



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
1999

LEGISLATIVE COUNCIL

Wednesday, 10 November 1999

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 3.00 pm, and read prayers.

LEIGHTON MARSHALLING YARDS

Petition

Hon Giz Watson presented the following petition bearing the signatures of 3 497 persons -

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

We the undersigned residents of Western Australia are concerned about the redevelopment of the Leighton Marshalling yards. Specifically, the public weren't given the opportunity to express their needs in the planning process. Furthermore, there are grave community concerns regarding beach access and the loss of views. This area presents a once-only opportunity to create parklands which would complement the safe swimming beaches in the South Metropolitan region.

Your petitioners, therefore respectfully request that the Legislative Council will investigate the community concerns and make recommendation to Premier and Cabinet to ensure that:

- (1) the Leighton Shores Joint Venture tender process is immediately suspended so that the Government can facilitate an open and interactive planning process to develop a sustainable vision for the Port and Leighton beach coastal zones and the Leighton marshalling yards in keeping with current best practice coastal management policies.
- (2) no land be sold off or developed until the community have developed a shared vision.

And your petitioners as in duty bound, will ever pray.

[See paper No 370.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Gas Standards Regulations - Report

Hon Tom Helm presented the Forty-fifth Report of the Joint Standing Committee on Delegated Legislation in relation to the Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999, and on his motion it was resolved -

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

[See paper No 371.]

CONSIDERATION OF COMMITTEE REPORTS

Alteration to Times - Motion

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.07 pm]: I move -

That -

- (1) Subject to paragraph 2 of this order, Standing Order No 61A(1) is amended by deleting "1.00 pm" and substituting "12 midday";
- (2) Paragraph 1 of this order expires immediately before the day on which the House, by further order, meets for the despatch of business at 11.00 am.

Basically the motion means that the one hour set aside for consideration of committee reports which is normally between 12 noon and 1.00 pm on Thursdays will be taken between 11.00 am and 12 noon to fit in with the new sitting times for Thursdays. This amendment will expire when the House resolves to return to the normal sitting hours.

Question put and passed.

BUSINESS OF THE HOUSE, ALTERATION

Motion

HON KIM CHANCE (Agricultural) [3.08 pm]: Pursuant to Standing Order No 128, I move, without notice -

That motion No 17 on today's Notice Paper be made motion No 1 for the next sitting.

Question put and a division taken with the following result -

Ayes (12)

Hon Kim Chance
Hon Cheryl Davenport
Hon N.D. Griffiths

Hon Tom Helm
Hon Mark Nevill
Hon Ljiljanna Ravlich

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

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

Noes (15)

Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans
Hon Ray Halligan

Hon Helen Hodgson
Hon Barry House
Hon Norm Kelly
Hon Murray Montgomery

Hon N.F. Moore
Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott

Hon Greg Smith
Hon W.N. Stretch
Hon Muriel Patterson (*Teller*)

Pairs

Hon J.A. Cowdell
Hon John Halden
Hon E.R.J. Dermer

Hon M.J. Criddle
Hon Peter Foss
Hon Derrick Tomlinson

Question thus negatived.

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS*Appointment of Hon Ken Travers*

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

That Hon Ken Travers be appointed to serve on the Standing Committee on Constitutional Affairs.

RULES OF HARNESS RACING 1999 - DISALLOWANCE**GAS STANDARDS (GASFITTING AND CONSUMER GAS INSTALLATIONS) REGULATIONS 1999 - DISALLOWANCE***Orders of the Day Discharged*

HON TOM HELM (Mining and Pastoral) [3.11 pm]: I move -

That Orders of the Day Nos 2 and 3 be discharged from the Notice Paper.

Today is the last day on which the disallowance of these regulations can be debated. Following the report of the committee, I have been instructed to seek leave for their discharge from the Notice Paper.

Question put and passed.

GOVERNMENT PRIORITIES AND FUNDING COMMITMENTS*Motion*

Resumed from 28 October on the following motion moved by Hon Tom Stephens (Leader of the Opposition) -

That this House -

- (a) condemns the Government for its misplaced priorities and funding commitments to projects such as the belltower and the convention centre at the expense of core areas of state government responsibility such as health, education, community safety and public transport; and
- (b) calls upon the Government to remedy its failure to deliver government services at affordable rates and give priority to hospitals, schools, police and public transport.

HON B.M. SCOTT (South Metropolitan) [3.13 pm]: Last week during the debate on this motion, I took the time to emphasise that it refers to the misplaced priorities and funding commitments of the Government. I pointed out the focus of the Government on maternal and child health. I am sorry that Hon Ljiljanna Ravlich has been called out of the House on important business. As I said last week, each time she speaks in this place, she asks where is the social dividend. I am sorry that the opportunity for me to speak in this debate is very short. I have had a limited time in which to focus on one or two of the social dividends into which the Government has put funding, including two or three health issues and an education issue.

In relation to maternal and child health, I remind the House that funding initiatives in the health and education areas, in particular, have followed a definite and clear plan, and have been supported by sound research. In 1994, when Hon Peter Foss was the Minister for Health, he set out a state plan for children and adolescents. It was launched on 21 September 1994 and identified five priority areas for improvement: Firstly, the health of Aboriginal children and adolescents; secondly, the health of children with special needs; thirdly, the coordination of services; fourthly, the dissemination and utilisation of health services data in a timely manner for both analysis of needs and measurement of outcomes; and finally, standards of health care.

The area I focused on last week was maternal and child health. I will quickly outline some of the new initiatives introduced under this Government to address the state health plan. The first was the community mothers program, which is a home visiting program targeted at new mothers. It involves volunteer trained mothers, and has been funded over three years as a new initiative in selected metropolitan health services. The second is the positive parenting program, which teaches skills for parenting three to four-year-old children, which is currently being expanded in selected areas. The third new initiative is the universal neonatal screening hearing program, which is planned to commence in Western Australia in January 2000. As I alluded to in my speech last week, one of the major impediments to Aboriginal children in their early learning is hearing impairment. This program involves screening all newborn children for congenital hearing loss. The first phase includes five metropolitan hospitals where the highest annual number of births - 44 per cent - occur in this State.

With regard to the monitoring, surveillance and research the Government has embarked upon, the Health Information Centre of the Health Department collects and prepares data that is used at both state and national levels to monitor child health status and report progress towards the national health goals and targets for children and young people. The Health Department contributed funding towards the implementation of the important 1993 Western Australian child health survey, and the subsequent publication of research findings that have made a significant contribution to the understanding of the health and wellbeing of families in the 1990s.

Finally, as I have focused mainly on health, I summarise by saying that this Government has a very good record in the health and education areas for children between the ages of 0 and 6 years. As we move into the year 2000, we will provide a half-day session for every four-year-old child in a kindergarten across the State; that is 23 000 places.

Hon Tom Stephens: You should be doing even better and would be if you got your priorities right.

Hon B.M. SCOTT: I am putting into perspective that the Government has addressed the social dividend it promised when it came to office. By 2001 the Government will provide four sessions a week for every child at kindergarten, and five days a week for every five-year-old preprimary child.

In my closing comments, I refer to a paper on the Ontario project in Canada which highlights the importance of early intervention and nurturing children at an early age, and I relate that to the initiatives this Government has put in place. It is stated in the document --

There is powerful new evidence from neuroscience that the early years of development from conception to age six, particularly for the first three years, set the base for competence and coping skills that will affect learning, behaviour and health throughout life.

There is also encouraging evidence that good nutrition, nurturing and responsive care-giving in the first years of life, linked with good early childhood development programs, improve the outcomes for all children's learning behaviour and physical and mental health throughout their lives. I do not believe any Government has a responsibility bigger than that it has to children in their first six years of life, and I have outlined very briefly some of the social dividends provided by this Government.

Hon Tom Stephens: You should be doing more.

Hon B.M. SCOTT: There is always more to be done. This Government has spent \$166m on early childhood programs, when the previous Government was about to put all the kindergarten programs under a child care regime which would not have provided stimulating and useful early childhood programs for the children's later development. I refer the House to the Ontario project and the specifics of enrichment to the brain early in a child's development. The Government has not misdirected its funding.

HON MURIEL PATTERSON (South West) [3.21 pm]: I cannot allow this misguided motion to be discussed without reminding members opposite of a few outstanding contributions made by this Government in country areas.

Hon Tom Stephens: Will you defend the belltower too?

Hon MURIEL PATTERSON: Give me time. Without doubt, the infill sewerage scheme has been of major benefit to numerous people throughout the State. Prior to the scheme, most coastal towns were unable to release land for housing and industrial development because of the limitations of their old, overloaded sewerage systems. So great was the problem that the Government did not know where to start. It made a leadership decision by undertaking a number of projects in various towns over 10 years. Once the infill sewerage projects commenced, the towns involved experienced a rapid surge in development. That was of enormous benefit and the towns enjoyed consequent benefits in business and lifestyle. This Government has also proceeded with underground power projects, doing away with dangerous and unsightly power poles.

The Attorney General mentioned the touring West Australian Symphony Orchestra. Despite the fact that Albany does not have a cultural centre at this stage -

Hon Tom Stephens: Nor an arts centre as a result of the actions of this minister.

Hon MURIEL PATTERSON: - the people crowded into the sports pavilion on a cold winter Sunday afternoon. We enjoyed ourselves immensely, listening to and appreciating the wonderful music. That is something for which the Minister for the Arts should be commended. Not all country people can come to Perth and it was a great privilege to hear the orchestra.

Hon Tom Stephens: Tell us about the Vancouver arts centre.

The PRESIDENT: The member can tell us about that during his reply.

Hon MURIEL PATTERSON: Since the coalition came to government it has spent over \$6m on health facilities in Albany alone. Funds have also been spent on health complexes at Bunbury, Armadale, Joondalup and a number of other areas.

Hon Tom Stephens' motion refers to hospitals, schools, police and public transport. I am glad he mentioned them because each has been dealt with well by this Government. Travelling along country roads is now a pleasure since this Government has taken on the responsibility of providing safe and durable roads, benefiting both city and country travellers. The roads are so much better now that we can expect and look forward to a pleasant drive.

The Leader of the House has enlightened us about the many tourist attractions this Government has supported.

Hon Tom Stephens: He has lightened the pockets of Western Australian taxpayers.

Hon MURIEL PATTERSON: One of the first projects undertaken when the coalition came to government has been a resounding economic success. Of course, I refer to the Valley of the Giants Tree Top Walk. One of the local newspapers states -

The Valley of the Giants Tree Top Walk has been a boon for Walpole. The award-winning tourist attraction is visited by more than 200,000 people a year and has been the catalyst for recent development in the town.

Walpole Tourist Bureau has increased its gross revenue by more than 1000 per cent in three years so it is no surprise that the manager Derrin Foster calls the Tree Top Walk the single most important event in the town's recent history.

"Slowly but surely Walpole would have achieved better tourism results but the Tree Top Walk has done in two years what would have taken 10-15 years to achieve," he said.

He cited the bureau as an example of the town's growth with 17,000 people going through the bureau in 1994, compared to this year's projected figure of 60,000 people.

The gross turnover has increased from \$22,000 in 1995, to \$250,000 last year.

"Since the attraction opened in 1996, there has been a noticeable increase in development, and with further development planned it shows people have confidence in the town . . ."

One of the major projects that has been developed since the completion of the Tree Top Walk is the new Tree Top Walk Motel. That was inspired entirely by this Government.

I know Hon Tom Stephens has been very anxious for me to mention the belltower.

Hon Tom Stephens: Absolutely.

Hon N.F. Moore: He will be the first there to have a look.

Hon MURIEL PATTERSON: It will be a social dividend and a great asset. No Government had the right to accept bells from a foreign country and then to keep them hidden.

Hon Bob Thomas: They were a gift from a foreign country - but its head of state is our head of state!

Hon MURIEL PATTERSON: The Opposition when in government kept the bells hidden. This Government has done the only decent, honourable thing. I wonder how ungracious opposition members can get. The bells must be shared by all citizens and proudly displayed to our visitors. I am sure that this project will prove to be another very popular one. I do not mind saying that I will be one of the first visitors through the belltower. I want to see the tiles on which the school children have written their names. I will be looking out for the names of Joshua Patterson and Elle-May Cameron on those tiles. The vast majority of Western Australians will want to do the same when they come to Perth.

I find it hard when Hon Tom Stephens talks about the extravagance of \$5m for that project, which will be of great benefit to this city, when the Opposition can happily accept the spending of \$200m on a referendum. I find it hard to understand the Opposition's values. I could refer to the many other projects that this Government has done. Unfortunately, we do not always get the media exposure that we should in order to promote the projects, but that is fine, because I believe in time, the people of Western Australia will be able to see for themselves just how many improvements we have made.

Another good news story which I will pass on today involves the Government's privatisation of the Dampier pipeline. When that was done, it was soundly criticised by the Opposition for the loss of jobs. During the recess I attended the delightful launching of Southwest Power Services, which included Irish folk music. The business owners made the following comments -

As the sole providers of maintenance to Reclosers and Transformers in the City of Albany . . . we are able to provide for Western Power including other services that we provide for the City of Albany and surrounding districts . . .

Southwest Power Services was registered with the Ministry of Fair Trading on the 29th July, 1999 . . . and commenced operation on Monday the 30th August 1999.

SPS employs three "A" Class electricians and one Electrical Trades Assistant. We are registered contractors with Contract and Management Services. We are registered suppliers with Western Power, approved by Des Scott.

They go on to explain the size of the floor space. They continue -

Customer services is the key to success in business today. Price continues to be important but more and more customers are selecting goods and services from businesses that deliver good customer service.

In the past government had a clear policy of lowest price wins. Tenders were always awarded to the lowest price. Government policy has now been changed to awarding business on the basis of the best value. This enables other factors such as quality of work, customer satisfaction, reliability and timeliness to be taken into account.

Recent years have seen a change in government's attitude to supervision, inspection and regulation. Government agencies no longer have the resources to provide the detailed supervision and inspection of work to ensure that the contractor performs as required.

It is now expected that the contractor self-regulate

These changes require a different approach to contracting.

The paper refers to the excellent services the company is able to provide, its integrity, ethical behaviour, initiative and innovation, leadership and teamwork. All the people involved in that business were Western Power employees. After accepting redundancy they bravely launched into business, using their many years of expertise and knowledge to offer a service of the highest standard. It was an exiting opening ceremony due to the enthusiasm of these people. Although they made no bones about feeling a certain trepidation when they went into this project, they are now excited about it and assured of success. In the article they are quoted as saying -

Our performance against the general criteria of work management, work quality, customer satisfaction and value will be regularly measured by CAMS . . .

An article in the local paper, the *Weekend Extra*, describing the business read -

A woman of great energy and many gifts, Jennii single-handedly runs the administration of her company from an office in the workshop building, while still finding time to cater to the needs of their five children aged between two and 18 years.

Meanwhile, her employees Russ, Tony, Steve and Chris can devote their time to the business of installing and maintaining high and low voltage electrical equipment and wiring in ships, shops, factories, farms and private homes. And of course, they continue to do their bit towards ensuring that Western Power's electricity continues to flow smoothly into Albany.

That is an excellent story of people changing their employment from the Public Service to private enterprise. I commend those people for the success they are making of the business.

During the recent parliamentary recess Hon Bob Thomas and I were given the opportunity of viewing the five-year plan for education in Albany. It involves a major program offering country students a vast scope of education from preschool to university level over the next five years at a cost of \$46m. It is a full education program that is badly needed in a country area 400-odd kilometres from Perth.

Hon Bob Thomas: Do you understand that I do not support the senior college concept there, but I support the concept of building the school at Oyster Harbour?

Hon MURIEL PATTERSON: I did not suggest that Hon Bob Thomas supported the college concept.

I have a philosophical view regarding the proposed convention centre. A city the size of Perth should not be dependent on a casino for convention accommodation. A city convention centre will complement the facilities at Burswood and provide a strong source of revenue. Last year I was the Australian delegate for the United States National Legislative Conference in Nevada. I saw first-hand the financial value of a well run convention centre which brings into the city thousands of people. Ideally, the convention centre will be taken over by private enterprise because I believe Governments should create a climate for business, but not be involved in it. I wonder how many members in this House know how extensively our Premier travels throughout our State, often without fanfare and without the knowledge of the media or many other people. He recognises the needs and progress of regional towns and many smaller towns throughout the State.

At times, when organisations receive grants from ministers they say, "Thank you, but it is not enough." It is fortunate for the people concerned that I am not a minister because I would feel very tempted to take back the money. We, as a society, must be careful that we do not become insatiable in our expectations of government. I compare this attitude with the recent two-day centenary celebrations at Tambellup, a small country town of 750 people. As one enters the town, one is greeted with the sign "Avenue of Friendship". The first day was taken up with a well-managed agricultural show attended by many visitors. The second day opened with an interdenominational church service with a welcome to the land by Aboriginal elders. The whole program was extremely well managed and everyone who attended the celebrations also attended the interdenominational church service held on the open sports oval. It was delightful to see some of the people taking part. Two young men from the district, who had trained as ministers, presented an extremely interesting and well thought out message. This little town was amazing. A booklet produced by the town provided information on activities and events in Tambellup and 45 areas for heritage walks had been located throughout the town.

Hon Tom Stephens: I bet the people there are not enthusiasts for the belltower.

Hon MURIEL PATTERSON: I think they would be big-hearted enough to approve of it and would look forward to seeing their children's names on the tiles.

I was able to visit the surrounding country areas and as I once lived in Tambellup, these places were familiar to me. I visited one of the oldest school buildings of its kind in Western Australia, Toolbrunup, built in 1904 and operating as a school until 1948. The families in the surrounding farmlands and the descendants of the families who attended the school have assumed responsibility for maintaining the building, which is still used for meetings in the area today. It is a delightful building, well kept with clean and tidy surrounds. On the verandah of the school sat a big cream can as a decoration and a welcome to visitors, in which can were the products of the district - canola, rye, lupins, wheat and barley. I glanced through the visitors' book and saw that people from Queensland right through all the States have visited the building and have appreciated what this small town has done with it.

Another touching and appropriate aspect of the celebrations was a display of Tambellup's centennial sporting champions. The town recognised its local sportsmen and sportswomen who achieved excellence in their chosen sport at state and/or national representation level. The sports represented were rowing, football, clay target shooting, lawn bowls, baseball, women's cricket, athletics, swimming, cycling, waterskiing, polocrosse and, repetitively, cricket, softball and hockey. These people had represented Australia in New Zealand and Pakistan. Norman Herbert represented Australia in cricket in New Zealand, Pakistan, the West Indies, Bunbury and Berri in South Australia. It does not always take a lot of finance for a group of people who are proud of their place to have it recognised as a good place in which to live and be educated. The parochial pride in country towns is of the utmost importance to those people. Even when I drove into the town -

Hon Tom Stephens: Your Government has been ripping the heart out of these towns.

Hon MURIEL PATTERSON: I do not know how the Leader of the Opposition can say that.

Hon Tom Stephens: Why are you closing all the government facilities in the towns and allowing the banks to withdraw?

The PRESIDENT: Order!

Hon MURIEL PATTERSON: A bank happens to be private enterprise and it is a business. For the information of the Leader of the Opposition, two banks are opening this week - one in Tambellup and one in Cranbrook. The people got behind it and wanted these banks, and they have now procured them. I will be attending both openings. I do not think the Leader of the Opposition can expect a business to operate if its effort is not paying. He may not like it and he may not agree with it, but that is the nature of business. The banks must survive; they do not have taxpayers' money on which to draw. I could go on for a long time and keep on telling people just how good this Government has been and how wisely it has spent the money entrusted to it.

Hon Tom Stephens interjected.

The PRESIDENT: Order! The Leader of the Opposition is jeopardising his right of reply. He seems to want to run it simultaneously with the speech of Hon Muriel Patterson.

Hon MURIEL PATTERSON: I have not touched on the police stations that have been upgraded and built throughout the country areas or on many of the other facilities that were sadly neglected over the years. When the Government came in, it righted some of the wrongs that people deserved to have righted. I do not support the motion. The Leader of the Opposition is extremely offensive and ignorant for moving such a motion.

HON M.D. NIXON (Agricultural) [3.42 pm]: I welcome the opportunity to speak on this motion, which our sponsors have provided, because it concerns priorities. There is nothing more important for Governments and politicians than to decide on priorities. Having just suffered a referendum last weekend, it is appropriate that this matter gains a bit of examination. If ever there were a case for a waste of taxpayers' money, it would have to be the recent referendum. Fortunately, it was not carried. Can members imagine the waste of money that would have entailed? We would not know where to finish, because every button on every policeman's uniform and even the crown above the President's head would need to be replaced.

Returning to the point, it is important to realise how the referendum debate gained legs in the first place. It was because the then Labor Prime Minister needed a diversion to get people's minds off the real problems in the country; that is, an ever increasing unemployment problem, the balance of payments problem and those sorts of issues. The hoary argument that John Kerr should not have sacked the Prime Minister was drawn out and the debate developed from that point. There was no real option but to put the matter to bed, and the only way to do that was to go through the democratic process to give people an opportunity to discuss what happened. Fortunately, in the end, all States voted no - but not conclusively - in the recent referendum. It is important that we examine the whole process. If ever there was a debate which did not examine the real issues, the republican debate would have to be it.

Hon Tom Stephens: It should have been a question of whether there would be a republic or not.

