsense. The Government's attitude is that if it can transfer costs, it will do so. If one of Hon Greg Smith's employees went to him with a bad back, he would say that he did not want to put the person through the workers' compensation system and he would go privately and fix it up quietly. It may look all right on the face of it; however, let us say that the back injury is long term, which can be debilitating over time, and can result in the crippling of an individual. Who will be responsible for that injury? The minute that one transfers the liability, it will become the employee's problem. It is not on. The Labor Party will fight for the rights of ordinary, hardworking men and women in this country who injure themselves in performing their occupational duties. This nonsense of shifting liability and absolving responsibility for long term injury is not on.

Hon Murray Montgomery: Have you ever been part of an industrial accident?

Hon LJILJANNA RAVLICH: No. Has the member?

Hon Murray Montgomery: Yes.

Hon LJILJANNA RAVLICH: So what?

The DEPUTY PRESIDENT (Hon J.A. Cowdell): Order! Hon Ljiljanna Ravlich has the call.

Hon LJILJANNA RAVLICH: I do not know why I bother to stop for interjections. Every time I stop, I realise that I am wasting my time because I never get a reasonable comment from members opposite. I am asked whether I have been part of an industrial accident. However, I have been in contact with many people who have been involved in such accidents.

Hon Murray Montgomery: Maybe if you had, you would understand the situation better.

Hon LJILJANNA RAVLICH: I am happy to take guidance from them regarding the difficulties they encounter in trying to deal with those matters.

Hon Greg Smith: Have you ever given someone, or five people, a job?

Hon LJILJANNA RAVLICH: That is irrelevant. This member placed on record the fact that he will not do things properly and that he would find a cheap way out, which is exactly what I am arguing against.

Hon Greg Smith: There is no cheating - I will ask you to withdraw that.

Hon LJILJANNA RAVLICH: Withdraw what?

Hon Greg Smith: The cheating comment - there is nothing cheating about it.

The PRESIDENT: Order! This is not a conversation; it is a speech in the second reading debate.

Hon LJILJANNA RAVLICH: The member says he will not go through the workers' compensation system. However, if an employer is required to pay workers' compensation, and if a worker is injured in the place of employment, without question the worker should go through the workers' compensation system. The fact that it might be cheaper and not interfere with premiums to go through the Medicare system should not enter the equation. The response I hear from the member opposite is of somebody on the defensive. If the member were doing nothing wrong, he would not have to defend himself.

In considering how the Government achieves the 6.8 per cent figure, it is worth noting that journey claims were included in the statistics until three years ago. They are no longer included in the statistics. I do not know the calculation for the adjustments made for their non-inclusion. For example, I asked the Attorney General representing the Minister for Labour Relations question 874 about the number of journey claims made in 1991-92 and 1992-93. It was interesting that in 1991-92, 2 972 claims were made, and in 1992-93, 2 911 claims were made. However, in the following year, after changes to the Workers' Compensation and Rehabilitation Act, only 1 666 claims were made because only part of those figures were included. Clearly, the figure for those journey claims are no longer included.

The bottom line is that given these factors, I for one would like to know how the Government calculates its rate of work related injury and disease. Unfortunately, I have not been able to obtain a formula for how these figures are calculated. It is a little like how the Government calculates the savings on many of the contracts it puts out. It all looks good on the face of it; however, when we dig a little and ask how the Government calculates these savings, we do not get an answer. Try as I may, I am not able to get the information I require. The situation is exactly the same in the matter of work related injury and disease.

One of the matters that stumps me - I am happy to receive an explanation of this - is that the annual report claims that the rate of work related injury and disease has been reduced by 6.8 per cent and that a reduction of 18.6 per cent has been achieved since July 1993. The amazing thing is that the number of claims over this period has increased substantially. The number of work related injuries and diseases has dropped substantially since 1993, by about 20 per cent, yet the number of claims for workers' compensation has increased substantially. I cannot work out why this inverse relationship would apply. One expects that if work related injury and disease had decreased, the number of claims would have decreased. That is not the case. I will continue to ask questions about this matter because there is something drastically wrong with these figures. I will make it my business to find out what the proper figures are.

I have made no secret of the fact that I have sought a full inquiry of the WorkSafe Western Australia Commission and I am bitterly disappointed that my actions have been to no avail thus far. I wrote to the Commissioner for Public Sector Standards on 10 July 1997 and expressed my concerns about the functions of WorkSafe. I expressed concern about the way it was dealing with unions. I requested a full investigation of the activities of WorkSafe and Commissioner Bartholomaeus. I received a response on 17 July, a week later, which basically said that my complaint

had been forwarded to the Premier and the Premier would provide background information to the Commissioner for Public Sector Standards, and that on receipt of the report a determination would be made about whether an investigation would take place. I wrote back on 24 July and the Commissioner for Public Sector Standards wrote back to me on 7 August. He thanked me, but said that, as previously advised, he was seeking a background report on this matter from the Premier. Nothing has come of it.

For four months I have been waiting for a response on whether a full inquiry will be held into WorkSafe WA. Four months down the track I wonder whether the Commissioner for Public Sector Standards has an efficiency audit. I am concerned it should take four months for a determination on this matter, given the number of people who have expressed a concern in this area. I await eagerly a response from the Commissioner for Public Sector Standards. The Opposition is not asking for only a review of prosecutions. We want no less than a full inquiry into WorkSafe WA.

HON TOM HELM (Mining and Pastoral) [9.45 pm]: I join with my colleagues on this side of the House, particularly Labor Party members, in supporting this Bill. This is a money Bill; therefore, members are obliged to support it. I will bring to the attention of the House a number of matters that relate to the finances of this State and will highlight some concerns I have. The ignorant people on the other side of the Chamber who do not know the outcomes of some of the policies they have supported might be interested to know that there is no possibility of a worker suing an employer who is negligent in his provision of a safe working place if damage to the employee is less than 30 per cent. Members know what the formulas are - 30 per cent of a lost finger and so on. If people have been injured in an accident, which I have, they will know that it is difficult to show that they have been injured over the 30 per cent or whatever the formula happens to be at the time. A back injury can begin as virtually nothing and end up as a disabling injury.

The first matter I bring to the attention of the House is that tomorrow Parliament will have a visit from the acting chairperson of the Pundulmurra Aboriginal College council in Hedland. Her name is Jean Agale and she belongs to an old and respected family in Port Hedland. She was fortunate enough to be appointed as acting chairperson following the expiry of the term of the previous chairperson, Greg Kneale, who also was an identity in Port Hedland. Jean will be here with two of her colleagues from the college to talk about the move for Hedland College to take over Pundulmurra - although it is called amalgamation. It is fortuitous that this matter is raised at this time because a Loan Bill relates to the finances of the State, and the changes that are taking place at Pundulmurra are to do with finances.

Members must be informed of the issues surrounding the so-called amalgamation. It is perceived by Aboriginal people in the Pilbara and the Kimberley as nothing more than a takeover of one college. I make no comment about the push by Governments of all persuasions to give more responsibility to Aboriginal people to take control of their future and to provide futures for their young people. For that matter, there has been a general push from Aboriginal training authorities and national bodies that this exercise should take place; that is, Aboriginal people should take responsibility for and control over the delivery of education and training to Aboriginal people.

Hon Norman Moore has taken some praise for the fact that Pundulmurra College was set up so that it could be controlled by an Aboriginal council and would offer training which was not only culturally but also socially appropriate and could be delivered to the remote communities where it was much needed by Aboriginal people. The council and the director of the college have now been told that an amalgamation is required to take care of the corporate services that should be provided for Pundulmurra College.

In 1993 negotiations started about the future of Pundulmurra College, but the changes were not put in place until 1994. There was some recognition of the need for corporate services to be provided at the college because it had changed from being within the responsibility of the Education Department to gaining independence. Corporate services were not being delivered there. It was thought that Pundulmurra College could buy the surplus corporate services at Hedland College.

Hon Derrick Tomlinson: What sort of services are you talking about?

Hon TOM HELM: I am talking about administrative services, financial services and those dealing with accountability. It seems like a good idea. Hon Norman Moore and I talked about the position at the time. It appeared that Hedland College had surplus corporate services which could be taken up by Pundulmurra College. For some reason or other that did not transpire. The difficulties were noted. In his report, the Auditor General commented that Pundulmurra College should look at its corporate services. Apart from some slippage in its compliance with the Financial Administration and Audit Act, things at the college were not as bad as they first appeared. The "Report on Controls, Compliance and Accountability Audits 1997" by the Auditor General contains a section dealing with the financial controls at autonomous colleges. He reports some general findings of all aspects of autonomous colleges and says that they could all be improved and all of these colleges have problems which must be addressed.

Apart from looking at the detail and the result of taking away the autonomy of Pundulmurra College and the responsibility it had accepted for the delivery of training, we must be very concerned about the lack of consultation with this college. There has been a great deal of play on the ability of this Government to deliver choice to people. It has said that people have a better choice if a wide range of options are available. In this case I suggest that this amalgamation has been imposed. Subsequent to the announcement, a number of discussions took place. They were done in the context that the Government knows best, that it will tell Pundulmurra College what it will do, and after that it will discuss the best way of delivering training in Port Hedland, but without the college having the same standing as it had in the past for Aboriginal people.

This goes against all the relevant recommendations that came about through the Royal Commission into Black Deaths in Custody. It flies in the face of how the Aboriginal training service was to do its job. It is going in the opposite direction to every other decision, unless it is bundled in with the Wik 10 point plan. However, that is a totally separate debate. We are talking about the paternalistic attitude towards Aboriginal people that was more so earlier than it is now; about the way the European occupation of Australia occurred and how we have treated the indigenous people. We seem to be going back down that track, rather than continuing along a positive path. This Government has signed documents agreeing that autonomy and self-determination are ways of making up for the past 200-plus years of European occupation of this country and the non-recognition of the needs of the indigenous people. On the practical side, mining and exploration companies have entered into meaningful agreements with indigenous people about their land.

The Department of Training has decided that it wants to deliver services in a different way. It is not for me or any member in this Chamber to comment about how those services are delivered. However, surely the issue is about consultation. In this case, there was no consultation, no ability for Aboriginal people to have any input about how the changes should take place. There is not much evidence about how savings will be made or about how services will be delivered more efficiently and effectively. Pundulmurra College merely received a letter telling it that the changes would take place and it could like it or lump it. There was nothing in it for the college.

I attended a number of meetings at Pundulmurra College subsequent to its receiving this letter. I listened to what the people who were involved had to say. The debate centred on the recognition by the client group of Pundulmurra College that changes were inevitable, that life goes on and that, as it does, things change. That point of view was understandable. These people have always been receptive to new ideas. People who have had any connection with Pundulmurra College will know that this college has never been averse to listening to proposals that will assist it to deliver services better. The college has never suggested that the way it delivers its services is perfectly right and should not be subjected to change. In the Pilbara, and particularly the Kimberley region, the Aboriginal people have never been accused of turning their backs on progress or on any innovative ideas. In the case of Pundulmurra College they have said that there was no consultation. It is not a matter of opposing what is being proposed, rather that communication should be built up between those who provide the funding for the services and the deliverers of the service. There has never been a time when the college has refused to listen to new or imaginative ideas.

Apart from the recommendations that were contained in some reports of the Auditor General, there has been an allocation of funding to address the delivery of corporate services.

I understand that just after the letter was delivered \$1m was found so that Pundulmurra College would receive the funds to be able to improve its provision of corporate services and comply with the appropriate accountability measures. This is one aspect of the Loan Bill on which I will spend time. When Jean Agale comes tomorrow I will meet and talk with her. She will also meet with Geoff Gallop, and with John Kobelke, the shadow spokesman on this issue.

Debate adjourned, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.00 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Pundulmurra College

Hon N.F. MOORE: I have listened to Hon Tom Helm talk about a subject that is very important to me. I get very offended from time to time when I am told by members opposite that this side of politics is not interested in Aboriginal people or the issues that affect them. When I became the Minister for Employment and Training and inherited responsibility for Pundulmurra College it was a clapped out secondary school, an absolute and total disgrace. Anyone who was the Minister before my time should hide his head in shame, having let the school deteriorate to that extent. Hon Tom Helm knows as well as I do that it was an appalling building and ignored by most

parts of the Education Department because it was not part of the mainstream system. It was an embarrassment to the education system. I visited that college - there are no votes in it for me - and spent more -

Hon Tom Helm: It is in your electorate.

Hon N.F. MOORE: The people who generally support the college do not generally vote for me. I decided that it needed to be fixed up. I made it into a college under the Colleges Act. The Government poured millions of dollars into the facility to fix it up. The previous chairman, whom I appointed and for which I was roundly criticised by the member for Pilbara, closed the workshops because they were outside any occupational safety and health regulations. They had dirt floors and the exhaust pipes blew the exhaust into the building. He closed down the dormitories because they were also an occupational health and safety hazard.

Hon Ljiljanna Ravlich: So, you are doing something?

Hon N.F. MOORE: That is exactly right. Hon Tom Helm will tell Hon Ljiljanna Ravlich what happened there. She should visit the place some time if she wants to interject on me. I fixed it up. Millions of dollars have gone into that facility and it now has modern workshops which are occupationally safe, as well as habitable dormitories and classrooms that people can use. Its administration centre is the best in the north and when the Broken Hill Proprietary Co Ltd single persons' quarters over the road become available it will be able to offer accommodation. It will be a magnificent college for both Aboriginal and non-Aboriginal people. I take great credit for fixing up what the Labor Party left as a disgusting mess.

Hon Tom Helm: It will not be an Aboriginal college.

Hon N.F. MOORE: Hon Tom Helm wants to criticise and nitpick on the basis that a decision has been made to fix up the corporate services problem. I told him about the problems that beset that college and I sought to remedy the delivery of corporate services but I was unable to do so. I had adverse reports from the Auditor General year after year because we could not get the staff to make it run properly. It will always be an ongoing problem at that college. I have told Hon Tom Helm about that. The present Minister is trying to resolve the corporate services problem of that college; that is, to ensure that Hedland College's corporate services, only about 100 metres away from it, will be used.

Point of Order

Hon TOM HELM: I am a bit confused. I thought we were on the adjournment debate and we could not use it to make comments about previous debates.

The PRESIDENT: We are on the adjournment debate; the Leader of the House is moving that the House do now adjourn. He is entitled to raise the issues that he is raising now.

Debate Resumed

Hon N.F. MOORE: Thank you, Mr President. I make the point again that it has been exceptionally difficult to put in place a management structure at that college to enable it to meet the requirements of the Auditor General. That is not for lack of trying. I had a significant commitment to that college because I decided it should be an independent college, that the Government should spend a lot of money on it and that it should have a future. I decided that we would give it as much time as possible to be able to operate as an independent college in every sense. Unfortunately it has not succeeded and I regret that as much as Hon Tom Helm does.

I have no problems about the future of the college. It will continue to have its own sub-board of management or whatever. The corporate services will be run by Hedland College. We all know that the previous Labor Government, through the member for Pilbara, under its Pilbara 2000 proposal, suggested we amalgamate Hedland, Karratha and Pundulmurra Colleges into one institution - a university of the north west - and bring them all together under one corporate service. Where would it put that - Whim Creek or somewhere similar? This Government will be amalgamating only two colleges. The Minister has decided to amalgamate the corporate services of Hedland College and Pundulmurra College. I agree that more consultation could have occurred; nonetheless, the inevitable decision had to be made. The college has declining numbers of students, and student contact hours have been diminishing rather than increasing, while money being spent has increased. Something must be done about that, the courses it is delivering, the out-stations it runs and many more aspects to make it work better for the benefit of Aboriginal people seeking the training that the college can provide.