Hon M.D. NIXON: That was not really an option, because it was not that simple. The Australian Constitution spells out the method by which we can alter the Constitution. That might require some debate, because only this morning I heard the Premier say on radio that he believed one of the important issues - it is one of the Government's priorities - is that the State should be able to institute changes to the Constitution. As all members would know, under the present Constitution the Federal Government must introduce the legislation that leads to a referendum. In order to understand this issue fully it is necessary to go back into history.

The PRESIDENT: Order! Before we go back into history, the current motion condemns the Government for its misplaced priorities and funding commitments to projects, and it then lists a number of projects. I understand that the words after "such as" are purely indicative of the sorts of projects that members may wish to talk to. Although the debate is not limited to those specific projects, I am still trying to come to grips with how the recent referendum on whether Australia should become a republic fits into this motion. Perhaps Hon Murray Nixon would assist me in explaining the direction he is taking.

Hon M.D. NIXON: I was concerned with priorities, because that is the key to the debate. To understand priorities we must understand how we reached this point in history. That is why I want to go briefly back into history.

As a member of a group of people that is part of one of the oldest and longest parliamentary democracies in the world, it is interesting to look back to see how that developed. Not only the British Westminster system but many systems hold the view that there is right and wrong. In the Christian world, that has developed into a parliamentary system. I have spoken on this issue before, and clearly a Westminster system is derived from the Christian ethic. It is true that all religions believe there is a right and a wrong, and although the origin of that thought may be of some import, that is not part of the debate today. The power of a king, the authority of the sovereign, was established whereby the king or queen was responsible for introducing God's will on earth, and the infallibility of the Crown was established. At the same time there was another stream of thought that people should be free, and the reason that they should be free was that they had to be able to choose to go to hell if that was their wish; in other words, people had to be given the choice between good and evil because it was only when they were given freedom of choice that they were able to reach their ultimate destiny and develop as human beings. We are fortunate that this is the philosophy that led to the establishment of the Westminster system.

Hon Greg Smith: That would upset the lawyers.

Hon M.D. NIXON: The scribes and pharisees are another problem.

The divine right of kings was established. However, by the time of King John it was found that the king was not a very good agent of the Lord above, so he was taken to task and a set of rules was laid out which made it clear that the divine right of kings had limits.

Later we reached the stage of the Commonwealth, and that was also very important. Many words could have been used in designing the Australian Constitution, but those chosen were "Commonwealth of Australia". This was supposed to mean that it was for the common wealth of all the people of the States in Australia at the time. The origin of the word "commonwealth" was borrowed from Oliver Cromwell. I cannot recall its being used in the political forum before Cromwell. That is how the Commonwealth of Australia got its name. Clearly, this demonstrated that the tyranny of Governments was even worse than the tyranny of monarchs. Therefore, the responsible people went back to the drawing board and developed a different system whereby the Crown was invited back, but it had certain limits on its powers. Instead of having authoritative power, as it had previously, a negative power was developed. In the Westminster system, the whole parliamentary system is defined around the sovereign, the common house and, in the British system, the House of Lords. That system has been interpreted throughout the world, and here we have the Legislative Assembly, the Legislative Council and the monarch. Therefore, there are three groups, and unless all three reach agreement, no legislation can be passed. The important thing to realise is that people are free. Under our system, people are free to do anything that the law does not expressly prevent them from doing.

To return to the story, under the system, the Crown had the right not to sign legislation or to give it royal assent. All that meant was that the Governments could not take power from individuals. Therefore, there was no way that the Crown could injure its subjects, but it had the power to deliver them from unfair laws which were passed by the Parliament, which was also supposed to represent the people. Therefore, this unique system was devised whereby all three areas had to agree before someone's rights could be taken from them with a new law.

What happened then was that the British Westminster system, which had developed over many centuries, was brought into Australia. The reason that the British do not have a written Constitution is probably because it is such an old system. The common law developed for the same reason. When Australia was established, with its various colonies and States, the British brought that tradition with them. It is difficult to say whether the written law in Australia is more important than the unwritten law and the conventions that were brought to Australia by the early settlers. This is the political structure that we inherited.

When the States believed that there was a need to develop a central Government in Australia which would have certain powers - it must be remembered that initially they were supposed to be only limited powers - our Constitution was then constructed, after much debate throughout Australia, and agreed to by the British Parliament, so that all the old traditions and laws that came across remained, but the Constitution spelt out the arrangement by which the various States would have some central representation through the Commonwealth or Federal Government. However, the clear understanding of the system was that the States were the fathers of the Commonwealth, because they were the ones that came together. History also records that at one stage New Zealand was interested in doing that. Certainly, Western Australia was reluctant to enter into this arrangement, because it realised that it was a long way from the other side and the t'othersiders, and many people believed that the only reason Western Australia joined that early federation was because of the influence of the many t'othersiders who had come across to reside in the goldfields, which is where the vote was carried.

That is basically how the system developed. Apart from signing laws into effect, which is the proper use of the Queen's representative -

Hon Tom Helm: That is very important.

Hon M.D. NIXON: Yes. I do not believe that has ever caused any controversy. I cannot recall a case in which there has been any controversy about the Crown signing the necessary pieces of paper to put laws into effect.

Hon Tom Helm: Except in 1975.

Hon M.D. NIXON: That is a different situation. What we are talking about is the reserve powers, with which I will deal later. I cannot recall any controversy about the normal process of the Governor General acting in council and signing and

giving assent to legislation. That has worked perfectly. The reason is that the system is in place, and, over many centuries, conventions, a system of trust and a system of government have developed, so that people do not do the wrong thing because they know that if they do, it will not get through the system. Therefore, over a period, a clear process has been established to ensure that the proper processes are followed. Any country that were to depart from such a system would be very foolish, because it certainly works and there is no controversy about that area.

Hon Tom Helm is correct when he says there is controversy about the other powers. Although I have been around for a long time, I was not around during that period in history when another Labor Prime Minister was forced to resign.

Hon Tom Helm: He retired.

Hon M.D. NIXON: That might be the case. I am not sure of the political history of that matter and whether he was sacked or whether he chose of his own accord to hold an election. I must study that matter one day. As I understand it, the then Labor Government was in a situation in which, not unlike the situation today, it was suffering from a huge balance of payments problem and had a huge foreign debt, and the interest on that debt was so enormous that it was thought it was beyond the capacity of the country to pay, and that led to a political crisis -

Hon Tom Stephens: Are you talking about the New South Wales Government of Jack Lang?

Hon M.D. NIXON: Yes. That was well before my time and I am not clear on the history of that period, but the important point to remember, as Hon Tom Helm has reminded me, is that in 1975 -

The PRESIDENT: Order! I know that Hon Tom Helm was trying to be helpful, but does this relate to the spending priorities of this Government?

Hon M.D. NIXON: It is very much about priorities, and I will get to that eventually, Mr President; I am sorry it has taken me so long. We developed the theory earlier that something can become law only if it has the support of three groups: The lower House, the upper House and the Queen's representative. A party cannot form government unless it has the numbers. The ultimate test of this is whether it can get Supply. I understand that in a television program the other night, some of the players spelt out the situation in 1975; I am sorry that I missed it. In 1975 the Senate would not grant the Government Supply. The Prime Minister of the day then had two alternatives: Tough it out and hope that the Senate would change its mind, which in the early days he decided to do; or call an election to let the people have their say about whether he had their support. The Governor General, upon receiving advice from people, would have called the Prime Minister -

Hon Tom Helm: Including the Queen.

Hon M.D. NIXON: I was talking about the Governor General as the Queen's representative and as the institution of the Crown. I have no doubt that the Governor General would have invited the Prime Minister to have a talk about how things were going, and the Prime Minister would have said, "Yes, Your Excellency, I am sure the Senate will grant Supply. It will take a bit of time, but I am sure it will cave in." Things would then have gone on for some time, until it reached the point at which the Government of the day could not pay the pensions of the pensioners and, most importantly, the salaries of the politicians, and a crisis was approaching -

Hon J.A. Cowdell: That would have been interesting for us!

Hon M.D. NIXON: That was very much a political crisis rather than a constitutional crisis. The Prime Minister of the day could have chosen to say to the Governor General, "I am having a great deal of difficulty here. The only way to resolve this political problem is to call a general election." If the Prime Minister of the day had done that, he would have been the Acting Prime Minister during the time of that election. I have heard some conjecture about whether the then Prime Minister deliberately carried on until he was sacked to increase his political chance of winning an election. I would have thought the Prime Minister of the day would have understood the reserve powers well enough to believe that if he did not eventually call an election, an election would need to be called. The only question was whether he or somebody else was Acting Prime Minister at the time. I also suggest that the Governor General would have called in the Leader of the Opposition from time to time to ask him how he was getting on. The Leader of the Opposition would have said that the Opposition was determined to hang in. Therefore, eventually a decision was made about whether to get to the stage at which there was not only a political but also a financial crisis or whether the matter should be resolved by the people. That is the critical point.

Debate adjourned, pursuant to standing orders.

COURTS LEGISLATION AMENDMENT BILL 1999

Introduction and First Reading

Bill introduced, on motion by Hon N.F. Moore (Leader of the House), and read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.01 pm]: On behalf of the Attorney General, I move -
That the Bill be now read a second time.

I am pleased to be presenting to this House the Courts Legislation Amendment Bill 1999. This Bill deals with a number of administrative issues requiring amendments to the Supreme and District Court Acts, the Liquor Licensing Act and the Local Courts Act. Specifically, the Bill proposes reform in the areas of mediation in the Supreme Court; establishment and review of court fees in the higher courts; judicial support staff in the higher courts; appointment of commissioners to the

District Court; the Liquor Licensing Court; and the payment of judgment debts in the Local Court. For the benefit of the House, I will set out the key features of each of these reforms.

Mediation in the Supreme Court: With respect to mediation, it is proposed to insert a new part VI into the Supreme Court Act dealing with court annexed mediation in the Supreme Court. The amendments give statutory force to the principle of confidentiality and the "without prejudice" evidentiary privilege which are the cornerstones of the mediation process. Mediation conferences were introduced in the Supreme Court in 1993 as part of the case management initiatives designed to reduce delays and costs to litigants, and are now an integral component of the court's case flow management program. Mediation is a highly developed and successful avenue for resolving disputes in the court and an important step in the process by which a matter proceeds to trial. It has brought substantial benefits to the parties to litigation in terms of earlier settlements and the savings of legal costs. It has also brought benefits in terms of saving court trial days - estimated at 670 days in 1998.

Currently, the confidentiality of the mediation process and its "without prejudice" status have been underpinned by the Rules of Court and by the terms of the common form mediation order. This is now seen as problematic, as recent cases indicate that these matters cannot be adequately addressed other than by amendments to the Supreme Court Act. The amendments will reinforce the integrity of the mediation process in the Supreme Court by imposing on parties and/or mediators a statutory obligation of confidence; clearly defining and extending the scope of the "without prejudice" basis of the mediation; conferring on mediators who conduct mediation conferences under the direction of the court, the obligations, privileges and immunities of a judge; and making clear the scope of the court's rule-making powers in respect of mediation. These are non-contentious amendments derived substantially from model legislation drafted by the Law Council of Australia and endorsed by the Standing Committee of Attorneys General.

Establishment and review of court fees in the higher courts: The Bill also deals with changes in responsibility for the court fee fixing and review processes. Within the administration of the courts, two completely different procedures for the fixing and review of court fees have evolved, with the lower court process being controlled by the Executive and the superior courts by the judiciary. Within the lower courts, responsibility for fees rests with the courts administration personnel who formulate recommendations as a result of annual reviews in accordance with the requirements of the Financial Administration and Audit Act. However, in the superior courts, the fees can be prescribed or changed only upon the recommendation of the majority of judges of the court, as approved by the Treasurer. This process provides a potential for conflict between the court administrator's statutory requirement annually to review fees and charges, and the views of the judges of the court as to appropriate fees and charges. The Bill simply proposes that the superior courts process be brought into line with that in the lower courts. Under the amendments, and consistent with practice in relation to the lower court fees, proposed variations will still be subject to scrutiny by the parliamentary Joint Standing Committee on Delegated Legislation. Again, these amendments are regarded as non-contentious as the proposals bring the State into line with the practice in other States, with the exception of Tasmania which still retains the fee-setting power with the judiciary.

Judicial support staff in the higher courts: The third area of reform relates to judicial support staff in the higher courts. The background to this is that the Supreme Court Act 1935 provides for the appointment, by the Attorney General, of associates and ushers, but does not include other personal assistants of the judiciary, such as the courts public information officer and the Aboriginal liaison officer.

To date, appointments to those other positions were considered to be personal assistants to the judiciary and, therefore, not subject to controls arising from appointments under the Public Sector Management Act. However, as a result of recent further research in the course of establishing workplace agreements and enterprise bargaining arrangements, doubt has been raised as to who is the employer, and the employment status of such staff.

The Bill clarifies these matters, in part, by providing for the various types of judicial support staff not to be subject to the provisions of the Public Sector Management Act. As such, it also removes any doubt that such employees may otherwise be responsible to two authorities. The Bill also provides authority for public service officers to be seconded into these positions and effects minor changes in terminology.

Further amendments relate to the power to appoint associates, orderlies and other assistants to the judiciary in the District Court. Currently provisions of the District Court Act are silent with regard to the appointment of such officers. Among other problems, the process is unnecessarily cumbersome as it requires the Governor to make appointments.

In addition, the section provides that they shall be appointed under and subject to the Public Sector Management Act 1994, which is inappropriate as appointments are to the positions of personal staff to the judges. Reflecting this, the Bill simply provides for a process consistent with that sought to be established under the Bill for appointment of personal staff to the judges of the Supreme Court, and that existing in the Family Court. The amendments to both Acts are considered non-contentious, as they merely rectify procedural shortcomings and provide for a simplified and standardised process of appointment across the superior courts.

Appointment of commissioners to the District Court: The District Court Act presently contains different qualification requirements for appointment as a judge as against appointment as a commissioner. The Bill amends the qualification requirement for appointment as a commissioner to include the same requirement as that for the appointment of a judge. This amendment is another non-contentious reform, merely standardising the qualification requirements.

The Liquor Licensing Court: As noted earlier, the Bill also deals with aspects of the Liquor Licensing Court - specifically its current status as a separate entity. In July 1998, administrative responsibility for the Liquor Licensing Court was transferred from the Office of Racing, Gaming and Liquor to the Ministry of Justice where, for administrative purposes, it

was appended to the District Court of Western Australia. To formalise this transfer, the present provisions of the Liquor Licensing Act relating to the appointment and conditions of the judge, or acting judge, of the Liquor Licensing Court are repealed.

The provisions of the Bill enable the Chief Judge of the District Court to nominate, from time to time, a judge or commissioner of the District Court to be the Liquor Licensing Court judge or the acting Liquor Licensing Court judge. The Bill also provides for the present Liquor Licensing Court judge to continue to hold that position so long as he continues to hold a judicial appointment.

Consistent with other provisions of the Bill, these amendments are also considered non-contentious. In short, they do little more than provide flexibility in allocation of judicial resources between the District and Liquor Licensing Courts.

The payment of judgment debts in the Local Court: The final area of reform dealt with by the Bill relates to an aspect of the payment of judgment debts in the Local Court. Specifically the Bill will allow for payments, in full or by instalments, to be made directly to the plaintiff or the plaintiff's solicitor. This amendment will allow judgment creditors to receive payments sooner than they do now by removing the double handling of payments through a Local Court.

Conclusion: The proposed amendments in the Bill have been identified as a result of ongoing review of court processes, and relevant legislation, by the Court Services Division of the Ministry of Justice. The Bill reflects a continuing public interest in a more efficient and effective justice system, and does no more than seek improved accessibility to justice through increased efficiency and effectiveness in the operation of the courts. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

RAILWAY (NORTHERN AND SOUTHERN URBAN EXTENSIONS) BILL 1999

Introduction and First Reading

Bill introduced, on motion by Hon M.J. Criddle (Minister for Transport), and read a first time.

Second Reading

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [4.10 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to implement the legislative authority for the construction of the Currambine to Butler railway and the Jandakot-Rockingham-Mandurah railway. The Government committed itself at the last state election to extend the northern suburbs railway from Currambine to Clarkson. The next major transit station planned for north of Clarkson is at Lukin Drive, Butler. This section of the railway will be located within a contiguous railway-freeway reservation. When completed, the railway will form part of the urban passenger network.

The Department of Transport will now commence the development of a master plan for extension of the railway from Clarkson to Lukin Drive, Butler. In March of this year, the Government released the master plan for the south west metropolitan railway. The route of the railway is Perth-Kenwick-Jandakot-Kwinana-Rockingham-Mandurah, over a route distance of 82 kilometres.

Although the Bill simply authorises the construction of railways, I will outline for the information of members the main features of the south west metropolitan railway proposal. A railway is already constructed between Perth, Kenwick and Jandakot. Accordingly, legislation is required for the construction of a railway from Jandakot to Kwinana, Rockingham and Mandurah. The principal feature of the planned system is a rapid transit regional railway supported by buses and private cars. These will link local communities to strategically spaced and individually purpose-designed transit stations. Extensive facilities will be provided at transit stations for pedestrians, cyclists, bus-rail transfers and parking for private cars.

The south west metropolitan railway will be integrated with existing urban rail and proposed bus transit services, which will permit an extensive choice of public transport journey options from the extremities of the Perth metropolitan region. This rapid transit system will provide a standard of travel comparable in transit time, convenience and cost with the private car. In doing so, it will contribute to the containment of investment in road infrastructure, and optimisation of its use. Combined with the existing urban rail system, it will make a significant positive contribution to maintenance of an acceptable level of air quality in the Perth metropolitan area.

Future rapid transit extensions in the northern suburbs will mean that the south west metropolitan area and the area to Yanchep and beyond will eventually be linked by a fast inter-regional rail service, in excess of 120 kilometres long. The anticipated patronage from the south west metropolitan area by the year 2006 is in excess of 30 000 passenger journeys a day. This is of the same order as current usage of the northern suburbs line.

By any measure, the south west metropolitan railway from Perth to Mandurah is a major project. It involves -

- New railway of 69 route kilometres;
- more than doubling the present electric railcar fleet with the introduction of faster, more modern trains;
- a significant increase in train services between Perth and Kenwick, and associated measures to accommodate this;
- initially, 10 new transit stations between Perth and Mandurah;
- links and coordination with a new rapid transit bus transitway between Rockingham and Fremantle;

a railcar depot in the Rockingham-Kwinana area;
 reservation for a future route through the Rockingham city centre; and
 long overdue grade separation of selected, intensively-used level crossings between Perth and Kenwick.

Provision is made for three alternative routes through the Rockingham city area: Firstly, a direct route to Mandurah along the eastern outskirts of Rockingham, supplemented by dedicated transit link buses operating between rail transit stations and the Rockingham city centre; secondly, a route through the city with only the section through the central core below ground in a tunnel; and, thirdly, a route comparable to the foregoing, but with a longer tunnel. A typical rail journey time to Perth will be around 44 minutes from Rockingham and 60 minutes for limited express trains from Mandurah.

A realistic three-stage program to implement the proposed railway service has the following timetable: Commencement of services from Thomsons Lake to Perth within four years of inception; commencement of full services from Rockingham two years later; and services to commence from Mandurah 18 months after that.

The actual implementation program will be finally determined by such factors as development of a cashflow which is consistent with other government obligations; a realistic program for the delivery of rolling stock; and the need to establish and refine operational procedures for the new services and their integration with existing services. The total infrastructure cost from Perth to Mandurah will be nearly \$630m and the value of the railcars will be an additional \$312m in July 1998 dollar values. Work is ongoing to determine the extent to which the cost and risks associated within the infrastructure works can be shared with the private sector. It is necessary that alterations required at Perth station together with those works along the Armadale line to Kenwick be undertaken as part of the first stage.

There will be significant benefits for road users. Five intensively used railway level crossings between Perth station and Thomsons Lake are to be eliminated with bridges. In carrying out these works, particularly for the section from Perth to Kenwick, this project can be seen as the catalyst to initiate works which are long overdue. This plan is a major proposal for improving the long-term fabric of public transport facilities in the Perth metropolitan region. I table the Acting Director General of Transport's report on the construction of the two railways as required by section 18A of the Transport Co-ordination Act. I commend the Bill to the House.

[See paper No 372.]

Debate adjourned, on motion by Hon Bob Thomas.

PERTH PARKING MANAGEMENT REGULATIONS

Motion for Disallowance

Pursuant to Standing Order No 152(b), the following motion by Hon Tom Stephens (Leader of the Opposition) was moved pro forma on 12 October -

That the Perth Parking Management Regulations 1999, published in the *Gazette* on 16 July 1999, and tabled in the Legislative Council on 11 August 1999 under the Perth Parking Management Act 1999, be and are hereby disallowed.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.18 pm]: Mr President -

Hon Max Evans: You look so relaxed, I thought you were going to withdraw the motion.

Hon TOM STEPHENS: I am about to try to convince the Minister for Finance, his colleagues and the House to support this disallowance.

Hon Greg Smith interjected.

The PRESIDENT: Order! Members should let the Leader of the Opposition get at least one minute into his speech before the interjections commence.

Hon TOM STEPHENS: The Labor Party would like to support the regulations and would normally have done so. However, it would prefer to be in a position to amend these regulations rather than to move for their disallowance. That option is not available and we are forced to move for disallowance to get the Government, in particular the Minister for Transport, to listen to the case for extending exemptions to cover hotel residential parking bays that will be affected by these regulations if this disallowance is not carried by the House.