Hon Mark Nevill: I heard that the staff there have never been better.

Hon N.F. MOORE: That is terrific. They still have not been able to satisfy the Auditor General, who is pretty difficult to satisfy sometimes.

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: This is one occasion on which that has been impossible and we have had to search for a solution to the problem. There is no ulterior motive or suggestion that Aboriginal people should not have a college of their own. It is about making sure the place will operate efficiently and effectively using large amounts of taxpayers' funds.

We announced before the last election that an academy of sport would be attached to Pundulmurra College, and that will start shortly. It will be designed to ensure that young Aboriginal people with sporting talent can be recognised and given the support necessary to reach their maximum potential. It will be established at Pundulmurra College, which will take over the BHP single persons' quarters in a few years' time when they are no longer required by the company. That will provide magnificent accommodation and sporting facilities.

It will be a significant college in its own right. Had it been left to the previous Labor Government it would have closed down now as a secondary college of no substance.

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: Hon Ljiljanna Ravlich should stop interjecting on me and have a look; she would not have a clue about the situation. Hon Tom Helm will tell her what it was like; it was a disgrace. It is now a magnificent facility. It was fixed up by me and this Government and is being further fixed by the present Minister to ensure that the administration of the college can be done properly. I am happy to talk to Jean Agale or anyone else who wants to talk about it. I have no problem defending the Minister's decision because it is the right decision at this point. I hope that down the track Pundulmurra may be able to be an independent college in its own right again but it must go through a maturing process before it reaches that stage in its history.

Hon Tom Helm: Wait until tomorrow when I have half an hour to answer you.

Hon N.F. MOORE: I know that; I have listened to members opposite all night. Hon Christine Sharp raised the same issues the other night as Hon Tom Helm raised tonight. This college has never had so much care and money put into it as in the past four or five years. I get a bit irritated when people like Hon Tom Helm say that members on this side do not care.

Hon Tom Helm: I never said that.

Hon N.F. MOORE: Hon Tom Helm used words to that effect. This Government does care very much about ensuring that that college delivers what it is there for; that is, training for Aboriginal and non-Aboriginal people. It is not a college for Aboriginal people only. Hon Tom Helm has this funny idea that if Aboriginal people do not run it totally and it is not for Aboriginal people only, it is not doing the right job. It is essentially for Aboriginal people, because it has courses which are appropriate to Aboriginal communities, but it is also for any person who wants to access its programs. It should be run not by Aboriginal people solely but by people who can manage it in a way which will make it more effective.

I had no compunction in making Greg Neil the chairman of that college. He was the right person at the right time and did a good job. However, the time is now ripe for people like Jean Agale to take over.

Hon Tom Helm: But she cannot.

Hon N.F. MOORE: With respect, the member should listen to what I am telling him and what I have told him privately. It is a fact of life that what is being done now needs to happen now.

Hon Tom Helm: That is not the point, and you know it.

Hon N.F. MOORE: I would rather have had the situation that the member is saying we should have now. That is where I started from. I was convinced that it should be an independent college. However, that will not work at present; in time it may work. I am asking the member to be a bit fair right now, to give some credit where it is due, and to stop jumping onto a bandwagon that will cause more trouble than it is worth.

Question put and passed.

House adjourned at 10.11 pm

QUESTIONS ON NOTICE

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

HOUSING - COMMONWEALTH-STATE AGREEMENT*Details*

211. Hon JOHN HALDEN to the Minister for Finance representing the Minister for Housing:

- (1) Has the Commonwealth/State Housing Agreement expired?
- (2) If so, when did it expire?
- (3) When is a new agreement expected to be signed?
- (4) What is the interim situation in regards to providing public housing whilst there is no agreement in place?
- (5) If there is no agreement in place, is that likely to slow down the construction of public housing?
- (6) How much money did the State receive, this financial year, as a result of the Commonwealth/State Housing Agreement?

Hon MAX EVANS replied:

- (1) No - term of current agreement expires 30 June 1999.
- (2)-(5) Not applicable.
- (6) \$108.82m in 1996/97.

HOMESWEST - COMMUNITY HOUSING PROGRAM*Grants*

375. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

- (1) What was the grant amount requested by the following groups under the Community Housing Programme of the Commonwealth-State Housing Agreement -
 - (a) Association for Care and Rehabilitation of Alcoholics, Drug Addicts and Homeless persons (ACRAH Inc) to spot purchase seven, one or two bedroom units in inner suburbs;
 - (b) Wesley Central Mission (Wesleycare) to spot purchase five lot units within the AVRO catchment area;
 - (c) Innananas Housing Co-operative, to cover increased costs, to build, and to buy land; and
 - (d) Murchison Aboriginal Corporation to purchase eight transportables?
- (2) On what dates did Homeswest notify these groups that their funding had been approved?
- (3) For each group, how much money was actually approved by Homeswest?

Hon MAX EVANS replied:

- (1)
 - (a) \$525 000.
 - (b) \$500 000.
 - (c) \$877 000.
 - (d) \$866 000.
- (2)
 - (a) December 22, 1994.
 - (b) December 22, 1994.
 - (c) November 26, 1993 for land purchase and December 22, 1994 to cover construction and increased costs.
 - (d) December 22, 1994.

- (3) (a) \$819,000 Excluding 20 per cent contingency
- (b) \$585,000 Excluding 20 per cent contingency
- (c) \$878,000
- (d) \$882,000 Excluding 20 per cent contingency

Approved funding allocations were based on Homeswest's cost estimates of the proposals of the community groups.

GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

Funding

427. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) What programs are conducted in the Minister for Housing's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

Hon MAX EVANS replied:

- (1) (i) Aboriginal Rental Housing Program which includes the following sub-programs:
 - Urban Program;
 - Aboriginal Tenant Advocacy Service;
 - Aboriginal Communities Program;
 - Management Support Program;
 - Mobile Maintenance Teams;
- (ii) Aboriginal Home Ownership Scheme;
- (iii) Several Aboriginal Employment Strategies.
- (2) Aboriginal people have equal access to mainstream programs such as rental assistance, bond assistance, the Community Housing Program and the Home Ownership Program. Details of Aboriginal specific programs provided by Homeswest are:
 - (i) Aboriginal Rental Housing Program
 - Urban Program:
 - This program essentially provides for the construction, upgrade or purchase of Aboriginal rental housing properties in the metropolitan and country urban locations and tenancy support.
 - Aboriginal Tenant Advocacy Service:
 - This program provides advocacy services to Aboriginal tenants.
 - Aboriginal Communities Program:
 - This program provides for the construction and upgrade of housing within discrete Aboriginal communities.
 - Management Support Program:
 - The Management Support Program provides assistance to Aboriginal communities (which have received funding through Aboriginal Communities Program) to manage their housing stock. It focuses on the areas of capital upgrading and maintenance, management support and training and community development.
 - Mobile Maintenance Teams:
 - This program provides initial support to Aboriginal maintenance teams by preparing them to tender

for Homeswest zone maintenance contracts and increasing their ability to attract work in the private sector.

(ii) Aboriginal Home Ownership Scheme

This program is designed to enable Aboriginal people to make the transition from renting to home ownership.

(iii) Aboriginal Employment Strategies

Various strategies have been implemented to assist Aboriginal people secure employment both within Homeswest and through the programs it delivers.

(3) The funds earmarked for Aboriginal specific programs in 1996/97 are:

Aboriginal Rental Housing Program	\$20.862m
Aboriginal Home Ownership Scheme	\$4.500m
Aboriginal Employment Strategies	\$0.047m

(4) Commonwealth and Homeswest.