The shadow Minister for Transport, Alannah McTiernan, has presented a case to the Labor Party suggesting that an exemption should be provided from new parking bay licence fees when the bays are used for residential guests. The Labor Opposition has been persuaded and now presents that argument to this place. We believe that such an exemption is in keeping with the general philosophy of the legislation from which the regulations derive. The legislation is designed to discourage private car use in the city, particularly by commuters while exempting residential users. Ideally we would want an amendment to the regulation by inserting an additional paragraph to regulation 5. This would be to the effect that a vehicle parked in or on a hotel or motel building or on land on which there is a hotel or motel building by or for a person who is an overnight occupant and is parked in a space set aside for the use of such guest by the operator, is a vehicle parked in prescribed circumstances. We hoped that the regulation would have contained our amendment because the regulation would not have been subject, in turn, to our determination to disallow it.

Pursuant to section 7(c) of the Perth Parking Management Act 1999, this would obviate the need for a parking bay licence for such vehicles. Apparently the Australian Hotels Association members wrote to the Department of Transport seeking this exemption. They were informed that it would not be granted. They were also advised that hotels will be able to register for the number of parking bays used and that it can be varied as occupancy changes. However, members should not be surprised to learn that the hoteliers consider that this will be another compliance nightmare, both for the hotels and the Department of Transport. Hoteliers along with all other traders across the country are having to gear up in preparation for another nightmare that has been inflicted on them; that is, compliance with the goods and services tax, which is jointly sponsored by the Australian Democrats and their national coalition partners. Members may not be surprised to learn through the Press that the Democrats have no concern for the additional nightmare to which the hotel industry will be subjected as a result of these regulations being left in place and not disallowed.

This House has an opportunity to disallow these regulations. The Government and the Democrats have the opportunity to show some concern for this section of industry by disallowing these regulations so that a better option would be available; that is, the granting of an exemption for residential parking bays. Unfortunately, we have seen the true colours of the Democrats regularly demonstrated. We have seen the Government show no concern at all for the enormous compliance costs to which it is subjecting industry, including the hotel industry.

I ask the Minister for Transport, what will be the policing costs for the Department of Transport's having to check that the hotels are not using more than the number of registered parking bays? I ask the minister in his response to indicate what the compliance costs will be. It would also seem impractical to suggest that the number should be varied each time the hotel occupancy rate changes, given the frequency at which occupancy rates change in hotels, as well as the cost of varying the number. I am told that the AHA has submitted that occupancy rates fluctuate between 20 and 100 per cent. I am surprised that is the limit of the variation. I have a friend who bought a hotel in Darwin. He told me that the occupancy level for his hotel was some 300 per cent. The hotel was called the Cherry Blossom. After he bought it he discovered that its occupancy level was 300 per cent because it was being utilised for the plying of the trade to which this State could well do with bringing some regulation. However, the Australian Hotels Association tells me that hotels in this State have an occupancy rate that varies between 20 and 100 per cent.

Hon N.D. Griffiths: One hundred per cent sounds a bit sus.

Hon TOM STEPHENS: Perhaps we need to determine which hotel has 100 per cent occupancy!

The annual average occupancy of three, four and five star hotels in Western Australia is approximately 65 per cent. It appears to be unfair that hotels may have to overestimate the number of bays and licence them and pay fees on parking bays that remain vacant. This should not extend to bays used commercially or let on an hourly basis, nor to those used by staff. The justification for fees is that they will be used to operate and expand the central area transit bus system, reduce the level of car access to the city, improve pedestrian safety and amenity, establish a desirable number of parking bays in the city and provide corresponding environmental benefits, particularly to air quality.

These are all worthwhile and desirable aims. However, their application to hotel parking bays should be considered in the context of who is being exempted. The point is that no differentiation should be made between people who reside in owner-occupied accommodation, in rental accommodation or hotel accommodation. The regulations discriminate against the last of these categories. It is for this reason only and the fact that the Government has not agreed to insist on the amendment to the regulations that this disallowance has been moved by the Labor Opposition, and we call for the support of the House.

HON NORM KELLY (East Metropolitan) [4.26 pm]: I remind members of the recent debate in this place on the Perth parking plan. A package of three Bills was introduced last May to provide for the regulations now before us. It is interesting that all three Bills passed through all stages in this place in 43 minutes. That is fairly indicative of the all-party support for the overall direction of this policy. Even though some concerns were expressed about aspects of the policy and proposed regulations, all parties supported a strategy to ease the traffic congestion and improve the amenity of the city area.

The Perth parking plan was developed in recognition of the growing congestion in the central business district largely caused by growth in commuter traffic into the city area, a byproduct of which is increased pollution. The city needs a better and cleaner public transport system.

A levy on non-residential parking bays will fund improvements in traffic control within the CBD. Some improvements have occurred already with the redirection of traffic flows in Murray and Hay Streets. It will also assist in funding the central area transit bus system. Perth has one of the highest parking capacities of any city in the world - about one parking bay for every 1.8 commuters, which highlights the inadequacy of our public transport system servicing the CBD area.

There are more than 60 000 parking spaces in the central business district. The parking and traffic management therefore is integral to the overall planning strategy of Perth. The Perth parking plan addresses the need to maintain not only the economic health and viability of the city area but also its environmental health. It impacts also, obviously, on the social wellbeing of all the people who live, work, shop or recreate in the city areas. Unfortunately, the Government has compromised the potential success of its policy direction in this area by insisting that diesel-powered buses ply the city streets instead of opting for the cleaner gas-powered buses which are used in most other areas of Australia. Government authorities are moving more and more towards gas-powered buses in almost every built-up area of Australia, which is particularly important in congested city areas where heavy particulate emissions from diesel buses severely impact on the health of people in those built-up areas.

Regulation 5 of the Perth parking management regulations provides for licence fee exemptions for residential parking. This disallowance, which has been brought about by the legitimate concerns of the Australian Hotels Association, is based on

an understanding that short-term occupants of hotels should be regarded as residents and therefore parking spaces allocated to those short-term occupants should also be exempted from the current \$70 per annum licence fee. To talk about short-term hotel occupants as residents is not a matter of semantics but, rather, a matter of definition. The Australian Democrats disagree that such a conclusion should be drawn from that.

Hon N.D. Griffiths: You are trying to sit on the fence. However, you are not doing a very good job.

Hon NORM KELLY: Not at all. I will be very clear about the Australian Democrats' position and I am sure the arguments for it will be very clear in the vote. Regulation 5 currently provides for a number of exemptions, which includes not only residential parking spaces but also special events parking and the like. In addition, there are provisions in schedule 2 of the regulations which are not exemptions but which attract a nil licence fee for facilities that have five or less parking spaces in recognition of the administrative costs being too great for such a small collection. These facilities include access to parking for disabled persons, loading bays and the like for emergency vehicles, servicing of vehicles which are not strictly parked, and also for any motor vehicle dealers in the prescribed area. There are therefore a number of reasons for exempting vehicles or not requiring a licence fee to be paid for those parking spaces.

The Australian Democrats are concerned that any further relaxation of these exemptions could affect the overall parking policy and weaken the ability for this legislation to be truly effective. Any new tax or fee, as members are well aware, must be carefully considered, especially as there have been concerns about not only the cost imposition of this particular fee but also the administrative procedures connected with the policy. However, the business community has given widespread support to the Perth parking strategy because in the central business district it can see the benefits that should flow from such a policy. Although the business community will have an imposition on parking spaces, it will also benefit by the city becoming a better place to visit, whether by shoppers, workers or whomever. Those flow-on benefits in social and environmental amenability will provide a very positive net gain for business in the city area once this strategy kicks in.

The Australian Democrats do not see this as an unfair tax on hotels; we see it as a fee which is evenly applied to all businesses, although we accept that some issues are specific to the hotel industry. We are well aware that the disallowance of these regulations could be disastrous, and we are fully accepting of the position of the Australian Labor Party in that it would prefer not to have these regulations disallowed, but merely amended to accommodate the concerns of the Australian Hotels Association in this regard. The concern to which Hon Tom Stephens alluded is simply to place that additional requirement in the exemptions provision of the regulations to insert a new regulation 5(e), which would state that the vehicle is parked in or on a hotel or motel building or on land on which there is a hotel or motel building by or for a person who is an overnight occupant - I think in that case "overnight" can also be regarded as a short-term occupant - of the hotel or motel and is parked in a space set aside for the use of such guests by the operator. Particular emphasis on this proposed amendment should be placed on the latter part of that proposal, which refers to "a space set aside for the use of such guests by the operator".

In that regard, I will refer to some information that I have received while doing research on this issue, because I believe that the AHA fully accepts an imposition or the levying of a fee for car parking spaces for hotel visitors who are visiting for reasons such as dining at restaurants, conferences and the like. It is purely the residential or short-term occupancy factor for which hotels would not like to see a fee imposed. However, there is a difficulty in that the hotels have the ability to interchange the purposes of their parking spaces. Parking spaces are not necessarily specified as being only for residents or non-residents. In my consultation with hoteliers in the central business district, I found that there are a variety of ways of specifying how their car parking spaces are regarded; for instance, some hoteliers will say that all of their car parking spaces are reserved for guests and others will specify a certain amount. The Wentworth Plaza Hotel has reserved for guests 32 out of a total of 79 parking spaces. Another hotel had reserved for its guests approximately 40 out of a total of 60 parking spaces. We must think of the reality of how any amendments to these regulations would work. A situation could arise in which, during that period of low overnight occupancy of a hotel, there may be a heavy demand on spaces by people visiting the hotel for a dinner, function or conference. Parking spaces ordinarily reserved for guests would be utilised for short-term car parking. Conversely, at times of high occupancy, hotels may allocate to residents other parking spaces which they normally would not reserve. To try to come up with an administrative solution to this could be quite a headache and could be an administrative nightmare to regulate and then to control and inspect the operation of such a system. As a better alternative, acknowledging what could be regarded as the genuine concerns of the Australian Hotels Association, the Australian Democrats suggest perhaps proposing a different level of fee which would take into account a certain percentage of parking spaces being regarded as for residents only. That would be a way in which hotels could impose a percentage of that \$70 annual fee for all parking spaces in hotels, given the varying occupancy rates of hotels. However, I do not believe that is necessarily the best way to go, because we must remember that, as part of the parking strategy, we are attempting to fully utilise all car parking spaces in the CBD. That is why such things as the convention centre and other special events that occur within the CBD should be utilising existing car parking spaces which are not utilised at the moment.

Recently, the Saltimbanco circus was positioned on the Esplanade reasonably close to the busport and adjacent parking facilities. In that way patrons of the evening shows could utilise the available parking areas, which are normally only heavily utilised during the daytime. Part of the parking strategy is to fully utilise parking spaces.

If we applied the \$70 annual fee to hotels it would equate to less than 20¢ a day for each parking bay. Members should also bear in mind that the occupancy rate for hotels is about 65 per cent to 75 per cent, and in the responses that I received to my question, it varied from between 45 per cent to 80 per cent. The occupancy rate does not necessarily relate to the usage of car spaces that are reserved for residents, and it could be ambiguous to refer to the occupancy rates as an argument against imposing a full fee. The Australian Democrats believe this is an acceptable charge for hotel customers, especially when one considers that visitors can utilise a free public transport system when they visit the Perth city area. Utilising that public

transport system means that for less than 20¢ a day they are, in part, funding that free public transport system and they will benefit from the increased amenability of the city area because of this strategy. If we amortise the parking fee cost over all the rooms of the hotel - and most hotels will do this as they incorporate free car parking into their normal overnight room charge - it works out to less than 6¢ a night a room. That is the cost of the imposition of this fee on hotels.

My final point relates to an issue that was brought to my attention by Mr Rob Wiseman, the General Manager of Novotel Langley. In his letter to me, Mr Wiseman states -

The highest concentration of hotel accommodation occurs along Adelaide Terrace and St George's Terrace between Irwin and Plain Street and as I am sure you have noticed, this would appear to be one of the areas of the city that has had the least attention and beautification. Finally, late last year six trees and two palms were planted by the City Council on Hill Street. Further, the excellent City Transport Service of the CAT does not even service this end of town that has the highest concentration of, not only tourists visiting the city, but also large numbers of hotel employees.

Hon Derrick Tomlinson: Perhaps with the levy they can extend CAT?

Hon NORM KELLY: Part of the policy behind the imposition of the levy is that we can extend the central area transit bus service. I recall when we debated those Bills that we talked about extending the CAT system into suburbs such as Subiaco, Victoria Park and South Perth. As we get a higher frequency service and more routes, the CAT system could come from Victoria Park over the Causeway and straight up Adelaide Terrace, which would be able to service those hotels to which Mr Wiseman refers.

Hon Derrick Tomlinson: It could run from the Causeway car park to Princess Margaret Hospital.

Hon NORM KELLY: Exactly. The Australian Democrats fully support the Government's imposing a fee in this way to partially fund the CAT system to enable it to remain a free service.

Hon M.J. Criddle: We have free travel in the central business district system anyway.

Hon NORM KELLY: That is right. However, because of the CAT system's distinctive buses, it is in the public eye and is a visible way to identify a free public transport service. I regularly use the red CAT bus to travel from West Perth to the city and return.

Hon Derrick Tomlinson: How do you manage that, because every time I wait for one, it is usually quicker to walk?

Hon NORM KELLY: My office is in Havelock Street, West Perth. I get on the bus at the CAT stop in Murray Street. Sometimes I end up walking to Perth. One of the beauties of the CAT system is that one can see how long it will be before the next bus will turn up.

Hon Derrick Tomlinson: Perhaps we might be able to extend it to the East Metropolitan Region.

Hon NORM KELLY: I have grand plans for the future of the East Metropolitan Region as far as extending the routes as spurs from the underutilised train stations, especially on the south east corridor, so that we can have proper public transport.

The CAT system is heavily utilised. When one catches a CAT bus from West Perth into the city at lunchtime on a week day, one finds that the bus is crammed to capacity. It is essential to maintain this service as a free service, because it is all about getting people out of cars and onto public transport.

The Australian Democrats will not support this disallowance motion. Although the Australian Hotels Association has raised some legitimate arguments, we do not believe that the total disallowance of these regulations is warranted. The impact that a total disallowance would have - I acknowledge that the reason behind moving a disallowance motion is to try to force amendment - would be so great and have such a negative impact on this city that it does not warrant support.

HON J.A. SCOTT (South Metropolitan) [4.47 pm]: The Greens (WA) will not support this disallowance motion, nor will we support a partial disallowance. Without going into all the background that Hon Norm Kelly has put forward, when we investigated this disallowance motion we found that most of the hotels concerned were charging something like \$10 a day for the parking areas, and the cost of those parking areas to them under this scheme was about 20¢. Therefore, that is hardly a huge imposition on them, with the good profits they make. I was also told by the lobbyists that some hotels provided free parking. I asked how many, and I think there were three. The total amount of money per year that was involved for these people was less than \$2 000. Therefore, I did not see it as a huge imposition on a hotel, and I thought that perhaps those people who were giving free parking could charge 20¢. I do not suppose anybody would mind paying that amount for a day. Then the problem would disappear. That would be an easier way to deal with the situation, rather than disallowing these regulations, which would have a severe impact on the central area transit buses and other public transport in the city. As has been pointed out, that is the proper way to go. We must discourage cars coming into the city. However, rather than using the big stick approach, it is much better to encourage people by having good systems, such as the CAT bus system, and extending them as far as possible. This disallowance motion has no credibility, and the Greens will not support it.

HON M.J. CRIDDLE (Agricultural - Minister for Transport) [4.50 pm]: I thank members opposite for their comments. I understand the situation that has been put by Hon Tom Stephens. I know that the Australian Hotels Association has expressed some concern about this matter. I also understand the points of view of the Australian Democrats and the Greens (WA). The consultation that we have had on this matter and the research that we have done indicate that the impact of these measures will not be great. The central area transit system has been a great innovation in moving people around the city centre. These regulations will help to fund that CAT system. These initiatives will also assist pedestrians in the city centre by helping to alleviate some of the traffic congestion. I recently opened the new section of Pier Street, which is now a very

pleasant area with the works that have been done there. Members have probably been to King Street, which is also a very pleasant area on any day. We are moving to upgrade our public transport system, and people who have travelled on that system, as I did recently, would be impressed with the improvements to that system. We will have one of the best public transport systems that we could possibly have with the new buses and trains to bring people into the city. I know people will use the CAT system, together with the circle route.

Another issue is the environment. Hon Norm Kelly raised the issue of diesel buses, which seems to surface every now and again. I assure Hon Norm Kelly that the new buses are an excellent innovation in this part of the world with the use of Euro 2 low-sulphur diesel and very low emissions. Those vehicles will fit into our transport system and will alleviate the environmental impacts that we have at present. We are moving towards fuel cell buses -

Hon Bob Thomas: Is that not what Euro 2 is?

Hon M.J. CRIDDLE: It is a standard for vehicle emissions. We will shortly have Euro 3, which is very compatible with gas -

Hon Norm Kelly: Another Democrats' initiative!

Hon M.J. CRIDDLE: I wish the Democrats would take on the extension of those options for clean air, which includes fuel cell buses, because that is a good initiative which will help us to develop an emission-free fuel for the city centre. By the middle of next year, members may be able to witness a fuel cell bus in Perth.

Mr President, I have been given a bit of latitude in getting away from parking bays. A licence fee has always been paid by the public car park operators in Perth and has been passed on to commuters and shoppers. That licence fee will be extended to commercial tenant parking in order to correct a longstanding inequity. Therefore, if hotels and motels were excluded, we would be reverting to the earlier inequitable system. Research conducted by Transport in the parking bay management area has revealed that most hotels and motels within the prescribed area charge their customers about \$10 a day for the use of parking bays, and some hotels charge up to \$15 a day. When we consider that the licence fee for these bays is \$70 per annum, that is a small impost on that industry. The licence fee equates to approximately 20¢ a day. According to the Australian Bureau of Statistics, during 1998 the average length of stay in hotels and motels in the Perth parking management area was approximately 2.7 days. Therefore, the licence fee that was passed on to guests was about 60¢ a day, which is the point to which Hon Tom Stephens wanted me to respond at one stage. It has been indicated that the occupancy rates are not as high as some people would like. However, the additional charge will not impact greatly on the Australian Hotels Association. The hotels and motels already qualify for generous exemptions for bays used for the loading and unloading of people and goods. Australian Council for Rehabilitation of Disabled bays for disabled customers and parking bays for the proprietor or manager who permanently resides in the hotel are also exempt. The regulations provide for a number of exemptions from the payment of the fees including bays used for residential parking, properties with a maximum of five bays, bays used for emergency service vehicles, and, as I said, bays displaying those ACROD stickers and bays for the purposes of loading and unloading.

In outlining these issues I have shown that the impact on the Australian Hotels Association's membership will not be all that great, although I appreciate what the Leader of the Opposition said in his remarks. The Government does not support this disallowance motion.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.56 pm]: I am very disappointed that the Government has not been persuaded by the arguments put to the House. I am disappointed that the Australian Labor Party stands alone in supporting the concerns of the Australian Hotels Association. The Opposition has outlined its reasons for opposing these regulations; they do not accommodate the needs of the hotel operators and licence holders as put by the AHA and outlined by the Labor Party in this debate. We oppose these regulations and persist in asking the House to oppose them.

Question put and a division taken with the following result -

Ayes (8)

Hon Kim Chance
Hon Cheryl Davenport

Hon N.D. Griffiths
Hon Tom Helm

Hon Ljiljana Ravlich
Hon Tom Stephens

Hon Ken Travers
Hon Bob Thomas (*Teller*)

Noes (17)

Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans
Hon Ray Halligan
Hon Helen Hodgson

Hon Barry House
Hon Norm Kelly
Hon N.F. Moore
Hon M.D. Nixon

Hon Simon O'Brien
Hon B.M. Scott
Hon J.A. Scott
Hon Greg Smith

Hon C. Sharp
Hon W.N. Stretch
Hon Giz Watson
Hon Muriel Patterson (*Teller*)

Pairs

Hon Ed Dermer
Hon John Cowdell
Hon John Halden
Hon Mark Nevill

Hon Murray Criddle
Hon Peter Foss
Hon Derrick Tomlinson
Hon Murray Montgomery

Question thus negatived.

[Questions without notice taken.]

ACTS AMENDMENT (FIXED ODDS BETTING) BILL 1999*Second Reading*

Resumed from 14 September.

HON N.D. GRIFFITHS (East Metropolitan) [5.33 pm]: Initially I will say two things about this Bill: First, the Australian Labor Party supports it; and, second, it comes from the Legislative Assembly. In that sense, we can, for a change, act as a House of review rather than look at a piece of legislation read for the first time by a minister of the Crown in this House. I will not make any further comment on that, but I refer members to the state of the Notice Paper and the relevance of my remark to that. The main purpose of the Acts Amendment (Fixed Odds Betting) Bill is to allow the Totalisator Agency Board to conduct fixed odds betting. It has other purposes and I will mention those briefly before returning to the issue of fixed odds betting. The other purposes are to accept electronic and other commercially acceptable forms of payment for a bet; to supplement dividend pools - that issue can be dealt with in great depth in committee; to validate dividends declared by the Totalisator Agency Board when a bet that should not have been accepted is included in a betting pool, when the outcome of a race or sporting event once declared is later disputed; and to amend the Racecourse Development Act to provide for unclaimed money from fixed odds betting to go to the trust to provide for a new offence relating to credit betting by officers, agents and employees of the TAB and to provide for a number of arrangements relating to the accountability of the TAB.

The major focus of the Bill as I mentioned in my opening comments is the issue of fixed odds betting. A risk is involved in fixed odds betting, and that is something that the TAB, when it is given this capacity, must manage. That is a matter of the competence of the TAB currently and, dare I say, down the track. Fixed odds betting is seen by the TAB as critical to the ability to compete with other state TABs and other competitors offering similar products.

The matter is not brought to the attention of the House or the community of Western Australia out of the blue. The TAB acquired a report titled "Economic and Social Impact Assessment of Proposed Fixed Odds Betting Activities" before it proceeded with these matters. That report is dated 25 June 1999. Page 10 of the report sets out succinctly the reasons for introducing fixed odds betting; namely, the TAB's objective to prevent a loss of market share to on-course bookmakers fielding on sports events and to interstate betting agencies with which Western Australians may place bets through Internet and telephone services. The report points out that fixed odds betting products are not unknown to Australians as they are provided by agencies in other jurisdictions such as New South Wales, Victoria, the Northern Territory and the ACT. At the time of the report there were proposals to introduce fixed odds betting into the TAB agencies in Queensland and South Australia. The report refers to a state-owned agency in Queensland, although that is moving along in another direction.

The growth of telephone and Internet betting has motivated the TAB to follow that lead in introducing fixed odds betting or, as the report puts it, to risk losing an increasing proportion of wagering expenditure to service providers in other States. That is an appropriate purpose, but the TAB must be careful in how it proceeds. That is a matter of administration. At the end of the day, the buck will stop with the TAB, and I note the role of the minister in respect of that: The buck, finally, will stop with the minister of the day if or when something goes amiss. I trust it will not. I would not bet on anything going amiss. I am not into betting, but I am enjoying the portfolio.

In assessing the impact, it is pleasing to note that the consultants engaged by the TAB engaged in what consultants should do; that is, a fair amount of consultation. I note that page 16 of the report observes that providers of gambling services that are potentially in competition with the TAB indicated either support for the proposal on the basis that it would contribute to expansion and enhancement of the gambling market or ambivalence to the proposal. Beneficiaries of the gambling industry indicated support, despite some concerns expressed by the racing organisations that there may be small losses of business to on-course bookmakers. Significantly, as the report states -

The single problem-gambling organisation offering an opinion on the fixed odds betting proposal (BreakEven WA) indicated that introduction of fixed odds betting was not expected to significantly raise the incidence of problem gambling.

Various reasons were given.

I refer the House to the "Executive Summary" of this report, which sets out the economic impacts, which may be summarised as the relatively small changes in wealth in the Western Australian economy, the relatively small changes in employment, the relatively small changes in government taxation revenues, and the relatively small changes in financial distributions. Therefore, we are giving the TAB a competitive tool, but it is not envisaged by those who provided this report to the TAB that it would result in matters of significance. Having said that, it is considered to be an appropriate tool.

Dealing with the social impacts, the report commences with the phrase "The relatively small changes", and then refers to the incidence of problem gambling. The observation is made that fixed odds betting is unlikely to ever capture more than a very small proportion of the gambling market. The impacts are very small in a relative sense, and the report observes that it is unlikely that any of the predicted impacts would, in reality, be observable and attributable to the TAB's product. The report sets out a number of observations regarding the impacts on the State's economy, income and wealth impacts on individual economic sectors of the State's economy, and employment impacts. It states -

A net gain of wealth and income to the state in the order of \$6 million. . . .

Reductions in revenues to providers of existing gambling products in Western Australia, including on-course bookmakers (\$1.6 million), the Lotteries Commission (\$2 million) and the Burswood Casino (\$0.8 million). . . .

Reductions in revenues to the retail sector (\$2.4 million).

That does not sound very good so far, but then we come to a good part. The report continues -

A net increase in revenue of the TAB (\$10.5 million). . . .

A decrease in gambling taxation revenues to the state government of \$0.6 million relative to revenue in the absence of TAB fixed odds betting. . . .

A decrease in community distributions of \$0.66 million relative to distributions in the absence of TAB fixed odds betting.

To complete my reference to this report, I refer to employment impacts. On page iv of the "Executive Summary" it states -

An approximately neutral net direct impact on employment within the state, with small losses in employment in the bookmaking, lotteries, retail, government, and community recreation sectors of the economy compensated for by an increase in employment with the TAB.

I understand that is the advice to the TAB and to government. Following on from that, we have this Bill before us.

I will deal with some matters that were raised in the second reading speech. The minister states that the number of licensed bookmakers in Western Australia has declined from 102 to fewer than 60. I believe there are about 58. The minister then makes the observation that -

Numbers are critically low at metropolitan trotting meetings and many country race meetings. Metropolitan greyhound meetings and some country gallops and trotting meetings are unable to attract the services of a bookmaker.

My practice when I receive a Bill is to write to the people whom I consider to be significantly relevant and wait a reasonable time for their response before putting my mind to the Bill and putting a submission to the state parliamentary Labor Party. When this Bill was brought on for debate in the other place, the Australian Labor Party did not indicate its support because we had not completed that consultation process. Therefore, this is the first occasion upon which the Labor Party has officially endorsed the Bill, although it has done so unofficially, as the minister knows. In the course of that consultation, I received comments from, among other bodies, the Western Australian Turf Club. It made the comment that the observation that was made by the minister in the second reading speech was not applicable to thoroughbred racing, and it was not for it to comment on the other codes, of course.

The Western Australian Bookmakers Association was also referred to in the minister's second reading speech, in the following terms -

Members should also note that both of the TAB's major competitors in the State - that is, the Burswood International Resort Casino and the Western Australia Bookmakers Association - have not objected to the TAB offering fixed odds betting.

The key words are "have not objected". As I understand it, the WA Bookmakers Association does have a concern. Bookmakers have two competitive advantages. They offer fixed odds, and they will continue to do so. It has been proposed that in the foreseeable future the TAB will not engage in large scale fixed odds betting enterprises. However, this legislation will give it the capacity to do so, and to the extent that the TAB does exercise that capacity, bookmakers will be subjected to competition that did not exist previously.

Bookmakers also have an advantage with regard to credit betting. The President of the WA Bookmakers Association, Kieran Glynn, has written to the minister about this matter. I have a copy of that letter, which is dated 5 May 1998; I do not know whether the minister recalls it, but no doubt he has the original on a file somewhere. The letter refers to the proposal to give the TAB a fixed odds betting service and states -

While this eventuality does pose some potential threat to the sports bookmaking industry in Western Australia, in the spirit of fair competition and with regard to the potential benefit of such a move to the racing industry as a whole, this Association is prepared to support the changes.

That is a very proper attitude. The letter continues -

In the same spirit, we would seek a review of the \$200 minimum telephone bet imposed on bookmakers, compared to the "no minimum" scenario enjoyed by our main competitor - the WA TAB.

The letter concludes -

In view of all the above, we ask that the regulation imposing a \$200 minimum telephone bet on Bookmakers be deleted at the earliest possible opportunity. The main beneficiaries of such a move will be rural and remote area clubs and the metropolitan trotting and greyhound codes.

That view was put in a letter dated 5 May 1998. The Executive Director of the Office of Racing, Gaming and Liquor responded and, in his response dated 11 May 1998, the Executive Director referred to the seeking of a review of the \$200 minimum telephone bet and to what was thought to be the timing of this legislation - I must say the letter is very accurate in that regard - and then stated -

With respect to the \$200 minimum telephone bet imposed on bookmakers, this will be considered as part of the review of the gambling legislation in accordance with the National Competition Principles.

Thank you for writing to the Minister on this matter, particularly your support for the TAB to be able to offer a fixed odds betting service.

As I understand the bookmakers' position - and I am simply putting this position to the minister for comment - it is not quite a quid pro quo position but the bookmakers are giving something and have asked for something in return. It is not quite in the nature of an agreement; there is nothing contractual or binding, but there is an expectation.

On 19 May 1999, the Executive Director of the Office of Racing, Gaming and Liquor wrote to Mr Glynn in his capacity as President of the WA Bookmakers Association (Inc). He referred to the national competition policy review of the Betting Control Act 1954 and the Totalisator Agency Board Betting Act 1960 being finalised and the recommendations of the review being approved by Cabinet. The Executive Director went on to make reference to the review and pointed out that -

It is planned to introduce amending legislation giving effect to the recommendations into Parliament by 31 December 2000.

I appreciate that that is a long way away at this stage but he continued -

Those recommendations that can be achieved by regulation will be implemented as soon as possible after the National Racing Ministers' conference in August.

I will not spend too long on this but it should be spelt out. We have this tie between the \$200 minimum credit regulation and the fixed odds betting. The review stated -

Restriction 48: A bookmaker cannot accept a telephone bet on a horse or greyhound race unless the bet is greater than or equal to \$200 or the amount to be won is greater than or equal to \$2,000. . . .

The restriction on minimum levels of telephone bets with bookmakers was assessed as giving rise to a net public cost. It was concluded that the provisions of the legislation giving rise to the restriction should be repealed.

That is something that could be dealt with by regulation. The Minister for Racing and Gaming may recall that I asked him a question without notice on 20 October 1999. I refer to page 2348 of *Hansard*. I will read the question before coming to the conclusion of my comments on the second reading of this Bill. I asked -

- (1) Can the minister confirm that in May 1999 the Government had agreed that those recommendations of the national competition policy review of the Betting Control Act 1954 and the Totalisator Agency Board Betting Act 1960 which could be implemented by regulation would be put into effect as soon as possible after the racing ministers' conference of August 1999?

I am restating the position referred to in the correspondence.

- (2) When it is anticipated that the regulations will come into effect and why have they been delayed to date?
- (3) Can the minister confirm that, among other things, the regulations will enable a bookmakers licence to be granted to a body corporate, repeal the restriction on bookmaking on Anzac Day, and -

This is the pertinent point -

- do away with the restriction on the minimum levels of telephone bets with bookmakers?

The minister's response reads -

- (1)-(3) The member will need to put several parts of the question on notice.

That is a novel answer from the minister, I must say. The response continues -

The racing ministers' conference did not agree to change the minimum \$200 bet with bookmakers, although it was changed to \$50 in Tasmania a few years ago. More work is being done on the regulations to allow a bookmakers licence to be granted to a body corporate, considering Ladbrokes and the like which are public companies in England. I do not know what the regulations will be on other points and I would not like to give an answer. The member should put the question on notice. That is how we stand with the bookmakers and the betting.

There is a nexus.

Hon Bob Thomas interjected.

Hon N.D. GRIFFITHS: Hon Bob Thomas is one of the most learned interjectors in the House. We are dealing with the matter of racing -

Hon Max Evans: And gaming!

Hon N.D. GRIFFITHS: Yes. The WA Bookmakers Association is saying, "All right, fair enough, in the interests of the community as a whole, we'll accept this introduction of fixed odds betting." I have no argument with that. There is also an expectation, and I would have thought a reasonable one given the correspondence to which I have referred, that the Government would act on the restriction of a \$200-bet about which I have spoken. When the minister makes his comments in reply, I will be very interested in what he has to say about this matter. When these pieces of legislation come before the House and I and other members consult with other people, it is fair and reasonable that their concerns be raised so that the minister can answer them.

HON NORM KELLY (East Metropolitan) [5.56 pm]: The Australian Democrats will support this Bill. Primarily it addresses a few concerns and allows the Totalisator Agency Board to extend its activities by conducting fixed odds betting for the first time in the State, by being able to accept non-cash forms of payments for bets through electronic and other commercially acceptable forms. It also seeks to allow the TAB to supplement its dividend pools in ways in which it is unable to do currently. It also allows a TAB office to validate dividends declared by the TAB where a bet, which should not have been accepted, is included in a betting pool or where the outcome of a racing or sporting event, once declared, is later disputed. The Bill also deals with other aspects; in particular, it requires the TAB to lodge statements of corporate intent and the like. I will concentrate on two of these issues - fixed odds betting and non-cash forms of payments for bets.

By way of background, I will comment on the history of the TAB, which was formed in 1961 to allow the Government to manage and regulate offcourse betting. That environment flourished, many would say, in a very happy state of affairs with the proliferation of starting price bookmakers through various establishments in the State. Of course, the Government did not get a cut from the SP bookies, and the TAB was one way of its getting a cut of the gambling dollar. I will give an indication of where that money has gone. Over the past 10 years the TAB has contributed more than \$1b to the state economy, one-third of which is channelled back into the three racing codes. Another third goes into the consolidated fund, and another third to service delivery costs, such as wages and other taxes. Also, \$1.3m is channelled through to the Ministry of Sport and Recreation, with the recent introduction of sports betting to allow some of the revenue to filter back into the areas in which it is generated. The TAB is one of the largest retail networks in the State, although it is a long way short of organisations such as Coles Myer.

Hon Derrick Tomlinson: They have a monopoly position.

Hon NORM KELLY: Just about, but we are working on that! It must be recognised that the TAB is a substantial retail network in this State.

Sitting suspended from 6.00 to 7.30 pm

Hon NORM KELLY: I have been talking about not only the history of the TAB, but also the flow of funds from the TAB to the community. Traditionally, the TAB operates on the totalisator or parimutuel system, with a guaranteed revenue source from the pooling of bets and distribution of funds among the winning bets. With the onset of fixed odds betting, there will be far more potential for wins or losses by the TAB because of the nature of fixed odds betting. It must also be accepted that the TAB operates in a very competitive environment. Even though it has a monopoly of agencies in Western Australia, it must compete against the bookmakers in WA. Unfortunately, that area of competition is declining all the time because bookmakers are a dying breed in Western Australia. Also, the TAB must compete against bookmakers and TABs in other States, both private and government-owned. With the development of electronic communications technology and the ability to access on the Internet other forms of gambling, such as casino gambling online, the TAB has even more competition.

A few years ago there were 102 bookmakers in Western Australia. That number is steadily decreasing. A couple of years ago there were 73 bookmakers in WA, last year there were 65, and at the end of the 1999 financial year there were only 57. It is a steady decline, which is of serious concern because it is important to retain that sector as a viable part of the industry. In a sense the bookies' ring is part of the glamour of the race tracks. In New Zealand, which has a system of all-tote betting, part of the attractiveness of race meetings has gone. I know a reasonable amount about the racing industry in New Zealand, because I had a share of a horse in that country. Unfortunately, it was a hind share because the horse never got to the line quickly enough. The absence of bookies removes much of the glamour of race meetings.

Hon N.D. Griffiths: What was the horse's name?

Hon NORM KELLY: It was Copper Note by One Pound Sterling out of Tereshkova. It was a beautiful mare that never won a race, although it was beaten by a nose at Ellerslie in New Zealand on Melbourne Cup Day.

I will not go into the detail that Hon Nick Griffiths raised about the concerns of the WA Bookmakers Association in relation to the \$200 minimum bet regulation. It is a misnomer to refer to it as a "\$200 minimum bet", because it could decrease to \$20 if one wanted to back a 100-to-one shot. There is also the provision for a \$2 000 outlay.

One of the two major purposes of this legislation is to provide for fixed odds betting not only for racing events but also for sporting events. Of course, in most cases we are talking about two competitors and two or three results, if there is a draw. Therefore, the margins are necessarily much slimmer. With horse racing, the margins can blow out a little further because there is traditionally a greater margin in that form of betting.

Clause 33 prescribes a margin for fixed odds betting. This margin is calculated by looking at the odds of each of the horses or competitors in an event and working out that amount which is above a mutual return, in this case to the Totalisator Agency Board. Proposed section 17EA(2) provides that the Government is not required to prescribe a margin when it is a member of a pool. I understand that it is the WA TAB's intention to become part of the SuperTAB pool, which involves Victoria and other States. In that circumstance, there is no need for a prescribed or stipulated margin. What are the current margins for the SuperTAB? We could criticise the Government if the margin were too high because it would not be providing a fair return to the punter.

Hon Max Evans: The punter will not go in if it is too high.

Hon NORM KELLY: Yes. If it is too narrow, we might criticise the Government for taking too much of a risk in that more speculative form of fixed odds betting. That margin is simply a mathematical calculation of the odds being offered. From that we must deduct taxes and expenses to arrive at the net profit.

I was at York races a few weeks ago for the running of the York Cup. An individual bookie was operating on the inside of the track. In that monopoly situation he was operating on a margin of about 250 to 300 per cent. That is absolutely outrageous and a rip-off.

Hon N.D. Griffiths: I take it you did not win.

Hon NORM KELLY: In those circumstances one obtains a far better return betting on the tote. As I said, part of the allure of going to the races is having a bet with the bookies. On this occasion only one was operating inside the course, and I believe he was abusing the situation.

Hon Max Evans: Was he getting much business?

Hon NORM KELLY: He was not doing a roaring trade.

Hon Max Evans: Inside the track it is primarily family groups.

Hon NORM KELLY: That is right. It is also my understanding that the fixed odds betting will be concentrating on sporting events which currently account for only 1 per cent of the Totalisator Agency Board's total turnover. However, upon the introduction of fixed odds betting, this turnover is expected to account for about 5 per cent of total turnover in the next five years. As a safeguard, the Betting Control Board will have the authority to veto what sort of events the TAB can operate on, if it is considered to be in the public interest. Another safeguard is that the fixed odds betting will be operated as a separate entity within the TAB's operations and structured so that fixed odds betting is not subsidised by the traditional parimutuel part of the TAB's business. The racing codes will be among the principal beneficiaries through the returns resulting from this change, although I note that the economic and social impact assessment indicates this can be at the expense of the general community because of an expected shift of betting money going from such gambling products as lotteries, which have a higher return to the community, to the racing clubs. Obviously that would be defined more as money going back to the racing industry.

I will refer to the report. I find it interesting that in preparing this legislation for introduction, the TAB commissioned Mitchell McCotter and Associates Pty Ltd to conduct this economic and social impact assessment of the introduction of fixed odds activities. If we look at the social impacts, which are quite often concerned with any increase in problem gambling in this State, page ii of the report states that the relatively small changes in the incidence of problem gambling among the Western Australian population is one of the social impacts. We are quite pleased to see that because of the fact that this form of gambling is not repetitive but on a fixed event, a time lag occurs between laying the bet and getting the result. It is readily identified in gambling research that the closer the incident of laying a bet and getting a return, the more heightened is the chance of problem gambling. Of course, poker machines are the classic case where people get an immediate return, which is one of the reasons it is such an addictive form of gambling.

Hon Max Evans: You will not have problem gamblers with lotteries because they have to wait to win.

Hon NORM KELLY: That is right, and that is why lotteries can be a safer form of gambling. It is also one of the reasons that we opposed the potential for that immediate gratification with the video terminals for instant lotteries that we debated last year in this place. We could see that it was a form of immediate gratification which had a potential for an increase in problem gambling.

The study on the economic impacts of this legislation shows that in the scheme of things it will have reasonably minor impacts on the overall gambling in this State. However, it is important to point out a few of the expected impacts, such as reductions in revenues to the retail sector of \$2.4m. When we read that, we realise that we are taking money out of purchasing from normal retail stores and outlets and transferring that into gambling. We can relate that to the social impact of more money being invested in this speculative gambling rather than on other products.

Hon Max Evans: If you bet 10 to 1, you can go to the retail store and get ten times as much.

Hon NORM KELLY: That will not benefit most people most of the time.

Another of the economic impacts is a net increase in distributions to racing organisations of \$720 000 but a reduction in distributions to broader community interests of \$1.4m. This represents an overall decrease of \$660 000 to the community. This represents a shift from lotteries funding to racing gambling. The estimated reduction in distributions to the wider community is particularly sensitive to the assumed diversion of expenditure to the TAB's fixed odds product from lottery products that have a very high community distribution. That is of concern; nonetheless, as I said, it is a small amount in the scheme of things.

The second of the Democrats' most serious concerns is the provision in clause 25 of the Bill that allows non-cash forms of betting. Clause 25(ia) reads in part -

by the transfer of the amount using a prescribed method of payment or funds transfer, that does not involve the provision of credit by the TAB.

Bearing in mind that most TAB outlets are not owned by the TAB but are simply its agencies, I understand the intention of this clause is to ensure that the agency or its employees cannot accept credit for bets being placed. Penalties could be imposed if that were to occur. However, the Democrats are concerned about the increased accessibility to funds for betting and that the use of other forms of credit, not necessarily with the TAB but with other credit providers, could result in an increase in problem gambling.

This amendment to the Act will mean that, if it is prescribed, TABs will be able to accept credit cards. Hypothetically that could mean that someone could make a bet using his Bankcard. That is of very serious concern to not only me but also other people interested in problem gambling in Australia. That was referred to in the draft report of the Productivity Commission released earlier this year. As a draft report at this stage, it highlighted the concerns in the industry of the availability of these forms of credit.

Of course, benefits will be derived from the use of credit cards. As the minister said in his second reading speech, problems can arise due to the amount of cash kept on TAB premises. Some information was provided to me by the TAB regarding armed robberies and security breaches in TAB agencies. In the past two years 56 incidents have occurred, 50 of which were armed robberies at TABs in this State resulting in the theft of more than \$110 000. Of more concern than the money stolen is the impact robberies have on the employees of agencies. The TAB annual report shows a large percentage increase, albeit low figures, in workers' compensation claims directly related to stress caused by armed hold-ups.