Should the member require further detail about these programs, he may contact the Executive Director of Homeswest, Greg Joyce.

LOCAL GOVERNMENT - COMMUNITY HOUSING PROGRAM

Projects Approved

459. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

I refer the Minister for Housing to question on notice 833 of October 15, 1996 -

Given that in letters from Commonwealth Minister Howe to Hon Kevin Prince after June 1994, and to Hon Richard Lewis on March 3, 1994, it appears that agreed projects approved under Local Government and the Community Housing Programme for 1993/94 between the State and Federal Ministers total only \$3 874 100 -

(1) Can the Minister explain where the discrepancy in amounts comes from?

(2) Has this discrepancy been rectified?

Hon MAX EVANS replied:

(1) During the 1993/94 financial year, two funding packages totalling \$5.384m were approved by the State Minister and submitted to the Commonwealth Minister for approval.

The first package of \$2.561m was approved. The second package received approval for \$1.313m, the total being \$3.874m. Subsequently, a further \$1.3m of the second package was approved.

The balance of \$210,000 for one specific project was not approved by the Commonwealth Minister. This was not fully explained in the answer given to question 833. The project did in fact proceed with funds made available by Homeswest. The \$210,000 was returned to the programme for future allocation and spending.

(2) See (1).

The administration of the Community Housing Programme and its predecessor, the Local Government and Community Housing Programme, has involved a number of assessment and approval processes. As the member has asked a number of questions regarding this programme, I suggest he arrange to meet with the Executive Director of Homeswest in order to be more fully briefed.

HOMESWEST - LOCAL GOVERNMENT AND COMMUNITY HOUSING

Housing Co-operative Sector - Allocation

601. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

What happened to the \$1.08m allocated to the housing co-op sector by Homeswest and Hon Jim McGinty in 1992/93 under the Local Government and Community Housing Program?

Hon MAX EVANS replied:

Refer to question 600 (1).

HOMESWEST - LOCAL GOVERNMENT AND COMMUNITY HOUSING

1984-85 Accrued Funds

602. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

Where did the \$1m of accrued 1984/85 Local Government and Community Housing Program funds come from that Homeswest added to the 1992/93 Local Government and Community Housing Program?

Hon MAX EVANS replied:

The \$1 million of additional funds accrued from savings on project expenditure over a seven year period from the commencement of the program in 1984/85.

HOMESWEST - LOCAL GOVERNMENT AND COMMUNITY HOUSING

Third Package 1994-95 Funding - BIRCH Co-op

603. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

- (1) Did Mr Greg Joyce advise the Community Housing Advisory Committee that Hon Brian Howe agreed to fund the third package of Community Housing Program 1994/95 for \$2.025m and this included \$740 000 for the BIRCH co-op in Bunbury?
- (2) Why did the Community Housing Advisory Committee advise that the third package of Community Housing Program 1994/95 approved funding was only \$1.135m and this did not include BIRCH?

Hon MAX EVANS replied:

- (1) The Community Housing Branch of Homeswest advised the Community Housing Advisory Committee (CHAC).
- (2) The CHAC did not give that advice nor did it have the responsibility to publish funding approvals.

An information gazette put out by the Community Housing Interim Resourcing Unit (CHIRU) in April 1995 published details of the third funding package under the Community Housing Program. Reference to the BIRCH project was mistakenly omitted from the publication by the CHIRU.

HOMESWEST - COMMUNITY HOUSING ADVISORY COMMITTEE

Advice - Federal Housing Minister's Decision

604. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

Who in Homeswest is responsible for advising the Community Housing Advisory Committee of the Federal Housing Minister's decisions?

Hon MAX EVANS replied:

The Community Housing Advisory Committee (CHAC) ceased to exist in July 1996. During its term of office, the Community Housing Branch of Homeswest was responsible for advising the Committee of the Federal Minister's decisions.

HOMESWEST - LOCAL GOVERNMENT AND COMMUNITY HOUSING

Fourth Package 1994-95 Funding - Notification

605. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

Did Homeswest notify anyone that Hon Brian Howe agreed to fund the fourth package 1994/95 Community Housing Program for \$4 653 800 including 20 percent extra for Wesley Central Mission, ACRAH, Murchison Aboriginal Corp and Narrogin Cottage Homes?

Hon MAX EVANS replied:

Community agencies were only advised of the base allocation. The additional 20% was a contingency fund to

accommodate any additional costs incurred in the completion of the project. Where the contingency allocation was not used, the funds were returned to the Community Housing Program for reallocation.

HOMESWEST - LOCAL GOVERNMENT AND COMMUNITY HOUSING

1992-93 Funding - Catholic Care

607. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

Why did Homeswest use \$200 000 of Local Government and Community Housing 1992/93 Funds for Catholic Care when the Federal Housing Minister refused this project as it did not comply with program guidelines?

Hon MAX EVANS replied:

See (1) of question 459.

PAWNBROKERS - IDENTIFICATION OF PEOPLE SELLING GOODS

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

What checks and balances are in place to ensure that pawnbrokers do not willingly fail to identify people selling goods because it is in their own interest not to identify them?

Hon PETER FOSS replied:

The Dealers Squad undertakes a daily check of transactions submitted by licensees via the Dealers Search Facility. In addition to these checks, teams from the Dealers Squad, in partnership with other internal organisations, visit pawnbrokers and secondhand stores on a regular basis. Documentation and goods are scrutinised and any abnormalities or suspicious transactions are extensively pursued. Store personnel and licensees are educated in any areas of concern and future transactions are closely monitored.

Store staff are questioned on their understanding of the legal requirements along with their policy on the store's standing on moral obligations towards the community. Stores which are identified as displaying an indifferent attitude towards deterring offenders disposing of goods through their business are subject to closer scrutiny.

Stores that have excessive quantities of stolen goods seized from them are also monitored very closely to establish whether any breaches of the Pawnbrokers and Secondhand Dealers Act have been committed. Operations of this nature are very complex and can only be conducted over a lengthy period of time.

Licensees are also educated in the areas of restitution and compensation regarding stolen goods seized from their stores and that any large amounts of goods seized either in quantity or value can be detrimental to the running of the business.

A continued police presence at these stores deters offenders and legitimate customers become wary of the bona fides of the store.

POLICE - PROTECTIVE SERVICES UNIT

Staff

714. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

- (1) Is the statement on page 17, issue No 4 of Newsbeat, July 1997 that "The Protective Services unit has an operational staff of 17 sworn and 9 unsworn officers" correct?
- (2) What is the operational staff of each of the following and in each case how many are sworn officers -
 - (a) Internal Investigations;
 - (b) Internal Affairs;
 - (c) Management Audit; and
 - (d) Official Corruption?

Hon PETER FOSS replied:

- (1) Yes.
- (2) The Internal Investigation Unit, Internal Affairs Unit, Management Audit Unit and Official Corruption Unit are Units within the Western Australia Police Service's Professional Standards Portfolio.

This Portfolio has an approved staffing level of 92 sworn and unsworn staff. Placement of staff within this

Portfolio is undertaken at the discretion of the Assistant Commissioner Professional Standards to meet the overall needs of the Portfolio.

POLICE - CLAREMONT CENTRAL BUSINESS DISTRICT

Security Plan - Cost

717. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

What is the cost of the "comprehensive security plan for the Claremont central business district" referred to in a media statement of the Minister for Police on August 9, 1997?

Hon PETER FOSS replied:

The State Government contributed \$10 000 towards the cost of a study into the security of the Claremont Commercial Business District.

POLICE - BREATH TESTING KITS

Number

730. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

- (1) How many preliminary breath testing kits are available currently for use by the WA Police Force (Service)?
- (2) Of the "600 new preliminary breath testing kits" foreshadowed in the Minister's media statement of July 1, 1997, how many kits were available at that date?
- (3) When will all of the 600 new kits be provided and what is the budgeted cost of their provision?

Hon PETER FOSS replied:

- (1) 702.
- (2) Nil. The press release issued by the Western Australia Police Service on this matter said: "It is envisaged that a further 600 preliminary alcohol test instruments will be available for distribution in October 1997."
- (3) These new kits will be provided between now and December 1997, at a total cost of \$900 000. The funding will be provided by the Road Trauma Trust Fund.

POLICE - CUSTOM CREDIT

Complaint - Allocation of Fraud Squad Resources

774. Hon J.A. SCOTT to the Attorney General representing the Minister for Police:

In relation to the letter sent by D J Ford of Custom Credit to the Fraud Squad of the Western Australia Police Service dated March 3, 1992 -

- (1) Did the Fraud Squad allocate additional resources to investigate the complaint lodged by Custom Credit in October 1990?
- (2) Did Custom Credit provide, and did the WA Police Service ask for, increased office space at Custom Credit's Harvest Terrace premises?
- (3) Did Custom Credit provide an extra vehicle for the use of any extra police officers allocated to the investigation?
- (4) Will the Minister for Police table all documentation relating to this matter?
- (5) Is the Government satisfied that this type of sponsorship has not or will not lead to interference to police service investigations?

Hon PETER FOSS replied:

- (1)-(4) It is not appropriate that I provide any information on this issue at the present time as the matter is before the Courts.
- (5) The Government is satisfied that, with appropriate safeguards for preserving the integrity of the WA Police Service, this type of sponsorship has not or will not lead to interference to Police Service investigations.

WATER RESOURCES - DIRTY WATER

Complaints

823. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

- (1) How many reports of dirty water in Perth suburbs have been received by the Water Corporation this year?
- (2) How many reports of dirty water in Perth suburbs were received by the Water Corporation in -
 - (a) 1995;
 - (b) 1996?
- (3) How many complaints come from North of the river?
- (4) How many complaints come from South of the river?
- (5) From what suburbs are most of the complaints coming?
- (6) What causes for the dirty water have been identified?
- (7) What action is being taken to rectify the cause?

Hon MAX EVANS replied:

- (1) 1 209* dirty water complaints to the end of August 1997.
- (2) (a) 3 700*
(b) 4 158*
- (3) North of the river: 2 601 - 1995
2 673 - 1996
617 - 1 January 1997 to the end of August 1997
Total: 5 891
- (4) South of the river: 1 099* - 1995
1 485* - 1996
592* - 1 January 1997 to the end of August 1997
Total: 3 176*
- (5) The suburbs with the greatest number of dirty water complaints (from 1/7/95 to 30/06/97) were:

North of the river	South of the river
Wembley	Thornlie
Dianella	Gosnells
Floreat	Armadale
Doubleview	Lesmurdie
Morley	Kalamunda
- (6) Discoloured water (commonly known as dirty water) is a characteristic of all major water supply schemes. Although it is not a health risk, it does adversely affect the aesthetic quality of water. Dirty water generally occurs when sediments in the water mains are stirred up by increased flows in the mains as a result of increased demand or burst mains and distribution system changes, which change the direction of flow in mains.
- (7) The Corporation undertakes remedial action whenever dirty water is reported by a customer. The principal management method used is to flush accumulated sediment from the water mains. This action is undertaken proactively where possible to reduce the impact on customers. However, the nature of the problem makes it very difficult to predict and the results have proven to be of only short term benefit.

Air-water scouring has been successfully trialled in some suburbs and this has been effective in removing sediments from within the water main and improving the short term water quality within a street. The Corporation will continue to target air-water scouring at areas with increased discoloured water problems.

- * The data provided for South of the river reflects the actual number of service calls made by the Water Corporation in response to customers' dirty water complaints. There may be a number of customer complaints that are combined and dealt with by the one service call.

HOUSING - KEYSTART LOANS LTD

Repossessions - Mining and Pastoral Region

867. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) How many home buyers, who have purchased homes under the State Government's Keystart Lending Scheme, have had their homes repossessed in the last 12 months, within the area covered by my electorate, which is known as the Mining and Pastoral Region?
- (2) How many home buyers, who have purchased homes under the State Government's Keystart Lending Scheme, have had their homes sold after their homes were repossessed in the last 12 months, within the area covered by the Mining and Pastoral Region?
- (3) Should the commercial attractiveness of the State Government's Keystart Lending Scheme be re-evaluated so that low income earners, who take advantage of this offer, are not put at risk of taking up an overvalued house and land package at interest rates which are above the competitive rates set by market leaders?

Hon MAX EVANS replied:

- (1) In the last 12 months no home buyers in the Mining and Pastoral Region have had their homes repossessed. There has been one home buyer who has voluntarily handed his home back to the Scheme and moved to Perth due to unemployment.
- (2) No home buyers have had their homes sold, after their homes were repossessed, within the last 12 months, in the Mining and Pastoral Region. There are over 500 home buyers with Keystart Loans in this area.
- (3) No. Keystart lends against valuations at fair market value by licensed land valuers. Private financial institutions charge separately for mortgage insurance and monthly accounting fees. Keystart's rate includes all costs. Keystart does not offer marketing gimmicks of a cheaper 'honey-moon' rate for 12 months then reset to a higher rate. Instead it ensures the borrowers' income is adequate to match their loan repayments over the longer term.

POLICE - NORTHAM

Probationary Constables - Number

896. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

- (1) How many probationary constables have been sent to the Northam Police District since July 1, 1996?
- (2) How many probationary constables have been sent to other police districts since July 1, 1996?
- (3) Who is paying for their food and accommodation during their posting?
- (4) Has the Commonwealth Government made any contribution under (3) above?
- (5) What period are the postings typically for?

Hon PETER FOSS replied:

- (1) Eight probationary constables were placed within the Northam Police District under a "mentoring" scheme which places junior officers under the developmental guidance of an experienced suitably trained senior mentor who is also skilled in workplace assessment. The trial commenced on August 11 1997 and is due to conclude in March 1998.
- (2) A further eleven probationary constables have been placed within the Fremantle Police District under the mentor scheme, also for a six month trial period. Apart from those participating in the mentor scheme, 502 graduating recruits upon attaining the status of probationary constables have been placed in metropolitan districts since July 1, 1996.
- (3) Those probationary constables participating in the Northam trial mentor scheme have their meals and accommodation paid for through Commonwealth Traineeship funds.
- (4) Yes. See (3) above.
- (5) Postings are for a six month trial period which will be assessed and evaluated on conclusion of the trial period in March 1998.

HEALTH - ROSS RIVER VIRUS

Number of Cases

1035. Hon MARK NEVILL to the Minister for Finance representing the Minister for Health:

In respect of the Ross River fever virus, how many people have contracted this disease in each year since 1990 in each of the smallest statistical regions within Western Australia for which these statistics are collected?

Hon MAX EVANS replied:

In order to respond to this question I table the following documents which provide:

the total number of notified Ross River virus cases in Western Australia each year since 1990.

the number of cases in each region since 1990.

a map of Western Australia showing the regional boundaries referred to.

Also attached is a bar chart which shows the total number of Ross River virus cases on a regional basis for the period 1 January 1990-15 October 1997.

It should be noted that the data is based on postcode of residence of the patient, and not on the basis of location where infection occurred. For example the majority of cases for the metropolitan region are most likely to have been acquired in other areas of the State where Ross River virus is endemic.

[See paper No 1020].

WATER RESOURCES - JOHN TONKIN WATER CENTRE

Office Space

1084. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

I refer to question on notice 3514 of October 26, 1995 and 789 of August 26, 1997 in relation to office space at the John Tonkin Water Centre -

Can the Minister for Water Resources explain why there was 17 620 square metres of office space at the John Tonkin Water Centre in 1995 and now there is 19 533 square metres in 1997?