Non-cash forms of betting could mean that TABs will hold less money. Perhaps the minister will tell me in his response whether people who bet with non-cash methods, such as an EFTPOS card, will be able to collect their winnings in cash. I presume the use of non-cash methods could result in cash flow problems. I am concerned that it might mean that a TAB will need to carry large amounts of cash to allow for that possibility. As I said, as more and more retail outlets move to plastic forms of exchange, a large number of hold-ups occur in TABs as they are targeted as a source of cash for those wanting to get it by those illicit means.

I referred to the social impact assessment on fixed odds betting by Mitchell McCotter and Associates Pty Ltd. It is amazing that no social impact assessment has been commissioned to consider what could evolve from what are regarded as major changes to the legislation to allow non-cash betting. There are concerns about increases in problem gambling. I refer to a newspaper report which, coincidentally, was published in *The West Australian* today and headlined "Clerk used uni card to gamble".

Hon Max Evans: Which clerk?

Hon NORM KELLY: Obviously a disreputable one!

Hon N.D. Griffiths: Which one is not here?

Hon NORM KELLY: The clerk referred to in this article was from a Perth university. He stole more than \$30 000 on a staff credit card to support his gambling obsession. He withdrew cash from 72 automatic teller machines in the metropolitan area and used the money to gamble at the casino and the TAB. He was sentenced to a two-year intensive supervision order with conditions that he undergo psychological counselling and attend Gamblers Anonymous. This highlights problem gambling even without the provision for non-cash betting in TABs. One TAB that I occasionally visit, formerly a Commonwealth Bank branch, still has automatic telling machines out the front of it. It is very easy to duck outside and get some money, so access to money is very easy. There is a correlation between removing a person from a gambling situation and accessing that extra money, such as in the casino where ATMs are provided - not on the gaming floor, but a short walk away. The Australian Democrats believe it is a minor consideration of the Government's to allow that proximity. However, it is one of the ways of removing people from the cycle of the gaming environment to access more money. There are pros and cons, and the jury is still out on exactly how it can be best regulated, but it is a serious concern.

Another issue, related to non-cash betting which already exists but may be exacerbated by non-cash betting, is the prevalence of TABs in hotels. When we combine access to gambling and the provision of alcohol with a third factor, access to additional funds, some potentially dangerous scenarios may occur. The majority of TAB agencies in this State - 156 out of 280 - are situated in hotels. Therefore, in this State we already have the provision of alcohol closely associated with the provision of gambling facilities. This Bill will not alter that and, as I say, allowing a person in an intoxicated state to be able to go beyond using the money in his or her wallet to access further funds, combined with the provision for non-cash betting, is a matter of concern. I am very disappointed that the TAB did not see fit to commission an independent social impact assessment of this form of gambling.

On another point, as I was saying, this provision for non-cash forms of gambling states that there is a need for a prescribed method of payment or funds transfer, so the regulations will state what forms of non-cash gambling is allowed. It is my understanding that any such forms would require the approval of the Betting Control Board before they could become law. However, I would seek a commitment from the minister that those other forms of non-cash be provided through regulation. It is important that any extension of the availability of or the ways of accessing this money is not necessarily confined to the Betting Control Board for approval. It is important that it go before Parliament because it is a community issue which must be looked at. It is a fair level of public scrutiny for those new forms to be put before us.

A few other small, simple changes to the Act are provided for in this Bill, such as dividend declarations and the ability to have jackpot pools, which are not currently allowed for. This Bill will allow for the supplementation of dividend pools from funds that are specifically set aside for that purpose, which means that the Totalisator Agency Board will be able to regularly market guaranteed pool sizes. This is something that the Democrats support. It is very much in line with what already occurs with Lotteries Commission products such as lotto, cash 3 and the like. The dividend declaration is just a simple way of removing uncertainty in relation to the declaration of dividends. We support, as we have in other legislation, the fact that statements of corporate intent and strategic plans be developed by the TAB. We support this legislation. As I said, there are concerns on which the Government must keep a close eye, because there are potentials for abuse and for problem gambling to increase because of the changes which it seems this House will be supporting tonight. However, I am heartened by the attitude of people involved in the Office of Racing, Gaming and Liquor in ensuring that these are commonsense, responsible and logical amendments to the legislation. The Australian Democrats support the Bill.

HON J.A. SCOTT (South Metropolitan) [7.58 pm]: The speech by Hon Norm Kelly has caused me a great deal of concern. When I heard that four out of the five parties in this place would be supporting this Bill, and the Greens (WA) had been prepared to put their money on the Bill getting up, and then I heard Hon Norm Kelly's racing history, I felt unsure whether I was on the right horse. It further concerned me when he described how a clerk at a certain institution had spent all that institution's money on gambling. I thought, as a member of the Joint Standing Committee on Delegated Legislation, that it is no wonder that we never get an overseas trip. It is a bit of a worry. However, the Greens will still support this Bill. We think that the Bill will modernise the institution of gambling in this State.

The Greens have a few concerns about the level of gambling revenue, and we do not want to see it reach the same level as in Victoria, where it provided 17 per cent of state revenue.

Hon Max Evans: I wish we had that in this State.

Hon J.A. SCOTT: I am pleased that we do not, because if we derived 17 per cent of our revenue from gambling we would be paying out in other ways, and the minister should not forget that point. We share some of the concerns about problem gambling that were expressed by Hon Norm Kelly. However, if we compared the problem in Western Australia with the States which have poker machines it would not be as great. I hope we can ensure that problem gamblers receive assistance.

The Bill will bring us into the right time in history. Electronic exchange is becoming the obvious way to do business, and although it offers the risk of over-gambling, it takes away other risks that have occurred in the past at TABs such as armed robberies. Most of these changes are for the better, and we support the Bill despite the fears expressed by Hon Norm Kelly.

HON MAX EVANS (North Metropolitan - Minister for Racing and Gaming) [8.01 pm]: I thank members for their strong support of the legislation. The research carried out by members has resulted in an interesting debate. Hon Jim Scott said it was a modernisation process, and that is the best way to describe what is occurring. The parimutuel system commenced in France between 1910 and 1915. France updated its system only last year, and I was able to inspect that a couple of months ago. I was amazed that the new terminals in France are not as good as our terminals. However, as a very good friend of mine said, "The French are a very unusual people. They never want to learn from anybody else; they want to do it themselves." France has 23 000 terminals and 8 000 outlets, which is huge.

The Totalisator Agency Board commenced operations in Western Australia in 1961. Alan Scahill, who was well into his nineties, was a member of the board of the Western Australian Turf Club. Alan Scahill of the WA Turf Club and someone from New South Wales went to England and brought back the idea to Australia. They were trying to overcome the problems with SP bookmakers who were not putting money back into the industry. The automatic totalisators were located in the office of O.L. Haines in the Perpetual Trustees building. They ran the automatic totes and the country totes. Peter Hawkins is the vice-chairman of the TAB Board. By coincidence, his father used to run the country automatic totalisators. Mr Hawkins and his young mates used to work at the totes at night and on weekends. The Western Australian TAB started a couple of weeks after the New South Wales TAB. The automatic totalisators have contributed since the early days to the racing codes. It has worked well since that time.

Lotteries have been run since 1550. About 20 years ago the lottery system, which was a ticket draw, was modernised and Lotto was introduced. Western Australia no longer has ticket sales or what were called draw lotteries. We have changed with the times. Cash 3 is another new system. Western Australia has the highest sales per capita of lotto in Australia, but that is not the case with scratchies.

I shed a few tears for the bookmakers tonight. From July 1992, the Government redirected its share of the bookmakers' betting levy back to the racing codes. This increased the bookmakers' contribution to the racing industry by as much as \$2m a year thereby enhancing the value of the bookmaking sector to the racing industry. One of the big problems in England is that bookmakers take a lot of money oncourse, and at bookmaking shops, but they do not put very much back into the industry. The bookmakers sponsor a number of races and England has a betting levy tax, but that does not put much back into the industry. In England the tote is mainly oncourse.

From 1 July 1993 the bookmakers' betting levy was reduced from 2.25 per cent to 2 per cent. This tax cut is now worth \$500 000 to bookmakers each year. They have done well out of that. In May 1993, telephone betting with sports bookmakers was introduced. Telephone betting now contributes \$6.1m or 75 per cent of the total annual sports betting turnover. In December 1993, despite initial resistance of the Western Australian Turf Club, telephone betting for race bookmakers was introduced. From memory, it was on Boxing Day, 26 December. Telephone betting now contributes \$46.5m or 25 per cent of the total annual race betting turnover. It is getting very big. What it amounts to is that a lot of people do not have to go oncourse to bet; the big punters can stay at home rather than going oncourse to bet. We have a good audit system there. There is a taped record of all the bets made. When listening to the tape in the first month, someone with a squeaky voice rang to put some money on a horse. It was thought that the person might have been a jockey, and he was. I will not mention his name. He was suspended. The jockeys were betting on their own horses. He lost \$12 000 in one month. What chance do we have when a jockey loses on horses he is riding?

Hon N.D. Griffiths: You are supposed to talk to the horse.

Hon MAX EVANS: He forgot to talk to the horse. It has not happened since then. I think a couple of bookmakers and a jockey were out for some time for breaking the law. The Turf Club took a long time to make up its mind about this system. That was the situation around Australia; it was not just the Turf Club here. We had already agreed that the greyhounds and the trots would have this system. About two days before the start the Turf Club agreed. The bookmakers complained that the telephone system was not ready. However, the system is now up and running and it is working very well.

In 1995, bookmakers' agent provisions were widened to permit bookmakers to operate two betting stands in different areas of the same racecourse. Therefore, one bookmaker can do local betting and another can do interstate betting. From August 1998, the betting levy on sports betting was reduced from 2 per cent to 0.5 per cent. This was so that Bluey Glynn could compete against the others for the smaller margins in sports betting, which Hon Norm Kelly has already mentioned.

Regulations are currently being drafted to permit Internet betting by bookmakers. These initiatives have contributed to the Western Australian bookmaking sector being regarded as the strongest in Australia. Since 1991-92, although bookmakers' turnover in the rest of Australia has declined by 34 per cent, bookmaking turnover in Western Australia has increased by 40 per cent. I am sorry to inform Hon Norm Kelly that we are going backwards. Gambling with the bookmakers is increasing. I think during the past year Western Australia was the only State in which the bookmakers had an increase in turnover. Turnover in the other States has gone down. Perhaps a good Minister for Racing and Gaming has been responsible for that - I do not know.

This rosy picture was confirmed by the Australian Racing Board in its recently completed report entitled "Analysis of Bookmaking in Australia", which observed that the bookmaking industry in Western Australia is ambivalent to the current downturn in the eastern States and is currently growing at a healthy rate.

The last ministers' conference was held here, and Richard Face from New South Wales was highly critical of many of the bookmakers in the eastern States, because they are running their books the way they did about 50 years ago and have not gone out to market themselves, etc. Although I am not certain, I think our bookmakers are a bit better. There is a good atmosphere in our bookmakers' ring here. I know most of them. I will tell the House a story. One day my wife decided that she should have a bet with the bookmakers. It was quite a big day. She stood near one of the bookmakers - he was not one of my friends - trying to decide what she should do. George Grljusich came along and put \$100 on a horse. Barb thought that was a pretty good idea, so she put \$10 on the same horse, and they both lost. George has a terrible record for betting in this world. My wife learned a lesson that day that she must be careful from whom she gets her tips.

The Totalisator Agency Board has made it clear that it will give no credit betting; however, the bookmakers can. Sometimes they have debts running up to hundreds of thousands of dollars over a few years. Sometimes they can collect them and sometimes they cannot. In other words, they are betting against a punter paying them. One might say it is a double bet; that is, betting against the horse and betting against the punter.

Hon N.D. Griffiths: And they lay it off with the TAB.

Hon MAX EVANS: Yes. However, they might take a \$10 000 bet on the telephone, and the guy might never pay them. That is the point I am making. They take fixed credit betting. They are allowed to do that, whereas the TAB is not. That is a big difference. A large part of the bookmakers' turnover is on credit betting. Anyone who rings the TAB to have a bet must have a credit account against which they can debit their bets.

The Western Australian Government is committed to implementing the recommendations of the national competition policy review of the racing and betting legislation. However, the racing ministers' 1999 conference endorsed the resolution of the Council of Australian Governments Committee on Regulatory Reform that potential outcomes from reviews of racing and betting legislation of all States and Territories should be discussed at a national level before individual Governments proceed to implement the recommendations. Accordingly, finalisation of the amending regulations has been delayed until after the national review scheduled for February or March next year. Our review is practically complete. The purpose of the national review is to ensure that all costs and benefits are properly evaluated and there are no unforeseen impacts which may cause the recommendations to be modified.

Members should note that regulation 72(1)(d) stipulates a minimum bet of \$200 on horse and greyhound races and that no minimum bet levels apply to sports betting. Therefore, bookmakers would not be disadvantaged in relation to sports betting if regulation 72(1)(d) was not repealed before the Acts Amendment (Fixed Odds Betting) Bill came into operation. While the Acts Amendment (Fixed Odds Betting) Bill will authorise the TAB to accept fixed odds bets on horse and greyhound races, the TAB intends to concentrate its fixed odds betting activities on sporting events. The TAB has no plans in the immediate future to offer fixed odds bets on horse and greyhound racing events. As has been explained to members, there are 60 to 90 races a year. Fixed odds betting is not available on all races but is limited to key races. New Zealand does the same thing. It is a bit like people wanting to place a \$1m bet. They can do that for the Melbourne Cup, because the bookies can balance their books because the money is put on different horses; if they could not do that, they would not be in business.

The TAB plans to join TABCORP's National Sportsbet sports betting service, which presently offers fixed odds betting on sporting events and pre-post fixed odds betting on a limited number of major Victorian gallops events. I understand that the fixed odds betting service offered on horseracing events is on a very small scale, involving only 15 races in 1998-99 and achieving turnover of only \$600 000, or less than 2 per cent of total fixed odds betting turnover. I was at the Australian tennis championships some years ago, and National Sportsbet was offering bets on whether Ivan Lendl would win in three, four or five sets. I thought, "He has it made! He just needs to put \$1 000 on himself to win in four sets and make certain that he does not win in three sets!" There is a chance for everyone if they know how to control the game in tennis. That was the way they did the betting on the tennis.

Hon Norm Kelly: The guy he was playing against might have been backing himself to lose!

Hon MAX EVANS: That also happens in racing.

Hon N.D. Griffiths: It happens in cricket too, I understand.

Hon MAX EVANS: A couple of years ago, the Kalgoorlie round magazine talked about Lucky Kalaf, who is the biggest bookmaker here. In 1954 there was a professional footrace, and Lucky was the back marker. We used to train together in 1954. Lucky had his money on the front marker, and the front marker had his money on Lucky. The guy at the front stopped running, hoping that Lucky would go past him. Lucky had the most money on him but probably did not win the race. That is what it is all about - who is going to try the hardest. I have a book on the history of gambling in the world, and it says that the two worst forms of gambling are horseracing and the stock exchange. The book was written in 1891, and things have not changed much since then.

In any event, there will be sufficient legislative authority for me to assure the House that the seven bookmakers fielding on Victorian gallops events will not be disadvantaged if these Bills are proclaimed before the Government finalises its position on the recommendation to repeal regulation 72(1)(d). In this regard, I understand TABCORP can remove horseracing events from the range of events on which the WA TAB can accept fixed odds bets.

Members should also note that the Australian Racing Board, the association of the principal thoroughbred racing clubs in Australia, opposes the abolition of the minimum telephone bet level of \$200. Accordingly, if the regulation was repealed, the Western Australian Turf Club, under its rules of racing, could apply a minimum bet level of \$200 to bookmakers who field at Western Australian thoroughbred racing venues. There would be no benefit in it for them, and there are now only two bookies at the trots, Lucky and one other person.

The security of cash has been a problem for years, and we now have credit betting, payment by cheque, etc. These things need to be sorted out now and in the future, because things have changed a lot. I was stunned to hear that there have been 56 hold-ups of TABs. I am glad I have not seen 56 write-ups in the paper, although I have seen the odd ones. I am glad they have not. I have been upset the couple of times I have seen a write-up in the newspaper of a hold-up of a bookmaker - it just alerts people to another source of money. It has worried me; I am sorry about that man but I am glad all the hold-ups have not been written up.

All those who are in the know on betting can go to www.ozbet.com.au and having received a credit account can find out what it is all about. It is an interesting site. I was in Paris the other day and we might be able to sell officials there some help. They are not on the Internet yet; they have not even started on it. I got them to look for the site and they got to "com dot" and stopped; they could not find the site because they were not used to putting "au" afterwards for Australia. They found the site and were most impressed with what we are doing. We probably have the best Internet gambling and only Western Australia and New South Wales are on Ozbet. From last week, the TAB forms are on the Internet at www.tabform.westoz.com.au. That site contains all the information. The technology is very well put together.

The commission rates between the codes will be the present ratio. There has been a decline in the number of bookmakers but it is coming back because there is a lot more information to give the punter a chance to win. In the old days the bookmakers had all the information and the mug punters did not; they were just betting a hunch. It is the reverse today. Late last year, four punters came here from Adelaide and, betting around Australia, had 16 straight wins on a Wednesday at Ascot. They took a few hundred thousand dollars out of the ring. These punters have been banned from courses in South Australia. Ross Cooper was lucky; he had to go to Pinjarra that night and missed out on being skinned. These are the problems. People are trying very hard and bookies give credit. I know of the 1998 letters Hon Nick Griffiths read out and the \$50 minimum bet in Tasmania.

It is interesting, and a worry, that we believe a large part of the on-course tote, about 30 to 40 per cent, comes from bookmakers. We know for a fact that trotting for the past six, seven or eight weeks has ranged from 22 per cent to 23 per cent because there are only two bookies. That percentage of the on-course tote comes from bookmakers. Therefore, if the bookmakers are dropping off, there could be a drop off in the turnover of the TAB because the people who bet with bookies do not usually go for the parimutuel system.

Every year since I have been here, the codes have always received more money than the State Government - one would not think so listening to them - plus they get all the on-course taxes. In New South Wales, the Government was getting three times what the codes were getting plus the on-course taxes. We will return to the regulations on the prescribed margins as members have been told. The Victorian margin has exceeded 10 per cent and the TAB entered into an agreement so that it does not incur any loss. The margin offered to the TAB will be less than 10 per cent. The margins are all worked out but it is a gambling game. There must be some protection and one of the main protections is one would only be betting on big races with a good spread of money over all the horses in the race. The Cheltenham Gold Cup in England is the biggest race meeting of the year for crowds. There are 29 starters and the favourite starts at about 16 to 1 because the jockeys must first stay on the horse and then finish. About half of the jockeys fall off, which explains the high odds. People have big plunges because the odds are great. We have trouble in Australia because there can be four horses in a race and they only pay first and second and not third, which affects the betting.

The Government gave an undertaking not to allow the Betting Control Board to approve a method of payment so the Parliament will be able to scrutinise all prescribed methods of payment. The TAB will not be permitted to accept credit cards as payment when accepting a bet. Whether a statement of claims for winning bets is cash or otherwise is a matter for the TAB management. Some people can draw cheques now and that will happen in the future, but there must be some control on the cheques. Hon Norm Kelly talked about the clerk from Curtin University of Technology. I could not work out how that could happen with a reasonably secure credit system. However, this man had a credit card with a limit of \$3 000 a month to help international students with accommodation, buying equipment or books, et cetera. It is unique to have a situation where cash can be drawn down on a credit card.

Hon Norm Kelly: Hopefully the rules have been changed by now.

Hon MAX EVANS: I will bet the rules have been changed. Perhaps this credit card had two signatories, and only one of them was using it. As I say, normally cash cannot be drawn down on corporate credit cards. A comment was made that the Western Australian Turf Club committee room tote ran out of money on Melbourne Cup Day because a person won with a couple of trifectas. We do not know what will happen in gambling, given the changes in spending that occur. The gambling patterns have flattened out in the past couple of months. The Totalisator Agency Board and the Lotteries Commission have not had the growth they expected, and no-one can say whether their revenues will rise in the future. The throughput at the casino is down. We have budgeted to be down \$2m on casino tax this year.

We are fairly lucky because there is no starting price betting in this State. There is still a rule that mobile telephones cannot be used on course because people might call an SP bookmaker. I have suggested we get rid of that rule. My wife tells me that when she goes to the women's toilets at the racecourse, she sees many women who are calling their babysitters to check whether the family is okay. There are plenty of mobile telephones on course at the moment. These are old rules; they have not been brought up to date. I think I have covered most points.

Hon Ray Halligan: Have you convinced them?

Hon MAX EVANS: We are educating the unwashed! I am helping them to understand this very important part of life in Western Australia. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Max Evans (Minister for Racing and Gaming) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Hon N.D. GRIFFITHS: When is it envisaged that the Act will come into operation, and what are the reasons for its coming into operation by way of proclamation, rather than assent?

Hon MAX EVANS: We hope to bring it in before Christmas. The main reason for that is to gear up for the football season. It does not seem likely that it will be in operation before the cricket season.

Hon N.D. Griffiths: That sounds like a very worthy cause.

Clause put and passed.

Clauses 3 to 14 put and passed.

Clause 15: Section 22 amended -

Hon N.D. GRIFFITHS: The operative wording in this clause is that the moneys payable as a dividend from a particular pool shall be calculated using the assumption that any bet included in the pool is validly made, and the result of any race or sporting event, once declared, is beyond dispute for the purposes of dividend calculation and payment. I am having some difficulty in envisaging circumstances in which a bet which should not have been accepted is included in a betting pool, other than a bet which is accepted illegally; for example, by way of credit. Will the minister elaborate on the circumstances envisaged which led to the need for this clause?

Hon MAX EVANS: It comes back to the parimutuel system whereby all the money is pooled; 17 per cent, say, is taken out, and the rest is distributed to the winners and placegetters. It is an attempt to protect any anomaly that could break the system. For example, a late bet could be made, a horse could be scratched at the last second - last year in Broome a horse bolted just before the race - there could be a problem with credit betting or drugs could be involved. There are many reasons a horse may not finish the race and that cannot be used as a reason to dispute the distribution. With the big bets that are laid these days, people try to find loopholes.

Clause put and passed.

Clause 16: Part 5 inserted -

Hon NORM KELLY: Proposed section 24(1)(c) refers to any other event or type of event approved by the Betting Control Board. Is that consistent with the existing form of regulations for betting on sporting events? Is there any prospect of not allowing for the extension of sporting events beyond those conducted at the moment?

Hon MAX EVANS: In recent years the Betting Control Board has allowed betting on many other sporting events. For example, there was betting on the Olympic Games in Atlanta. In the eastern States, betting has been allowed on camel races at some country tracks. There must be fun in this game. Also, provided the WA Turf Club allows it, bets can be made on quarter horse racing. That is still not allowed in Western Australia, where all the racing is with thoroughbreds and standardbreds, but there is some quarter horse racing in the eastern States. This provision will allow for things to happen in the future that have not happened in the past.

Clause put and passed.

Clauses 17 to 19 put and passed.**Clause 20: Section 26A inserted -**

Hon N.D. GRIFFITHS: This clause deals with the supplementary pool schemes and the operative words are that the TAB may supplement the amount in any totalisator pool using moneys set aside for that purpose. It has been put to me that this may allow dividend pools to be supplemented by bonuses set aside for that purpose from some form of jackpot that may occur when a winning combination in novelty betting is not selected. That jackpot may either be done away with or substantially reduced in value. As a result, the TAB may then create artificial jackpots to publicise major events that may not be appropriate. What is the position?

Hon MAX EVANS: Jackpots occur in racing only if there are no winners over a period and an amount is carried forward. They do not happen nearly often enough. People just want to have a bit of fun. During the lead-up to the Perth Cup about three years ago, a \$250 000 jackpot, which was expected to climb to \$500 000, was advertised, but not to the punters on the course. I was critical of that. The jackpot rose to \$1m and seven of the twelve winners were South Australians.

This is a method of competing with lotteries. Members will probably have noticed that we never have a lottery jackpot on a public holiday weekend, the weekend before the Melbourne Cup or during school holidays. It is all worked out and it provides many people with a lot of fun. There will be one on New Year's Eve.

The Scandinavian countries have a system in which those who get five out of seven horses get a return of 40 per cent, those who get six out of seven get 60 per cent and those with seven out of seven get a prize sometimes in excess of \$A1m. We will never have pools like that because we have wall-to-wall race meetings.

Under the parimutuel system, we cannot take any money out of this pool and put it in another pool; it must all be distributed. We have done this with scratchies in recent times in that we return only 58 per cent and 2 per cent can be used to increase the prizes in other games. It is a marketing ploy. Most people will not put their money on a win or a place but on a quartet because it is more of a challenge. If they win, they will increase the retail sales.

Hon NORM KELLY: Is the minister saying that, as with some lottery products, instead of returning 60 per cent to the punter, he will get 55 per cent initially and a 5 per cent pool will be returned later? Is there a potential to reduce the percentage distributed from the event to allow the additional funds to be distributed as a jackpot later, or is this an additional pool of money? If so, from where will it come?

Hon MAX EVANS: It is not like a lottery. The amount going to the punter will be the same. The 17.2 per cent or 17.28 per cent will come out of that and not be distributed. It will not affect the payout, which is still about 83 per cent in this State.

Clause put and passed.**Clauses 21 to 26 put and passed.****Clause 27: Section 40 amended -**

Hon B.K. DONALDSON: I am a little puzzled and would like an explanation from the minister. Clause 27 refers to deleting "a sporting event" and inserting "an event, including a sporting event,". Clause 16 inserted new part 5, which seems a very convoluted way of dealing with the issue. I wonder whether there should not have been some consistency in how the minister spelt out clause 16, which deals with proposed section 24(1)(b) and (c), to keep it in line with clause 27. I may have missed something.

Hon MAX EVANS: Section 40 of the Act relates to communication and broadcasting of information. It states that notwithstanding the provisions of any other Act, it shall be lawful to communicate totalisator broadcast information about the amount of dividends payable on any race or sporting event on which the bets have been made. The consequential amendments to section 40 restricting the rate of broadcast of betting information are to accommodate the fixed odds betting - in other words, the new style of betting that was not there before. Odds were being given out, whereas the parimutuel system only gives the odds after the race.

Hon B.K. DONALDSON: I wonder whether that could not be set out in clause 16 and whether paragraphs (b) and (c) of proposed section 24(1) could have been condensed. I know that we have dealt with clause 16, and I am not trying to change it, but I wonder about the consistency. There must be some reason for it.

Hon MAX EVANS: The clause is quite long. The wording on the race parimutuel system was put in some years ago. Parliamentary counsel decided to do it in that way.

Clause put and passed.**Clauses 28 to 37 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 Max Evans (Minister for Racing and Gaming), and passed.

TOTALISATOR AGENCY BOARD BETTING TAX AMENDMENT BILL 1999*Second Reading*

Resumed from 14 September.

HON N.D. GRIFFITHS (East Metropolitan) [8.38 pm]: This Bill also has the support of the Australian Labor Party, which is consistently very concerned to get the Government moving on its legislative program. We are not delaying the legislative program; we want to get it moving. I note that this Bill also comes from the Legislative Assembly, and, therefore, as I have said, at this stage I am merely performing a review function. If I were to repeat the title of the Bill, I would be almost doubling the length of the comments I propose to make, which are as follows: With the proposed introduction of fixed odds betting by the TAB, dealt with in the last Bill, it is necessary to establish a rate of tax payable under the fixed odds betting turnover. I note the comments in the minister's second reading speech to the effect that the TAB currently pays a tax of 5 per cent on its totalised turnover, the tax being paid from commission deductions that average around 17.2 per cent. Bookmakers operate fixed odds betting on a lower range. It is therefore proposed to have the tax rates match that applied to bookmakers; that is, 2 per cent on horse and greyhound racing and 0.5 per cent on all other betting, including sports betting. The 2 per cent levy paid by bookmakers on horse and greyhound racing and the 0.5 per cent on sports betting is set by the Bookmakers Betting Levy Act 1954. I conclude by reiterating that the Australian Labor Party supports this Bill.

HON NORM KELLY (East Metropolitan) [8.40 pm]: The Australian Democrats also support the Bill. I forgot to tell members about the famous Connolly-TAB sting in South Australia, but I will save that for another day or after the evening's entertainment!

One small anomaly in the betting tax rates is that unfortunately Western Australia must compete with other States in determining its tax rates. However, one of the reasons the sports betting tax rate is a quarter of the rate of horse and greyhound betting is that the margins are smaller because, typically, betting is based on only three possible results: A win, a loss or a draw. By necessity, only a smaller margin is available for that tax component.

However, there are other forms of sports betting, such as betting the field, as the minister said earlier. For example, one can bet on one match at Wimbledon and the result would be out of two options because there must be a winner. That is why it is necessary to have a low tax margin. A bet on one player out of the entire Wimbledon tournament would involve the possibility of more than 100 players. That would create a far greater margin and therefore provide the capacity to impose a higher tax or at least a tax such as that imposed for horse racing. Ideally there should be a variation in sports betting tax rates. Unfortunately Western Australia must remain competitive with other States, so it is more difficult to impose a higher tax rate when bets can be placed in other States over the telephone or on the Internet.

The Government is pitching the tax rate at a good level whereby we not only retain the betting turnover within Western Australia but also get a reasonable rate of return on the tax. The Democrats support the Bill.

HON J.A. SCOTT (South Metropolitan) [8.42 pm]: The Greens also support the Bill. It will help facilitate the changes to the Acts Amendment (Fixed Odds Betting) Bill with which we have just dealt. The only concern I have is how the TAB will attract new customers, rather than take customers away from the traditional form of betting, which is more profitable for the TAB. I support the Bill.

HON MAX EVANS (North Metropolitan - Minister for Racing and Gaming) [8.43 pm]: I thank the triumvirate on the other side for their support of the Bill. A survey undertaken a year or so ago found that only 6 per cent of the population bet regularly at the TAB. However, many people would like to bet on sport. As we all know, in the past, when we had a bet on sport it was common practice for the loser to buy a lottery ticket and, like the gentleman the other day, share the winnings.

The survey found that many people now would like to bet on sports. The figures in Victoria are not very high. Centrebet has a turnover of about \$150m a year, which is very small compared with \$800m bet on horses in this State. I am open-minded on the matter, but there does seem to be a need, which may grow into a desire, to bet more often; however, we will see what happens.

It is interesting to note the different betting tax rates. For instance, in France an amount of 72 per cent is returned to the punter; Western Australia returns 83 per cent; and Victoria, on a win or a place, returns 86 per cent. Victoria changed its commission rate at the same time as New South Wales on the basis that it would increase turnover massively; however, it did not turn out that way. New South Wales dropped its commission rate about three-quarters of one per cent on about a \$3b turnover, but the turnover increased by only 3 per cent and that State actually lost money. Economists came up with a solution to give it momentum to turn over more money but it just has not worked out that way. I am currently trying to work with New South Wales, even up to a couple of nights ago, in the hope that we can get back to giving that State a higher rate and also to get onto pooling. Western Australians bet on quartets and trifectas in New South Wales because there is a bigger pool over there. We should have pools on quartets and trifectas around Australia rather than betting on our own pools. People will not bet any more money but it would make it more attractive. This State receives about 20 per cent on favourite numbers down to about 14.25 per cent on a win or a place in the Victorian pools.

I thank the Opposition for its support in these matters and I commend the Bill to the House.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate, and passed.

STATE TRADING CONCERNS AMENDMENT BILL 1999

Second Reading

Resumed from 4 May.

HON N.D. GRIFFITHS (East Metropolitan) [8.48 pm]: The Australian Labor Party supports the passage of this Bill. It is useful that we are dealing with this Bill in 1999. I note that it entered this House on 4 May 1999 and at least we are dealing with it towards the end of the day on 10 November 1999. The Labor Party has not delayed the passage of this Bill, and we do not intend to delay its passage, as will be noted from my detailed comments which will emerge. This Bill came from the other place and we are dealing with it as a House of Review and not in a de novo fashion where we would have to deal with it from A to Z, going in and out of every conceivable nook, cranny and rabbit hole. There will be some matters that will be dealt with in committee, but all members concerned will be aware of that so that the process should not take long at all.

This Bill seeks to amend a 1916 Act, a very famous and different era in our history. The Act that was last amended in July 1997 to enable some departments and public authorities which are part of a department to obtain authorisation from the Treasurer by way of regulation to engage in certain commercial activities including goods, information or intellectual property; scientific, technical, educational, training management or advisory services; and advertising opportunities which could include sponsorships. The 1997 amendments did not extend to statutory authorities or statutory positions operating under the framework of the department.

There is a difficulty in proceeding in the way in which matters have proceeded. In many cases it is not open for those areas of departments which would otherwise deal with the matter to do so, because it is just not worthwhile economically. The operative clause of the Bill enables the Treasury to extend by regulation statutory powers of statutory authorities and departments whose ministers or chief executive officers are constituted as a body corporate to carry on the same activities as those which would have been extended to departments by the 1997 amendments. As far as we are concerned it is a fairly simple Bill. Perhaps it could have been done in 1997. I note the experience post-1997. We have no intention of delaying it. Some observations will be made during the committee stage on matters of transparency and accountability, but, at the end of the day, I understand that there is no real disagreement on that issue.

HON HELEN HODGSON (North Metropolitan) [8.50 pm]: The original Bill, as Hon Nick Griffiths has mentioned, is a very old Bill. Substantial amendments were made in 1997, and the further amendments in those areas are before us today. In 1997 I was fortunate to have the responsibility for carriage of the Bill. After looking at some of the comments I made at that time, I must say that essentially we agreed with the scheme of legislation but we had some concerns about it. One of the issues with which we had concerns was the use of regulations in the process of scrutinising the pricing policies of various government departments. In fact, I said -

. . . Parliament can scrutinise arrangements at two stages before pricing policies are developed; that is, the department and the activities. If it is considered that a department should not be entering into commercial arrangements that regulation can be disallowed before commercial activities commence. The same will apply if it is felt that a department should not undertake certain activities.

Those principles are fairly sound and have led to further debate in this place. Some of those issues have resulted in the legislation that has come before us today.

I now turn to the debate that was held on the disallowance motion in respect of the Fire and Emergency Services Department. At that stage the matter was carried by my colleague, Hon Norm Kelly. He raised some concerns about the way in which it operated in respect of the Fire and Emergency Services Department. He referred to the original second reading speech on the 1997 Bill, and at page 3941 of *Hansard* he is reported as saying -

Members will note that the Bill does not extend to statutory authorities or statutory positions which operate under the framework of a department, as their powers should be spelt out in their enabling legislation.

He went on to say -

We must question how the power of disallowance can be a safeguard when a government agency can use these additional powers before any parliamentary scrutiny or debate can take place.

Today we have before us some legislation which intends to broaden the scope of the provisions that apply to ensure that a department can authorise commercial transactions.

Hon Max Evans: What commercial transaction was involved with the Fire and Emergency Services Department?

Hon HELEN HODGSON: That was a case of an advertising-type arrangement which it was entering into with HBF. It was about additional funding the department was receiving.

Hon Max Evans: I do not remember it.

Hon HELEN HODGSON: It was probably handled by one of the minister's colleagues who may have had responsibility for fire and emergency services rather than the Finance portfolio.

One of the problems was the status of the Fire and Emergency Services Authority, and that is the issue before the House today. This Bill will provide the ability to deal with statutory authorities, statutory positions and departments where the minister or chief executive officer is constituted as a body corporate to carry on the same activities as those which were

extended to departments by the 1997 amendments. That bears out the comments that were made about the Fire and Emergency Services Authority in this place about a year ago. In that instance, because of the way in which the authority was structured, it was not covered by the legislation and the requirements for tabling regulations did not come into play. That meant the Parliament had no effective means of scrutiny.

Another instance that came to my attention today following the tabling of the Auditor General's "Public Sector Performance Report 1999" relates to the same issue, but is a different perspective on it - that is, the issue of intellectual property and the way that is handled within certain government agencies and departments. One of the difficulties that the Auditor General found when he looked at the management of assets, particularly intellectual property, was that the structure of the Act limits departments. While my earlier comments are pertinent to the fact that it limits the Parliament's scrutinising function, it is also limiting of departments. Some departments are unable to enter into those sorts of arrangements. Two examples that were provided in the Auditor General's report are Main Roads WA, which has a contract administration system, and the Water and Rivers Commission and the Swan River Trust, which have a sediment remediation project. In both of those cases the government agency involved has not been able to enter into arrangements to commercialise its intellectual property. Often that is the only way in which the knowledge that we are building within our public sector and government departments can be spread to be useful throughout the world. Some departments have a purely commercial basis for wanting to exploit their intellectual property, but others - such as the research being done in the Water and Rivers Commission - could also have an impact on the management of waterways in other countries if there were some way of exploiting its potential and ensuring that people are aware of what is going on.

The tabling of the report today is timely. The comment in the report about the need for this legislation to be passed shows that the Auditor General is a proactive element in assisting departments to get on with research and sorting out some of their management issues as well as in the accountability function with which we are always concerned.

We are still concerned about the length of time it may take between decisions being made, information coming to light, and the gazettal and regulation process. Sometimes contracts can be signed in between the decision, the gazettal and the disallowance procedures. That concerns the Australian Democrats, because the whole point of the scrutiny process is to ensure that the Parliament examine what is going on and act if we think it is unreasonable. That was the case with the Fire and Emergency Services Authority. Questions were raised, but we found that the contract had been signed before we were able to debate it in this place. The use of regulations in this way is a flaw.

Although I supported the amendment in 1997, experience over the two years it has been in place has led to a belief on my part that this time lag can cause problems. If the Parliament disapproves of a particular regulation - although legally it is safe, because of the way in which regulations are not disallowed retrospectively - the practical impact is that the Parliament has said that it does not approve of something that has already been done. That can leave a fairly untidy situation at contract law and at common law in resolving any future disputes in that matter. However, having made those few comments, that issue is not before us today, because the Bill is to extend the range of authorities that are covered by the amendments to the State Trading Concerns Act. It is the same sort of structure. We are still referring to prescribed statutory corporations carrying on prescribed activities. It is still heavily reliant on the regulations, and although the regulations are disallowable, that has some limitations on it.

The Australian Democrats will support the legislation. I hope that it fixes some of the problems to which the Auditor General has referred regarding the ability of our government agencies and departments to disseminate the knowledge they are accumulating.

HON LJILJANNA RAVLICH (East Metropolitan) [9.00 pm]: I support this Bill. However, I want to put on record my concerns about this legislation, particularly from a public sector management perspective. This Bill is to amend the State Trading Concerns Act. The underlying philosophy of that Act prohibits Governments from entering into any business beyond the usual functions of government, unless expressly authorised by Parliament. That may be seen by government agencies as a limitation, given the increased amount of commercialisation which has been evident in the state public sector, particularly since this Government came to office.

As the House has already been advised, the Act was last amended in July 1997 by the State Trading Concerns Amendment Act No 18 of 1997. Those amendments had some limitations because I do not think they incorporated the number of agencies that wanted to become involved and participate in trading concerns. Those amendments enabled some agencies and public authorities to obtain authorisation from the Treasurer under the regulations to engage in certain commercial activities involving the provision of goods, information and intellectual property.

On balance, one might say that this is a good thing. As to the economics, provided the financial benefits to the State from developing commercial activities are such that the costs are not prohibitive, one might argue that it is not a bad economic model to embrace. However, I have some concerns. As a primary consideration, agencies may decide that instead of allocating resources to the provision of public services to Western Australians generally, they will divert resources to the development of intellectual property and commercialisation. If a department comes up with a good idea and finds a market niche, and that market niche happens to be on the international stage and there is a buyer for the product, that is not to suggest that the State should not be involved in those activities. I would not suggest that for a moment. However, I would be concerned if that were a driving force in government agencies and if resources were primarily used with that being a key objective, rather than the provision of services to the Western Australian public. I will give an example of that later in my remarks.

The 1997 amendments were introduced to facilitate the implementation of two policies released by the Government in 1997. They were the public sector intellectual property management policy and the exporting Western Australian public sector

skills and expertise policies and guidelines. I will touch on those, because both are very important. No doubt some good intellectual property is developed in the state public sector. We need only look at the Auditor General's report that was tabled today, which indicates that government agencies spend at least \$96m per year on various types of research and development activities that may give rise to intellectual property. There is considerable expenditure on the pursuit of that outcome. Therefore, it is worthwhile. However, at the end of the day we need to ask what does the State get in return for that \$96m investment. I think I can confidently say that it probably gets more than \$96m from that investment. However, I do not know that government agencies get involved in that level of costing, and they should, because I suspect that the commercialisation or development of intellectual property may not be cost effective in some instances and may be very cost effective in other instances, depending on the intellectual property that is being developed.

The Auditor General in his report appears to support the view that a financial return may be gained from the successful commercialisation of intellectual property, and he claims that an opportunity may be lost if agencies fail to consider whether any of their projects or activities may result in the creation of some form of intellectual property and to take adequate steps to protect and preserve the value of their intellectual property assets. Basically he is saying that agencies need to consider very carefully the activities in which they are involved on a day-to-day basis, and probably also on a long-term basis, to ensure that they do not miss a valuable opportunity for the State by sitting on a valuable asset that they have developed, such as a fantastic reading or agricultural program, and failing to do anything about it in a commercial sense. I agree with the Auditor General in that regard.

The Auditor General said also that there should be better management of intellectual property, with early identification and recording of intellectual property assets with commercial potential, and that once intellectual property has been identified, agencies should assess whether that intellectual property should be protected and commercialised. The decision about whether to commercialise intellectual property must take into consideration whether its commercial value will outweigh the costs of protecting and exploiting that intellectual property. That makes good sense and will be a matter of good planning and risk assessment, in addition to a good cost benefit analysis to ensure that the effort by the agency is not wasted.

The Auditor General is critical of the absence of robust policies and practices for intellectual property. He states that intellectual property may not have been identified or protected, and that opportunities for recovering costs, if not identified and protected, may be lost. He proposes a number of solutions for how agencies can better manage the issue of intellectual property. One of the first things he recommends is that there should be an increased awareness by staff of the potential of intellectual property if and when they come across it. I will not go into that. Clearly, it is a very interesting area and one which offers great potential for the Western Australian Government. It has the potential to put Western Australia on the world map given some of the very good initiatives which can be exported from this country to developing countries in particular and no doubt even to developed countries. However, it is not without some problems. Obviously, once one has developed the intellectual property, one must ensure the patent process is followed so that intellectual property is protected. That means one needs to enter into a fairly legal area which is associated with significant costs for government agencies.