Hon MAX EVANS replied:

The space available for office use at the John Tonkin Water Centre increased from 17,602 square metres in 1995 to 19,533 square metres in 1997 as a direct result of an internal reorganisation which resulted in:

passage ways being reduced,
computer room being abolished, and
training facility being abolished.

SEWERAGE - INFILL PROGRAM

Contracts - Unsuccessful

1085. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Water Resources:

(1) How many infill sewerage contracts was the Water Corporation unsuccessful in tendering for in -

- (a) 1996; and
- (b) 1997?

(2) What was the total cost of those contracts?

(3) What was the value of the combined total of the lowest tenders for each of those contracts?

(4) How much money did the Water Corporation save in 1996 and 1997 by using the winning tender to undertake those contracts rather than accepting the construction branch tender?

Hon MAX EVANS replied:

- (1) (a) 16.
- (b) 7 to date.

(2) Information is commercially confidential.

- (3) \$21.43m, contract award price for these 23 tenders.
- (4) Information is commercially confidential.

POLICE - OFFICIAL CORRUPTION COMMISSION

Terms of Reference - Investigation

1093. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

- (1) Is the comment in *InterSector*, volume 3, number 20, October 8, 1997 in the article "Ground-Breaking Unit has Ongoing Role to Play" that "in 1998 an Official Task Force, an arm of the WA Police Service, was created to serve the newly-formed Official Corruption Commission" accurate?
- (2) If not, where is it inaccurate?
- (3) Is the comment in the same article "Then in 1992, some of the Commission's terms of reference, which had been referred to the Police Service for investigation, became part of the terms of reference for the Royal Commission into the Commercial Activities of Government and other Matters, more commonly known as the WA Inc Royal Commission" accurate?
- (4) If not, where is it inaccurate?
- (5) Which of the Official Corruption Commission's terms of reference were referred to the Police Service for investigation and in each case, when?
- (6) Which of those terms of reference became part of the terms of reference for the Royal Commission into the Commercial Activities of Government and Other Matters?

Hon PETER FOSS replied:

- (1) No.
- (2) The correct year was 1989.
- (3) Yes.
- (4) Not applicable.
- (5)-(6) These details should be released by the Anti-Corruption Commission and the request for information referred to that agency.

QUESTIONS WITHOUT NOTICE

STALKING - LEGISLATION

Reasons for Delay

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

I refer to Order of the Day No 24 - the Criminal Law Amendment Bill - with regard to stalking. Are these the changes that were recommended by the Director of Public Prosecutions last year, and why has the Minister taken so long to bring proposed changes with regard to stalking and the amendments in clause 5 before the Parliament?

Hon PETER FOSS replied:

No they are not. The reason it has taken so long is that when parliamentary counsel looked at the changes suggested by the Director of Public Prosecutions, it became clear that there were problems with those changes, so rather than amend just that section, the entire chapter was recast to make it more understandable and workable. For instance, the current legislation talks about stalking and unlawful stalking. Most people think that all stalking is unlawful. The concepts as phrased in that chapter are very difficult, and it was not until we had had I do not know how many goes at it that eventually we said, "Let us recast the whole thing." We started off with legislation that had been taken from other parts of Australia, and bits had been added to it from time to time until it reached the stage where it was time to say, "Enough is enough; we cannot graft any more onto this; let us rewrite it from the beginning." That has been done, and we now have a very good system.

CRIMINAL LAW AMENDMENT BILL - SECTION 236 AMENDMENT

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

I refer to Order of the Day No 24 and the amendment in clause 3 to amend section 236 of the Criminal Code.

- (1) What other Australian jurisdictions have laws in the terms proposed?
- (2) What is the Law Society's view about it?

Hon PETER FOSS replied:

I do not have that clause in front of me. If the member will wait until I have the clause, I will provide an answer.

ENVIRONMENT - REPORTS

*Delay in Release***985. Hon J.A. SCOTT to the Minister representing the Minister for the Environment:**

I refer the Minister to page 7 of *The West Australian* of 5 June 1997, which states that a number of government reports are due for release in 1997.

- (1) Have the following reports been released -
 - (a) the south west wetlands environmental protection policy;
 - (b) the waste oil strategy;
 - (c) the Swan-Canning River environmental protection policy; and
 - (d) the nature conservation strategy for Western Australia?
- (2) If so, when were they released?
- (3) If not, what has caused the delay in releasing these strategies?
- (4) Has the State Government given assurances to the Commonwealth Government that the nature conservation strategy for WA will be used to guide the use of funds distributed under the National Heritage Trust?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) (a)-(c) No.
(d) Delayed by litigation.
- (2) Not relevant. See above.
- (3) (a) Resolution of the interface between the environmental protection policy and the salinity action plan with regard to the preparation of catchment management strategies.
- (b) Release of strategy delayed due to the decision by the Commonwealth to extend the diesel fuel excise to recycled oil products used as transport fuels. Legislation allowing this has recently passed through the Commonwealth Parliament, but we are still evaluating the impact and are continuing to negotiate with the Commonwealth Government to exempt recycled waste oil.
- (c) Need for stakeholder consultation on the revised EPP, which has broadened in scope to address ecological processes. This consultation is nearing completion.
- (d) See above.
- (4) No. Western Australia has advised that the draft nature conservation strategy for Western Australia sets out the approach to biological diversity in Western Australia. The state context section of the partnership agreement for each program description outlines the specific objectives and priorities for Western Australia.

TRANSPORT - AIR SERVICES

*Busselton - Skywest***986. Hon TOM STEPHENS to the Leader of the House representing the Minister for Transport:**

- (1) Can the Minister confirm that the Government has deposited \$100 000 with the Busselton Shire Council to subsidise the Skywest service to that town?

- (2) If yes to (1), is the subsidy contingent on a pro rata subsidy from the Busselton Shire Council?
- (3) If yes to (2), will the State Government subsidy be discontinued if the shire withdraws its financial involvement with Skywest?
- (4) Will the Minister table the contract between the Department of Transport and the Busselton Shire Council and Skywest which sets out this arrangement; if not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) \$100 000 has been deposited with the Shire of Busselton for the purpose of underwriting the air service to Busselton.
- (2) Yes.
- (3) There is no indication that the State wishes to withdraw its financial support.
- (4) The Department of Transport has a formal agreement with the Shire of Busselton, which the Minister is willing to provide to the member. There is no contract between the Department of Transport and Skywest.

TRANSPORT - AIR SERVICES

Busselton - Skywest

987. Hon TOM STEPHENS to the Leader of the House representing the Minister for Transport:

In regard to the government subsidy to Skywest flights to Busselton -

- (1) What periods was this subsidy supposed to cover?
- (2) Will this subsidy be topped up if the money is expended before the period expires?
- (3) Is \$100 000 the total amount of government funding committed to assist this service?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The period of underwriting will depend on a number of factors, including passenger loadings and viability of the Skywest service.
- (2) No.
- (3) Yes.

TIDAL POWER STATION - DERBY-WEST KIMBERLEY

988. Hon GIZ WATSON to the Leader of the House representing the Minister for Resources Development:

Some notice of this question has been given.

- (1) Will the State Government manage the proposed Derby hydroelectric project?
 - (a) If so, will it be by state agreement Act?
 - (b) If not, by what method or arrangement?
- (2) Will the State Government make a contribution to this project? If so, in what form and what amount?
- (3) Will there be an economic return to the State Government? If so, in what form and what amount?
- (4) Have negotiations taken place with the Department of Resources Development in relation to the project? If so, of what nature and with what outcome?

Hon N.F. MOORE replied:

- (1) I assume the member is referring to the Derby tidal power project. While the Government will not manage this private sector proposal, it will facilitate the project, if it proceeds, with respect to matters such as environmental clearance and native title.