Money is to be made from the commercialisation of not only intellectual property but also goods and services which are provided by the State's Public Service. However, my concern stems from the work I did some time back on the whole area of WorkSafe Western Australia and in particular the activities of one part of WorkSafe - WorkSafe International. Members might remember that on a couple of occasions in this place I have raised my concerns about the offshore activities of WorkSafe, especially the activities it had on the go in Malaysia. I do not know what happened because WorkSafe International was meant to be a big thing. There were many trips to and from Malaysia and a separate unit was established within the department. The Minister for Commerce and Trade held a major launch. Much fanfare was associated with WorkSafe International but all of a sudden it fell into a hole. I do not know why; no-one has told me.

Hon Max Evans interjected.

Hon LJILJANNA RAVLICH: The minister says he does not know why. In this case the commercialisation of the activities of a government agency probably cost this State a considerable sum of money. I do not know that it did but I know that not so much revenue was generated from the offshore activities of WorkSafe International. That is fine. One might argue that not every venture one is involved in can be a success.

Hon Max Evans interjected.

Hon LJILJANNA RAVLICH: I have to tell the minister that when WorkSafe International became involved in Malaysia, it thought it was going there to help with safety training and a range of other safety services being offered to people in that country. However, at the end of the day something went horribly wrong. Over the past 12 or 18 months, I have asked numerous questions in this place about all those WorkSafe International activities and all those programs have since been cut. I do not know why that was the case, whether economically it was not viable for WorkSafe Western Australia to be there. There was an allied issue. At that time I was putting pressure on that organisation on the basis of the complaints I had received in my office about the lack of response from WorkSafe back home because of the view that resources were being diverted from domestic activities and the needs of the local community, and being redirected to offshore activities. That is the biggest problem I have with the legislation.

Members may also remember that I raised an issue about the registering by WorkSafe of five Malaysian assessors, residents of Malaysia. They were certified over there by WorkSafe in July 1995 under the Occupational Safety and Health Act to become assessors in the areas of dogging, rigging and scaffolding. A provision within that Act states that to be certified and to practice in Western Australia, assessors must pay a registration fee of \$600. This is exactly what these people wanted to do: They wanted to get the certification in Malaysia, but use it to work in Western Australia. Upon investigation, I found that the registration fee had not been paid by the Malaysian assessors; in order words, \$3 000 had not come into the revenues

of this State, and there was an arrangement between WorkSafe and the Malaysian training company where these gentlemen were employed. I made the allegation that in exchange for air fares -

Hon Max Evans: Come back to the Bill.

Hon LJILJANNA RAVLICH: This is a pertinent issue.

Hon Max Evans: I might have to start reminding the member about WA Inc soon.

Hon LJILJANNA RAVLICH: No. This is about the commercialisation of public services. The point I am trying to get to is this: There were allegations that, because WorkSafe personnel were flown to Malaysia, there was a waiver of the registration of \$600 for each of these five assessors. I thought this cannot be right. I raised this issue in this place and Hon Derrick Tomlinson was pretty horrified by it. I then wrote a letter to the Commissioner for Public Sector Standards. In my correspondence I said that I thought something was very wrong; that there is an Act in force in this State; and that, surely, if people go offshore to carry out commercial activities, they must be bound by the laws of this State.

This is the point I am getting to in terms of the laws that will be applying to these people who, on behalf of Western Australian agencies and the Western Australian Government, will go offshore in the pursuit of commercial activities. I received correspondence from the Commissioner for Public Sector Standards about the registration of these assessors. I am glad to have the opportunity to bring this matter to this place and to its conclusion. It goes to the heart of what is in the Bill. In his response, the Commissioner for Public Sector Standards states -

I refer to my correspondence . . .

You allege that WorkSafe WA entered into a private arrangement for WorkSafe WA Inspectors to travel to Malaysia to register five Malaysian based people as Assessors, without having to pay the appropriate fee as specified in the Occupational Health, Safety and Welfare Regulations 1988.

WorkSafe WA did not exempt the five Malaysian people from the registration fee applicable at the time. The Department ensured full cost recovery was obtained.

I do not know how it did that, but this is very important. It continues -

Accordingly, I do not believe there is justification for me to pursue this matter further.

To alleviate any future concerns, the WorkSafe WA Commissioner has informed my Office that off-shore assessments will no longer be undertaken.

This government agency has gone offshore to deliver services and acted outside the laws of this State, yet the Commissioner for Public Sector Standards has said he is terribly sorry but it is out of his jurisdiction. However, knowing something was amiss in this case, he has informed me that offshore assessments will no longer be undertaken.

The key to this is that in the commercialisation of the activities of public servants and their activities offshore, we need to know under which jurisdiction they will be operating. Will public servants be bound by the statutes and regulations of this State or, when they leave this country, will they be a law unto themselves and be able to engage in commercial activities in any way they see fit?

I would argue that \$3 000 is only a small sum of money for these five assessors, and it is probably no great shakes, but this is about the principle. The principle is whether the \$3 000 should have come back into the State and gone into the consolidated fund. It may well have been \$30m. I have no idea, but it is a very interesting point. I bet the minister has not thought about it. I would be very pleased to get a response from the minister, because I think this is probably just the tip of the iceberg in what might happen with the commercialisation of public sector activities in the event that the proper infrastructure and checks and balances are not in place. I am concerned that time and again we see evidence within this Government of checks and balances not being in place.

One has only to look at government contracting out and the fact that only in the past two years has the Government produced a risk assessment policy for contracting out, to know that this Government is very gung-ho in its approach to the commercialisation of public sector activities and the involvement of the Government in business with private contractors.

Some of my concerns are borne out in the document produced by the Department of Commerce and Trade entitled "Exporting Western Australian Public Sector Skills & Expertise". It is stated at page 2 of this document that -

The Western Australian Government firmly believes that the primary function of public sector agencies is to provide services to the people of Western Australia.

In view of this and having regard for the risks and disadvantages, the Government supports and encourages the efforts of Western Australian public sector agencies to pursue international project opportunities, provided that these activities:

- provide demonstrable involvement of and benefit to private sector organisations in the project or market;
- can be subjected to appropriate levels of audit review, risk analysis and risk coverage acceptable to the Government;

If I were to ask the minister what sort of mechanisms or measures have been put in place to ensure appropriate levels of audit review, risk analysis and risk coverage and at what level that risk would be acceptable to the Government, I bet he would not be able to tell me. He has not been able to tell me anything in the past, so why should that change.

The next dot point states -

. . . these activities:

- do not result in the agency giving priority to an international project at the expense of an agency's domestic obligations;

This might be a matter of fact.

Hon Max Evans: Is this a Department of Commerce and Trade paper?

Hon LJILJANNA RAVLICH: Yes, it is. This may be a case of fact versus perception. I do not know what happened with WorkSafe International. I do not know what percentage of the full-time equivalents were allocated to the WorkSafe International arm of the agency, but the Western Australians who were to be the recipients of services provided by that agency were very much of the view that the State was not funding the services for them; the State was not providing them with their legislative entitlements. Rather, the State was busy making a quick buck offshore.

As the opposition spokesperson on public sector management, I have major concerns about this.

Hon Max Evans: You will be sorry.

Hon LJILJANNA RAVLICH: The Auditor General's report tabled today indicates that resources in the public sector are spread very thinly. That is despite the fact that the Government has a million consultants who charge an arm and a leg. Clearly, the resources used to fund the Government's commercialisation activities and development of intellectual property should be over and above those allocated for day-to-day service provision to the Western Australian public.

According to this document and the Government, participating in international projects may assist agencies to generate revenue to help ease budgetary pressures and thus support core programs. That might sound all very well, but I am traditional when it comes to the role of Government.

Hon Barry House: You, conservative?

Hon LJILJANNA RAVLICH: The role of the public sector is, first and foremost, to provide services to the public. The other day I rang a commissioner to obtain some information and was told that the commissioner concerned did not know whether it could be provided. It was suggested that I submit a freedom of information application.

Hon Max Evans: I have one from you now.

Hon LJILJANNA RAVLICH: I was told to submit an FOI application because the agency works on a cost-recovery model and it needs to pay for photocopying and associated costs. It is appalling that as a member of Parliament I must submit an FOI application to obtain information so that the agency concerned can recover the costs involved. If this is public service, it is pretty poor. I would hate to think that this is driven by budgetary pressures and that this will be a substitute for government funding. I know the Government has budgetary problems.

Hon Max Evans: The FOI requests are making money hand over fist.

Hon LJILJANNA RAVLICH: I was not referring to the Information Commissioner. I referred to one of the commissioners because I did not want the person's name on the public record. I did want to make the point that I should not be charged for this. This model of cost recovery and the fact one cannot access information unless one is prepared to pay for it, undermines the Westminster system of government.

The commercial activities of this Government may be going too far. That is my personal opinion. If the policy is being driven by the need for government agencies to ease budgetary pressures and thus support core programs, maybe the Government should be managing its budget a little better. It has already run up a \$648m deficit. With the goods and services tax for goods, services and works, coming on top of that in the not too distant future, the Government will have a major budgetary problem. However, that does not mean that Western Australians should be penalised through the quality of service for which they pay through their taxes and the quality of service which they rightly expect.

I will not labour the point; I have made the points that I wanted to make. I have some reservations about this piece of legislation. However, the Labor Party will be supporting it because we believe that on the face of it the benefits outweigh the costs. Like everything else, I guess that time will tell whether we have made the right decision. We must wait for the result to come through.

HON J.A. SCOTT (South Metropolitan) [9.33 pm]: When the 1997 legislation came through this Parliament I was a keen supporter of it. Government agencies should get rewards for the work they do in bringing about new innovations, developing new techniques and technologies and creating intellectual property. That should bring some benefit to the State and not be given away free of charge. After all, it took state money to develop those techniques and technologies and create that intellectual property. I have some growing concerns about intellectual property rights, which I feel are shared worldwide. Because of that I have a couple of questions I want to ask of the minister and a couple of statements I want to make.

One of my questions is to do with how intellectual property or information will be shared between government agencies if the information, technology or whatever is of benefit to another government agency. It might be cheaper for government to share that information between agencies, particularly if there is some joint development of that intellectual property. The question that follows is: Does this piece of legislation allow joint development between different state trading concerns because there may be value in being able to do that? Furthermore, does it also apply to state agencies or state trading

concerns that are undertaking, for example, joint development of technologies with a private company? Behind these questions is another matter of concern; that is, the growing protection of intellectual property rights to the point at which it is stifling the development of new techniques and technologies. I quote from the editorial of the *New Scientist* of 30 October, which has some interesting points. It reads -

Everywhere we turn, there is a growing war over how the most basic forms of information, from genes to computer code to seed varieties, should be owned, over what should be public or private - and who should get the rewards.

On the one hand, molecular biologists, gene sequencers and other researchers are coming under increasing pressure to think of patent rights before publication. Even pure mathematicians must consider keeping their equations secret as soon as any conceivable application is in sight.

And on the other, we see that software developers, who normally work in a brutally competitive world, are increasingly turning to "open-source" software, where hundreds of independent developers openly cooperate to read, redistribute and modify free programs so that they evolve at a speed beyond anything possible inside a single, closed company. Linux, the most famous open-system product, is now expected to gain more users over the next three years than all other operating systems combined.

What is going on? The answer is that we have been rushed into the knowledge economy where riches are determined by the ability to create, control and exploit information while using muddled intellectual property rules.

The original idea behind a patent was not to enshrine some romantic right of the inventor to his or her invention, nor to stimulate metaphysical arguments over what can be owned. It was just a practical measure designed to ensure that the benefits of inventions are quickly made available to all by providing an appropriate reward to encourage inventors.

There is growing concern, particularly in the scientific community, that ownership of intellectual property is stifling advancement in many ways. The editorial continues further with reference to the open mode occurring with computer software development -

The more "open" mode comes as a welcome relief, although initially ideologically driven, shared software development is proving to make business sense. Why? Because the value of software comes mostly from the productivity gains it creates, rather than from its value as a saleable product.

This relates to interagency sharing of all intellectual property rights. To continue -

It seems obvious, then, that developers should share all their knowledge in open systems, and test and fix one another's work to speed development and productivity gains overall.

Essentially, and deeply ironically, what the open systems movement has done is to rediscover the gigantic collective benefit of free and open cooperation and criticism - the bedrock of academic research - just at a time when the tide is flowing towards secrecy in the research universities themselves.

That is a concern because the extent to which we tie up intellectual property in one agency may be inhibiting us and preventing us from getting the greatest value from the development of that technology. Although this Bill will not prevent that from happening, the Government must think about how it will apply the legislation. Little value will be gained by the people of this State if a piece of technology or information is sold by an agency, or the rights sold to another organisation, and other government departments have to buy back that technology at a greater cost than it was sold for. We must be very careful about how to do this and I hope the Government will consider ways of ensuring that that situation will not occur.

In considering the joint development of intellectual property rights, some members would have heard of the concern about the joint development of biotechnology by the Commonwealth Scientific and Industrial Research Organisation and Monsanto Ltd. They developed a genetically modified cotton seed in Australia which was sold to American farmers at a much lower rate than to Australian farmers. As it turned out, the crops failed to a great extent; however, even though the product was developed using Australian taxpayers' money, the greatest benefit went to Americans because they received that technology at a lower rate than Australians. Firstly, we must put in place safeguards to ensure that we have an open, scientific community, particularly our academic institutions, that will quickly share and develop information and technology in a cooperative way rather than hiding it away and stifling development. Secondly, we must ensure that an intellectual property right is used in a way that is of the greatest benefit to the whole of the State rather than just one agency. I am concerned about that occurring and, although I fully support the Bill, I hope the Government will keep that in mind in its further development of this part of the legislation because at some time in the future it must address those questions.

HON MAX EVANS (North Metropolitan - Minister for Finance) [9.42 pm]: I thank the opposition parties for their strong support of this legislation and I note their comments about the 1997 legislation. Most of them repeated many parts of the second reading speech and there seemed to be a conflict with members querying matters which were clearly stated in the speech. Intellectual property is an interesting matter which has been building up since we came to government. We looked at the State Trading Concerns Act and at one time considered repealing the legislation because there seemed to be just as many hindrances with or without it. I have often said that Wesfarmers would not have a business today if it had to go through the procedures that we have had to go through with the State Trading Concerns Act and other legislation in order to change its business practices. It is very hard for anything to happen in this place with the likes of Hon Ljiljana Ravlich acting as a policewoman trying to restrict every piece of legislation. Some time ago Stormin' Norman Schwarzkopf of the American Army said that after the Vietnam War the Americans found that everyone in the Army was used to saying yes or no and were not allowed to use any initiative. That changed so that people did not lose their jobs if they made a mistake but

were allowed to use their initiative to do things. What worries me about the way Hon Ljiljanna Ravlich goes on in this place is that nobody would be allowed to use their initiative. I would hate my staff not to be able to use their initiative; I would much rather they took the initiative to do things. They will make mistakes but, for God's sake, if we try to jump on everyone every time they make a mistake, we will never get anywhere and people will just say no. When I first came to government, I used to say that a lot of people would say no all the time. If they said yes, they might make a mistake, lose their job and get into trouble, and that is a great tragedy. Nothing will ever happen and nothing will get better. We must look out for that.

We have been going into intellectual property. Some years ago the Totalisator Agency Board in WA developed the TAB in Singapore. It was in the early 1980s - long before our time. It was a very successful TAB. It has been modified a bit in recent years, but it used Western Australian technology. The New South Wales TAB developed the technology that was used in Hungary, which backfired because the Government decided that it wanted to use more of the profits to reduce government taxes. There was nothing left for the New South Wales Government. After it lost \$10m, it pulled out. When I attended a conference a couple of years ago, I was asked whether we would like to take it over. However, the people from New South Wales told me to keep away from it as they were probably looking for some sucker to put more money into the Government.

Hon J.A. Scott: There was the Pink Lady apple.

Hon MAX EVANS: Yes, money is made out of the Pink Lady apple. There is also the red globe grape. Members might recall the story of the owner of the rights of that in California was in Singapore and he tasted grapes and thought they were red globe. He chased up their origin and found that they came from Victoria. Someone had planted a lot of grape vines but had not paid the royalties to him. He caught up with them and big sums of money were involved. It was about 50¢ a cutting. Agriculture Western Australia has done well with its Pink Lady apple and it keeps looking for new things. I agree completely with those sorts of regulations on intellectual property. They are not developed for the purpose of sales, although one could say that that is being done with the Pink Lady apple. Most of it is being developed for future sales, not for Agriculture Western Australia to grow trees. It is for the benefit of the whole community, and Agriculture Western Australia would probably receive the royalties. It is slightly in conflict with what has been said in this place. The aims are to help the community. Western Australia has been involved in the wool industry and a lot of developments have occurred in 50 or 100 years.

The State Revenue Department developed its computer after I directed it to the right consultant and it came up with a good computer. Now we have sold the licence to New South Wales, Victoria and Queensland. The consultant I recommended is now doing that work in New South Wales. People from the State Revenue Department have been to Washington, Japan and Switzerland. Hon Ljiljanna Ravlich would probably object to our paying for the fares to those countries. There are opportunities to sell it again, but they are the risks we must take. The Hawaiian Government has been looking at the system in Western Australia and it will probably buy it as well. Often one must spend a quid to make a quid. It cost \$14m, and we have recovered \$1.4m. The Valuer General's Office has also developed a lot of technology and information which it is selling under our net appropriation. I made the Treasury introduce net appropriations so the Valuer General could retain the receipts from sales. In the old days, all the receipts went to Treasury. The Valuer General's Office has increased its sales by nearly \$500 000. I was smart enough to change the legislation of the Valuer General. It does not come under the State Trading Concerns Act so it can make a profit; "profit" always seems to be a dirty word around here. I would have repealed the State Trading Concerns Act, but we had to think of all the things that happened to the previous Government. The Western Australian Export Development Corporation Pty Ltd -

Hon N.D. Griffiths: Do not filibuster. We can talk about the State Government then.

Hon MAX EVANS: That is why we kept it in, because we can get around it. There are plenty of ways to get around this Act. The problem now is that the finer points were not quite clear in 1997. I wish to God we had got rid of it. An underwater fish aquarium was built on Sentosa Island. What is that compared with the \$3 000 spent on WorkSafe in Malaysia? Nothing. However, Hon Ljiljanna Ravlich will not listen. It is really about rectifying the legislation as we become more commercial with what is available. We have some comments on advertising, which is in the amendments, and we will discuss that during committee. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

[Resolved, that the House continue to sit beyond 10.00 pm.]

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Max Evans (Minister for Finance) in charge of the Bill.

Clause 1: Short title -

Hon N.D. GRIFFITHS: I refer to Supplementary Notice Paper 15-2. The Committee will notice that the first amendment is in my name. I do not propose to move that because I note the subsequent amendment under the name of the Minister for Finance. What is proposed under the name of the minister is substantially in accord with what the Australian Labor Party is seeking to achieve. The ALP wishes to have greater scrutiny of what goes on without unduly impeding the proper processes of government. We trust that what has been put forward by the Government in substitution of what is in my name will do the job.

Hon J.A. SCOTT: Will agencies be able to develop jointly this intellectual property by combining with non-government organisations as well as other government agencies? Is it able to be a cooperative venture?

Hon MAX EVANS: Yes. They can undertake joint ventures within the limitations of their own legislation. The Water Corporation and State Revenue Department worked jointly on a computer program, so that real estate agents could go on line to find out a water bill at a particular date, and the last land tax bill so they could do a pro rata calculation. That raises revenue for both agencies, although I do not remember the amount involved. However, it is a profit-making venture. The revenue laws legislation gives the department the power to do that.

Hon J.A. Scott: Do the Water Corporation and the State Revenue Department jointly own the intellectual property to that program?

Hon MAX EVANS: They jointly developed it to make money out of it. No-one has bought it, but it is intellectual property used by both of them. The State Revenue Department developed a simple computer program, and now other people want to buy it, although it was not developed to on-sell. The Valuer General has had quite a few approaches for intellectual property that his office has developed in recent years.

Hon J.A. Scott: Can they do that?

Hon MAX EVANS: Yes. The only limitation is in the legislation. Fisheries WA and Agriculture WA may combine on a joint venture, although they may not want to because one deals with fish and the other agriculture.

Clause put and passed.

Clauses 2 to 5 put and passed.

Clause 6: Section 4B inserted -

Hon MAX EVANS: I move -

Page 5, after line 2 - To insert the following new subclauses -

- (9) If, during a financial year, a statutory corporation enters into a contract in the course of carrying out an activity authorized by subsection (2)(c) —
 - (a) the identity of the parties to the contract;
 - (b) the term of the contract;
 - (c) the amount of any fee or charge referred to in subsection (3) imposed by the statutory corporation in relation to the contract; and
 - (d) any other information relating to the contract that the Minister responsible for the statutory corporation considers relevant,
 are to be included in the annual report of the statutory corporation submitted for that financial year under the *Financial Administration and Audit Act 1985*.
- (10) If a contract referred to in subsection (9) —
 - (a) contains a provision of a kind prescribed for the purposes of this subsection; or
 - (b) is of a type prescribed for the purposes of this subsection,
 the Minister responsible for the statutory corporation must cause a copy of the contract to be laid before each House of Parliament within 6 sitting days of the House after the contract is made.
- (11) If the contract is not in writing, the reference in subsection (10) to a copy of the contract is a reference to a document setting out the terms and conditions of the contract.