- (2) No, it is a private sector proposal.
- (3) There will be no direct economic return to the Government as such. However, a long life, low cost power source would benefit the State's economy over an extended period.
- (4) Discussions with the Department of Resources Development have been held as part of the facilitation process.

TOURISM - COMMISSION

Busselton-Perth Air Service - Funding

989. Hon TOM STEPHENS to the Minister for Tourism:

- (1) Has any funding been provided by the Western Australian Tourism Commission to promote the airline flights between Busselton and Perth?

If yes -

- (2) When was the decision to provide this funding made?
- (3) Who made the decision?
- (4) How much has been allocated for the promotion?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(4) No. The WATC was approached by Tourism South West, the marketing organisation representing tourism operators in the south west region, to assist in a cooperative marketing campaign to promote the air services to Busselton.

The WATC advised that a sum of up to \$40 000 was available. Tourism South West would need to make a presentation to the WATC's National Advisory Board, which in turn would make a recommendation to the Board of Commissioners prior to the commitment being finalised. A presentation was made to the National Advisory Board in August. However, the recommendation from the meeting was -

The board rejected the proposal in its current format and invited Tourism South West to submit another proposal incorporating the Board's feedback.

The advisory board's major concern was that the proposal did not highlight how much funding the tourism industry in the south west was prepared to commit to the campaign. The proposal also failed to highlight the expected outcome of the campaign.

Advice was received from Tourism South West that another approach would not be made to the advisory board until February 1998.

BUNBURY SILOS - SALE

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

With regard to the South West Development Commission's accepting a price of \$900 000 for the wheat silos and 1.4 hectares of surrounding prime waterfront land in Bunbury -

- (1) When was Minister for Regional Development informed of the deal?
- (2) Did he approve the process by which this sale was negotiated?
- (3) Will he table the valuations obtained by the SWDC on the site?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) 17 September 1997.
- (2) Yes.
- (3) The valuers have been requested to give approval to release their valuations.

CHILD ABUSE - SEXUAL

*Number of Cases***991. Hon HELEN HODGSON to the Attorney General representing the Minister for Police:**

- (1) According to the statistics kept by the Western Australian Child Abuse Unit, how many cases of sexual abuse of children have been reported in -
 - (a) 1995-96; and
 - (b) 1996-97?
- (2) Are the majority of child sexual abuse cases perpetrated by heterosexual people?
- (3) Are most cases of child sexual abuse perpetrated against boys or girls?
- (4) What percentage of perpetrators of child sexual abuse are either the father of the abused or a close male friend of the abused or the abused's family?
- (5) Is there any evidence to show that homosexual people are more inclined to molest children than heterosexual people?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)
 - (a) 1995-96 - 786 cases were reported to the Child Abuse Unit.
 - (b) 1996-97 - 809 cases were reported to the Child Abuse Unit.
- (2) These statistics are not kept.
- (3) Most cases of child sexual abuse are perpetrated against girls.
- (4) In 1996-97, 39 per cent of child sexual abuse was perpetrated by either the child's father, a male family friend or a male person deemed to be a person in authority, such as a schoolteacher or employer.
- (5) There is no evidence to show that homosexual people are more inclined to molest children than heterosexual people.

HOMOSEXUALITY - STATISTICS

*Accuracy***992. Hon GREG SMITH to Hon Helen Hodgson:**

Some notice of this question has been given. In her speech in the second reading debate on Order of the Day No 53 the member stated that 33 per cent of men have had a homosexual experience. In her answer to question on notice 1089, she said that the statistics came from a 1948 study conducted by Kinsey, Pomeroy and Martin entitled "Sexual Behaviour in the Human Male".

- (1) Are the methods that were used in the collection of statistics in the study comparable to current recognised research methods?
- (2) Has there ever been any substantiated doubt cast on the integrity of the Kinsey report?
- (3) Given that the figures quoted are 50 years old, are there any more up to date statistics to substantiate them?
- (4) According to the survey, what constituted a "homosexual experience"?

Hon HELEN HODGSON replied:

I was given about half an hour's notice of this question, and due to the limited resources in my office I am unable to provide a response at this time. I ask that the question be placed on notice.

ABATTOIRS - MEAT INSPECTION

*United States' Standards***993. Hon KIM CHANCE to the Minister representing the Minister for Health:**

- (1) Is the Minister aware that the United States Department of Agriculture has warned that US imports of meat from Australia will cease if meat inspection is not carried out by government inspectors?

- (2) In the light of this development, and recognising that the USDA does not always differentiate between export and domestic inspection, what effect will the Western Australian Government's decision to allow the replacement of government inspectors by company employed inspectors in domestic abattoirs have on WA meat producers?
- (3) What action does the Minister propose to take to protect the Western Australian beef industry?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes. I am aware from media reports, but I have not had official confirmation of the US decision.
- (2) The decision will have minimal impact on Western Australian meat producers because the Health (Meat Inspection Branding and Processing) Regulations require one government inspector to be present at all abattoirs producing meat where companies employ their own meat inspectors under a quality assurance arrangement. In Western Australia at this time, only one abattoir owner has been given approval to use company employed meat inspectors and a government inspector under such a quality assurance arrangement.
- (3) No action is necessary because we have required one government inspector to be at all premises.

AGRICULTURE - CATTLE

Export - Mortality Rates

994. Hon J.A. SCOTT to the Leader of the House representing the Minister for Agriculture:

- (1) How many cattle have been exported from Western Australian ports in the past 12 months?
- (2) What are the mortality rates of cattle on livestock trucks -
 - (a) from farm to export feedlot; and
 - (b) from export feedlot to ship?
- (3) During those trucking phases, how many cattle are put down due to injuries suffered?
- (4) If seriously injured while in a livestock truck en route to either an export feedlot or a ship, how are these animals put down?
- (5) On arrival at the port, how many cattle are -
 - (a) rejected; or
 - (b) dead on arrival?
- (5) How are these statistics obtained?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) In 1996, 165 758 live cattle were exported. In 1997, to 30 September, 161 446 live cattle have been exported.
- (2)-(3) Statistics are not available.
- (4) Animals that are injured are put down humanely.
- (5)-(6) Statistics are not immediately available. However, if the information is available, the Minister will undertake to have the information collated and supplied to the member.

HEALTH - WOMEN'S HEALTH SERVICES

Funding

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

- (1) Is the Government committed to long term financial support to provide women's health on the social model based on prevention and promotion?
- (2) If not, why not?

- (3) Does the Minister have any three-year funding agreements with non-government organisations currently providing these services?
- (4) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Not applicable.
- (3) There is a long term agreement with the Commonwealth in accordance with the national women's health program. This agreement guarantees funding arrangements for women's health services in Western Australia until 30 June 1999.
- (4) The establishment of longer term contracts with women's health services is dependent on the outcome of negotiations with the Commonwealth involving the public health agreement which includes the national women's health program.

LAND AND FOREST COMMISSION AND NATIONAL PARKS AND NATURE CONSERVATION
AUTHORITY - BUDGET APPROPRIATIONS

996. Hon JOHN HALDEN to the Minister representing the Minister for the Environment:

- (1) What was the appropriation in 1997-98 for the -
 - (a) Land and Forest Commission, and
 - (b) National Parks and Nature Conservation Authority?
- (2) What was the appropriation in 1996-97 for both organisations?
- (3) How many FTEs are currently allocated to both organisations?
- (4) Where are the aims and objectives for both organisations detailed?
- (5) How many management plans have both organisations completed in -
 - (a) 1995-96,
 - (b) 1996-97, and
 - (c) this financial year?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Land and Forest Commission and the National Parks and Nature Conservation Authority do not have separate budget appropriations. All meeting, travel and other expenses are met by CALM including the cost of providing executive support and departmental advice.
- (2) Actual expenditure including executive support but not including senior officer time in briefing the bodies amounted to approximately \$100 000 for the NPNCA and \$30 000 for the LFC in 1996-97.
- (3) Nominal FTE allocation is approximately 0.5 for each of the bodies but this varies depending on the business before the commission or the authority. It should also be noted that a considerable amount of senior officer time is devoted to the preparation of issues for consideration by the LFC and the NPNCA, and in responding to requests from those bodies.
- (4) The functions of the LFC and the NPNCA are set out in sections 19 and 22 of the Conservation and Land Management Act.
- (5) National Parks and Nature Conservation Authority -
 - (a) In 1995-96 the NPNCA approved five draft management plans for public release and four final management plans for forwarding to the Minister for the Environment.
 - (b) In 1996-97 the NPNCA approved three draft management plans for public release.

- (c) In this financial year the NPNCA approved one final management plan for forwarding to the Minister for the Environment.

Land and Forest Commission -

- (a) In 1995-96 one final management plan related to LFC vested land was gazetted.
- (b) In 1996-97 - nil.
- (c) In 1997-98 the LFC has provided input into one draft management plan which relates in part to vested land.

FORESTS AND FORESTRY - LOGGING

Wellington and Harris Dams

997. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:

Is logging taking place at the present time within the catchment of -

- (a) Wellington Dam, and
- (b) Harris Dam?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (a)-(b) Yes.

TELECOMMUNICATIONS - CABLES

Underground Installation

998. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Commerce and Trade:

I refer to the advice of the Leader of the House representing the Minister for Commerce and Trade on 19 October 1997, that the Office of Information and Communications is currently working to facilitate consultation between Western Power, AlintaGas, the office of the Minister for Resources Development and Energy and telecommunications carriers with the purpose of examining the potential for simultaneous underground installation of energy and telecommunications infrastructure.

- (1) Is this work sufficiently advanced so as to achieve the underground installation of telecommunications cable simultaneously with the next phase of the ongoing program for the underground installation of power cables in Perth?
- (2) If not, what are the impediments to the progress of these consultations?

Hon N.F. MOORE replied:

- (1) No.
- (2) The underground power project team approached the carriers in relation to phase 2 of the underground power pilot program. One carrier displayed limited interest; the remaining carriers indicated no interest or did not respond. The major impediment to the ongoing program is the different implementation timetables of the carriers and the state underground power program.

JETTIES - CARNARVON ONE MILE

Application to Heritage Council

999. Hon TOM STEPHENS to the Attorney General representing the Minister for Heritage:

- (1) Has the result of the Carnarvon Jetty Restoration Committee's grant application to the Heritage Council been announced?
- (2) If so, what is the result of the application?
- (3) If not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) The application from the Carnarvon Jetty Restoration Committee was not successful.
- (3) Not applicable.

MINING - ALCOA OF AUSTRALIA LTD

Use of Fire Hydrants to Supply High Pressure Pumps

1000. Hon GIZ WATSON to the Minister for Mines:

- (1) Does Alcoa of Australia Ltd or its contractors have permission to use fire hydrants to supply high pressure pumps, identified as 14, 17, 19 and 24, with a flow rate of 235 litres per minute and high pressure pumps, identified as 26 and 27, with a flow rate of 258 litres per minute at any Alcoa sites?
- (2) If yes, will the Minister take action to stop this practice at Alcoa's sites?
- (3) If no, will the Minister investigate if these practices are taking place and take action where necessary?

Hon N.F. MOORE replied:

This question should be directed to the Minister for Emergency Services who is responsible for the matters raised in it.

SCHOOLS - HIGH

Leonora District - Principal's Transfer to Perth

1001. Hon MARK NEVILL to the Leader of the House representing the Minister for Education:

I refer to Mrs Sandy Pascoe, recently transferred from her position as principal at Leonora District High School.

- (1) What were the reasons for Mrs Pascoe's transfer to Perth from Leonora District High School?
- (2) Will Mrs Pascoe be given a package of equivalent salary and benefits in her new position in Perth?
- (3) Is Mrs Pascoe's new position classed as a demotion from the position of principal?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Mrs Pascoe has been recently transferred from Leonora District High School as a result of a disciplinary investigation under section 7C of the Education Act.
- (2)-(3) Mrs Pascoe has been demoted from a level 5 principal to a level 3 deputy principal. She will therefore be paid at the rate applicable to a level 3 deputy principal.

MINING - KALGOORLIE

Drill Core Library - Establishment

1002. Hon GREG SMITH to the Minister for Mines:

What progress has been made towards the establishment of a drill core library in Kalgoorlie?

Hon N.F. MOORE replied:

An architect has been appointed to prepare a briefing document to provide design specifications. A draft of the briefing document has been reviewed by the Department of Minerals and Energy and the final document is due to be delivered by 17 November 1997. Ten potential sites were examined in Kalgoorlie. Two have been short-listed and are being reserved for the department. A final decision on the location of the drill core library will be made before the end of this year.

FAMILY AND CHILDREN'S SERVICES - RESTRUCTURING

1003. Hon BOB THOMAS to the Minister representing the Minister for Family and Children's Services:

On behalf of Hon Ljiljanna Ravlich, who has been called away on urgent parliamentary business, I refer to the Minister's comments that Family and Children's Services has received a 24 per cent budget increase over the last four years and ask -

- (1) Is the Family and Children's Services restructure complete and, if so, on what date was it completed?
- (2) If not, when will it be completed?
- (3) How many FTEs were employed in each of the metropolitan and regional offices as at -
 - (a) 14 October 1997,
 - (b) 1 July 1997,
 - (c) 1 July 1996,
 - (d) 1 July 1995, and
 - (e) 1 July 1994?
- (4) When will the operating budget for Midland be determined for 1997-98?
- (5) When was a regional relieving pool created?
- (6) Which offices have requested assistance from the regional relieving pool and on what dates?

Hon N.F. MOORE replied:

The Minister for Transport on behalf of the Minister for Family and Children's Services thanks the member for some notice of this question, but in view of the time factor asks that the question be placed on notice.

NATIVE TITLE - MINISTERS' TRAVEL ARRANGEMENTS

*Nature of Meetings***1004. Hon JOHN HALDEN to the Leader of the House representing the Premier:**

- (1) On what dates have Ministers travelled in order to discuss the State's position on the Native Title Act or the Native Title Amendment Bill since 1993 and what Ministers were involved in each of these visits?
- (2) What was the nature of these meetings?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Native title is one of the most important issues facing Western Australia's future development. The Premier and other Ministers have travelled both within the State and interstate to discuss the issue with the community, their interstate counterparts and the Federal Government. Details of individual Ministers' travel arrangements are tabled in Parliament.
- (2) Meetings have covered community groups, industry organisations, ministerial councils, including the Council of Australian Governments and leaders' forums, as well as specific meetings with individual Ministers and Premiers from other jurisdictions.

HEALTH - ACELLULAR DTPa INFANRIX VACCINE

*Funding***1005. Hon KIM CHANCE to the Minister representing the Minister for Health:**

- (1) Is it correct that the Commonwealth has withdrawn funding for the provision of free acellular DTPa infanrix vaccine?
- (2) Does this mean that babies and children of parents who cannot afford DTPa will have only DTPw made available to them?
- (3) Is it correct that the use of DTPw is associated with higher levels of local swelling, soreness, irritability, fever, persistent crying, hyper responsiveness and seizures than is DTPa?
- (4) Will the State Government make up the shortfall in immunisation funding which has caused this repressive change to occur?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes, the Commonwealth approved funding for free DTPa vaccine for all vaccinations at a National Immunisation Committee meeting on 10 July 1997. Subsequent funding was restricted to fourth and fifth booster doses at 18 months, and four to five years of age.
 - (2) Commonwealth funded free DTPw vaccine will be offered to all parents for the primary course and at two, four and six months of age. Parents who prefer DTPa will have to pay for this vaccine.
 - (3) Yes, for all of those conditions.
 - (4) No.
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