Hon HELEN HODGSON: I have looked at the wording of this amendment. I acknowledge that I received it earlier this afternoon. However, I have two concerns. My first concern, which relates to something I overlooked when I first looked at this amendment, is that the title requirements relate only to proposed section 4B(2)(c), which are purely advertising contracts. I have concerns about that, because I believe that some contracts of the type referred to in proposed section 4B(2)(a) and (b) - being goods, information or intellectual property and scientific, technical, educational, training, management or advisory services - might also be of a large enough scale to warrant public disclosure. In that sense, I draw an analogy with some of the relevant legislation under the Commerce and Trade portfolio whereby certain contracts over a certain value must be disclosed, whatever type of contract it may be. When the State enters into a contract of a large enough scale, that information should be made available. The problem I have is in setting the value, which would depend upon the type of contract in question.

My second concern is that the second version requires the information in respect of advertising to be tabled in the annual report of the statutory corporation, whereas the original drafting - I note that Hon Nick Griffiths has indicated that he is not pursuing that - said within six sitting days of 30 June. My concern - this was relayed to the minister's adviser earlier today - is that by the time an annual report is tabled, one is looking at six months after the end of the financial year. If one adds to that the 11 months of the year in question, it can sometimes be 16 or 17 months before details are available. I note that proposed subsection (10) deals with that by requiring a copy of the contract to be laid before Parliament. However, an annual report collating all of that should not be too difficult to organise, without its necessarily simply being incorporated in the statutory annual report.

Hon MAX EVANS: I may need some advice on this issue. I am concerned about what sort of advertising is being worked on. There might be exploitation of certain government departments. It could be the fire brigade or schools or something like that. What concerned me was sponsorship and donations, etc. Some members give books to the value of \$50 or \$100 to schools, and that would have to be listed. Jim Kidd Sports store might give sporting gear, new boots, etc, to the best football team. That would have to be listed. Similarly, the local church might give some new bibles or something like that. One would have to be very careful where this leads. I refer to the "goods, information or intellectual property" in proposed section 4B(2)(a). The Pink Lady apples, which were mentioned previously, are intellectual property. Does that have to be tabled? There must be many more products that have been developed. I read recently that Dr Faulkner, I think, is developing a wheat that does not react to herbicides. I am not certain when the contracts to sell that should be registered. I am concerned about that.

Hon N.D. Griffiths: It is a matter of balance and proper scrutiny weighed up against that, without impinging on the usual processes of government. At the end of the day we have to rely on government to do the right thing. If it does not, the people will turf it out.

Hon MAX EVANS: It is really a matter of getting on with the job. I guess there will be many things listed in the annual report. If someone donates a book to a school, and no amounts of money are listed -

Hon Helen Hodgson: But is it not when the government department is involved in making a donation?

Hon MAX EVANS: No, this is donations to departments that might be exploited.

Hon Helen Hodgson: My understanding is that it involves the provision of advertising -

Hon MAX EVANS: It is when the department receives a donation.

Hon Helen Hodgson: Do you interpret it as the provision by the department or the provision of something to the department - both ways?

Hon MAX EVANS: To the department.

Hon Helen Hodgson: One way or both ways?

Hon MAX EVANS: It is only one way, because of the benefit to the department. Paying it out is not a profit. The State Trading Concerns Act limits a department in making a profit or developing funds. That is what it is there for. McDonald's might give free hamburgers and give a share of the profits. As Hon Nick Griffiths said, we would want to know what that contract was. I thank Hon Nick Griffiths for that. It is really just getting on and doing things and trying to make it fairly open, otherwise people would not be able to sell anything because there would be too many strings attached.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and returned to the Assembly with an amendment.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.02 pm]: I move -

That the House do now adjourn.

Child Support Agency Account - Adjournment Debate

HON TOM HELM (Mining and Pastoral) [10.03 pm]: I apologise for using this forum, but I wish to bring to the attention of the House a document that I received from a constituent of mine when I was in Newman recently. It is an account from the Child Support Agency. It looks like a "Yes Minister" exercise but done by a computer rather than a real person. The account is dated 20 October, and it states that the amount this person owes the Child Support Agency is \$40, but the amount that is due by 7 November 1999 is zero. It then gives details of the account and states that the opening amount is \$40 overdrawn and the total amount payable is \$40 overdrawn. This is about the tenth account these people have received from the Child Support Agency telling them that they owe \$40.

Hon Derrick Tomlinson: Pay it.

Hon TOM HELM: Exactly. This is a young couple in Newman who have said they want to pay this account but ask where they owe it from. The Child Support Agency has told them that they do not owe it and should just ignore the account. They do not really owe it, it is not something they must pay. The husband has agreed to pay \$100 a week for a child he fathered prior to his marriage. That has been accepted and is done through the Child Support Agency. He has accepted that debt and has tried to meet it since the order was issued. Like most couples, particularly couples in Newman, these people keep

themselves out of debt and are proud not to be debtors; they are proud that they are independent and standing on their own. They came to me to ask why they keep getting this account and why are they told they do not have to pay it. I telephoned the parliamentary liaison officer for the Child Support Agency to get some information. I gave her the file number and was told it is the way the computer is programmed. I told her to program the computer so it does not do this. I wanted to ensure that these people were not pulling the wool over my eyes and that they are being told by the department to ignore this demand for \$40, and I was told that that was right. Hon Max Evans would probably think this is okay, but the liaison officer went on to tell me that the computer's program has acknowledged that the Child Support Agency will owe my constituents \$140 in April next year because it has done something like divide 365 days by 52 and has not taken into account long and short months.

Hon Derrick Tomlinson: Multiple by 12 and divide by 13.

Hon TOM HELM: Whatever. Hon Derrick Tomlinson probably has it right. It was not explained in that way. The bottom line is we like to think our public servants are becoming more efficient and getting away from the television program "Yes Minister" but we have computers doing this. The lady I spoke to in ignorance told me that this is how it will have to be until such time as the law is amended to show that this \$40 debt does not exist.

I bring this matter to the attention of the House because I do not know how many more clients of the Child Support Agency are subject to the same bill which on inquiry they are told to ignore. It is just ludicrous. The Child Support Agency receives bad publicity anyway and this is one more brick in the wall. I bring this matter to the attention of the House to have a joke but also to see how many more people are subject to this kind of paper war which is stupid and irrelevant.

Remembrance Day

THE PRESIDENT (Hon George Cash): Before I put the question that the House do now adjourn, for the information of members I indicate that tomorrow, 11 November, is Remembrance Day. Due to the House starting at 10.00 am, at 11.00 am I propose that the House observe a two-minute period of silence for Remembrance Day.

Question put and passed.

House adjourned at 10.08 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES, YEAR 2000 COMPLIANT

170. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

I refer to the Year 2000 Industry Awareness Campaign coordinated by the Department of Commerce and Trade. For each department or agency in the Minister for Health's portfolio can the Minister provide the following information -

- (1) How many of their business systems are at risk to the Millennium Bug?
- (2) How many of their business systems have been recently converted, upgraded or replaced?
- (3) How many of their business systems have been certified and tested as Year 2000 compliant?
- (4) Is each department or agency in the Minister's portfolio treating the Year 2000 problem as an issue critical to their survival?
- (5) How many of their customers and suppliers are Year 2000 compliant?
- (6) How many of the companies awarded contracts by each department or agency in the Minister's portfolio are Year 2000 compliant?
- (7) Does each department or agency in the Minister's portfolio have a plan to manage their Year 2000 effort?
- (8) How much has been budgeted for the work to be done?

Hon MAX EVANS replied:

Please refer to the answer given to question on notice 152.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF RECRUITMENT

267. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

For each department or agency in the Minister for Housing's portfolio can the Minister provide the following information -

- (1) How many staff were recruited to each department or agency in the Minister's portfolio in each of the following categories in 1997/98 and 1998/99 -
 - (a) Chief Executive Officers;
 - (b) Senior Executive Service; and
 - (c) Level 1-8?
- (2) Of those staff how many were recruited internally and how many were recruited by, or with the aid of, external recruitment agencies?
- (3) What are the names of the external agencies that were utilised?
- (4) What was the cost of using external recruitment agencies in 1997/98 and 1998/99?

Hon MAX EVANS replied:

- | | | |
|-----|---|---------|
| (1) | 1997/98 | 1998/99 |
| (a) | Recruitment of Chief Executive Officers is managed by Public Sector Management – please refer to the answer given in response to question on notice 52. | |
| (b) | Nil | Nil |
| (c) | 77 | 95 |
| (2) | 1997/98 Internally | 77 |
| | Externally | Nil |
| | 1998/99 Internally | 76 |
| | Externally | 19 |
| (3) | Determine Consulting Services
Morgan and Banks
QL Management Consultants
Granston Consulting Group | |
| (4) | 1997/98 Nil
1998/99 \$44,584.68 | |

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF RECRUITMENT

273. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Primary Industry:

For each department or agency in the Minister for Primary Industry's portfolio can the Minister provide the following information -

- (1) How many staff were recruited to each department or agency in the Minister's portfolio in each of the following categories in 1997/98 and 1998/99 -
 - (a) Chief Executive Officers;
 - (b) Senior Executive Service; and
 - (c) Level 1-8?
- (2) Of those staff how many were recruited internally and how many were recruited by, or with the aid of, external recruitment agencies?
- (3) What are the names of the external agencies that were utilised?
- (4) What was the cost of using external recruitment agencies in 1997/98 and 1998/99?

Hon M.J. CRIDDLE replied:

- (1) (a) Recruitment of Chief Executive Officers is managed by Public Sector Management - Please refer to the answer given in response to question on notice 52.
- (b)

1997/ 98	2
1998/ 99	3
- (c)

1997/ 98	230
1998/ 99	244
- (2) Internally - 478 Recruitment agency - 1
- (3) Deloitte Touche Tomahtsu
- (4)

1997/ 98	\$16,335.22
1998/ 99	Nil.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF RECRUITMENT

274. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Fisheries:

For each department or agency in the Minister for Fisheries' portfolio can the Minister provide the following information -

- (1) How many staff were recruited to each department or agency in the Minister's portfolio in each of the following categories in 1997/98 and 1998/99 -
 - (a) Chief Executive Officers;
 - (b) Senior Executive Service; and
 - (c) Level 1-8?
- (2) Of those staff how many were recruited internally and how many were recruited by, or with the aid of, external recruitment agencies?
- (3) What are the names of the external agencies that were utilised?
- (4) What was the cost of using external recruitment agencies in 1997/98 and 1998/99?

Hon M.J. CRIDDLE replied:

- (1) (a) Recruitment of Chief Executive Officers is managed by Public Sector Management - Please refer to the answer given in response to question on notice 52.
- (b)

1997/ 98	Nil
1998/ 99	1
- (c)

1997/ 98	85
1998/ 99	67
- (2) All recruited internally
- (3)-(4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF RECRUITMENT

278. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Aboriginal Affairs:

For each department or agency in the Minister for Aboriginal Affairs' portfolio can the Minister provide the following information -

- (1) How many staff were recruited to each department or agency in the Minister's portfolio in each of the following categories in 1997/98 and 1998/99 -

- (a) Chief Executive Officers;
 - (b) Senior Executive Service; and
 - (c) Level 1-8?
- (2) Of those staff how many were recruited internally and how many were recruited by, or with the aid of, external recruitment agencies?
- (3) What are the names of the external agencies that were utilised?
- (4) What was the cost of using external recruitment agencies in 1997/98 and 1998/99?

Hon M.J. CRIDDLE replied:

- | | | |
|-----|---|-----------|
| (1) | 1997/1998 | 1998/1999 |
| (a) | Recruitment of Chief Executive Officers is managed by Public Sector Management – please refer to the answer given in response to question on notice 52. | |
| (b) | 4 | 0 |
| (c) | 21 | 50 |
- (2) 1 staff member recruited by an external recruitment agency, all other positions recruited by internal recruiting processes.
- (3) Morgan and Banks
- | | | |
|-----|-----------|-----------------|
| (4) | 1997/1998 | 1998/1999 |
| | \$5,000 | Not applicable. |

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

311. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Housing:

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

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Housing's portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?
- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon MAX EVANS replied:

- (1)-(7) Please refer to the answer given in response to question on notice 288 of 19 August 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

313. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

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

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Works' portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?
- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?

- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon MAX EVANS replied:

- (1)-(5) Circular to Minister No 5/98 requires all agencies to reduce their leave liability by 10 per cent *compared to the figure published in the 1998/99 budget papers* by no later than 30 June 1999. To make an accurate comparison it will be necessary to compare the actual employee entitlement figures for 1998-99 for each agency, as stated in their annual reports, which are currently being audited. The audited annual reports for each agency are tabled in Parliament in accordance with the *Financial Administration and Audit Act* 1985 and provide the relevant details. These figures can be compared with the estimated employee entitlement liabilities for 1998-99 that appeared in the 1998-99 Budget Papers. It is the responsibility of each agency to monitor its leave liabilities in accordance with this policy.
- (6)-(7) The strategy outlined in Circular to Minister No 5/98 is aimed at reducing leave liability that has been incurred by the Government over many years, and is designed not to adversely affect the service delivery of agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

314. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Services:

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

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Services' portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?
- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon MAX EVANS replied:

- (1)-(5) Circular to Minister No 5/98 requires all agencies to reduce their leave liability by 10 per cent *compared to the figure published in the 1998/99 budget papers* by no later than 30 June 1999. To make an accurate comparison it will be necessary to compare the actual employee entitlement figures for 1998-99 for each agency, as stated in their annual reports, which are currently being audited. The audited annual reports for each agency are tabled in Parliament in accordance with the *Financial Administration and Audit Act* 1985 and provide the relevant details. These figures can be compared with the estimated employee entitlement liabilities for 1998-99 that appeared in the 1998-99 Budget Papers. It is the responsibility of each agency to monitor its leave liabilities in accordance with this policy.
- (6)-(7) The strategy outlined in Circular to Minister No 5/98 is aimed at reducing leave liability that has been incurred by the Government over many years, and is designed not to adversely affect the service delivery of agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

315. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:

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

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Citizenship and Multicultural Interests' portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?
- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?

- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon MAX EVANS replied:

- (1)-(5) Circular to Minister No 5/98 requires all agencies to reduce their leave liability by 10 per cent *compared to the figure published in the 1998/99 budget papers* by no later than 30 June 1999. To make an accurate comparison it will be necessary to compare the actual employee entitlement figures for 1998-99 for each agency, as stated in their annual reports, which are currently being audited. The audited annual reports for each agency are tabled in Parliament in accordance with the *Financial Administration and Audit Act 1985* and provide the relevant details. These figures can be compared with the estimated employee entitlement liabilities for 1998-99 that appeared in the 1998-99 Budget Papers. It is the responsibility of each agency to monitor its leave liabilities in accordance with this policy.
- (6)-(7) The strategy outlined in Circular to Minister No 5/98 is aimed at reducing leave liability that has been incurred by the Government over many years, and is designed not to adversely affect the service delivery of agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

316. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Youth:

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

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Youth's portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?
- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon MAX EVANS replied:

- (1)-(5) Circular to Minister No 5/98 requires all agencies to reduce their leave liability by 10 per cent *compared to the figure published in the 1998/99 budget papers* by no later than 30 June 1999. To make an accurate comparison it will be necessary to compare the actual employee entitlement figures for 1998-99 for each agency, as stated in their annual reports, which are currently being audited. The audited annual reports for each agency are tabled in Parliament in accordance with the *Financial Administration and Audit Act 1985* and provide the relevant details. These figures can be compared with the estimated employee entitlement liabilities for 1998-99 that appeared in the 1998-99 Budget Papers. It is the responsibility of each agency to monitor its leave liabilities in accordance with this policy.
- (6)-(7) The strategy outlined in Circular to Minister No 5/98 is aimed at reducing leave liability that has been incurred by the Government over many years, and is designed not to adversely affect the service delivery of agencies.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

322. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Aboriginal Affairs:

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

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Aboriginal Affairs' portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?

- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon M.J. CRIDDLE replied:

- (1)-(7) Please refer to the answer given in response to question on notice 288 of 19 August 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH
SPEAKING BACKGROUNDS

399. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Water Resources:

- (1) For all Government departments and agencies under the Minister for Water Resources' control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
- (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?
- (3) If not, why not?
- (4) If yes to (3) above, how much was spent on -
 - (a) electronic media; and
 - (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon MAX EVANS replied:

- (1)-(4) Please refer to the answer given in response to question on notice 381 of 7 September 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH
SPEAKING BACKGROUNDS

400. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Works:

- (1) For all Government departments and agencies under the Minister for Works' control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
- (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?
- (3) If not, why not?
- (4) If yes to (3) above, how much was spent on -
 - (a) electronic media; and
 - (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon MAX EVANS replied:

- (1)-(4) This question was previously asked as question on notice 1319. The following answer was correct as at 6 August 1999, when it was forwarded to your Electorate Office. The answer was tabled. [See paper No 239.]

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH
SPEAKING BACKGROUNDS

401. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Services:
- (1) For all Government departments and agencies under the Minister for Services' control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
 - (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?
 - (3) If not, why not?
 - (4) If yes to (3) above, how much was spent on -
 - (a) electronic media; and
 - (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon MAX EVANS replied:

- (1)-(4) This question was previously asked as question on notice 1319. The following answer was correct as at 6 August 1999, when it was forwarded to your Electorate Office. The answer was tabled. [See paper No 239.]

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH
SPEAKING BACKGROUNDS

402. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Citizenship and Multicultural Interests:
- (1) For all Government departments and agencies under the Minister for Citizenship and Multicultural Interests' control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
 - (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?
 - (3) If not, why not?
 - (4) If yes to (3) above, how much was spent on -
 - (a) electronic media; and
 - (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon MAX EVANS replied:

- (1)-(4) This question was previously asked as question on notice 1319. The following answer was correct as at 6 August 1999, when it was forwarded to your Electorate Office. The answer was tabled. [See paper No 239.]

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH
SPEAKING BACKGROUNDS

403. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Youth:
- (1) For all Government departments and agencies under the Minister for Youth's control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -

- (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
- (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?
- (3) If not, why not?
- (4) If yes to (3) above, how much was spent on -
- (a) electronic media; and
 - (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon MAX EVANS replied:

- (1)-(4) This question was previously asked as question on notice 1319. The following answer was correct as at 6 August 1999, when it was forwarded to your Electorate Office. The answer was tabled. [See paper No 239.]

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH SPEAKING BACKGROUNDS

409. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Aboriginal Affairs:
- (1) For all Government departments and agencies under the Minister for Aboriginal Affairs' control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
- (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
- (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?
- (3) If not, why not?
- (4) If yes to (3) above, how much was spent on -
- (a) electronic media; and
 - (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon M.J. CRIDDLE replied:

- (1)-(4) Please refer to the answer given in response to question on notice 381 of 7 September 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

532. Hon TOM STEPHENS to the Leader of the House representing the Minister for Regional Development:

Can the Minister for Regional Development provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon N.F. MOORE replied:

Mid West Development Commission

The Mid West Development Commission has not sold any land in the period since 1 September 1998.

South West Development Commission

- (a) 1 Rural
- (b) 1 Commercial

- (i) (a) Lots, 4, 5, 6, 7, 8, 9, 11, Part Lots 12, 15, 16, 17 and 52, Australind By-pass, Glen Iris.
(b) Lot 811 Casuarina Drive, Bunbury
- (ii) (a) September 13, 1999
(b) September 13, 1999
- (iii) (a) Public tender – BGC Australia Pty Ltd
(b) Private treaty – Timebay Pty Ltd
- (iv) (a) Lighthouse Realty/Southern Districts Estate Agency
(b) None
- (v) (a) \$491,642.67
(b) \$898,875.65
- (vi) (a) \$19,346
(b) \$33,775
- (vii) (a) \$20,639.39
(b) \$1,124.35

GOVERNMENT VEHICLES, CONTRACTS 619A1994 AND 677A1994

692. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Works:

I refer to contracts 619A1994 and 677A1994 in relation to the Government vehicle fleet and ask -

- (1) Can the Minister for Works advise which companies submitted tenders for contract 619A1994?
- (2) Can the Minister advise which companies submitted tenders for contract 677A1994?
- (3) If Matrix Group Limited submitted a tender for contract 619A1994, on what date was this tender submitted?
- (4) If not, at what point did Matrix express an interest in financing the sale and lease back off the Government's vehicle fleet?

Hon MAX EVANS replied:

- (1) Custom Fleet, JMJ Fleet Management Pty Ltd, Lease Plan Australia Ltd, Macquarie Bank Ltd, TNT Fleet Management and Matrix Group Ltd.
- (2) National Bank, ABN-Amro, MacQuarie Bank, Challenge Bank, Commonwealth Bank, Westpac Bank, Fay Richwhite and Matrix Finance Group.
- (3) 13 September 1994.
- (4) Not applicable.

OSBORNE PARK HOSPITAL

708. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

- (1) What is the budget allocation for recurrent expenditure at Osborne Park Hospital in the 1999/2000 financial year?
- (2) What is the budget allocation of capital expenditure at Osborne Park Hospital in the 1999/2000 financial year?
- (3) How many patients are estimated to be treated at Osborne Park Hospital in the 1999/2000 financial year?
- (4) How many patients are estimated to be treated at Osborne Park Hospital in the 1999/2000 financial year in each of the following health service categories -
 - (a) medical;
 - (b) surgical;
 - (c) obstetrics; and
 - (d) paediatrics?
- (5) How many medical FTE's are budgeted to be employed at Osborne Park Hospital in the 1999/2000 financial year?
- (6) How many non-medical FTE's are budgeted to be employed at Osborne Park Hospital in the 1999/2000 financial year?

Hon MAX EVANS replied:

- (1) \$25,171,100
- (2) \$467,100
- (3) 9,110
- (4)
 - (a) 3100
 - (b) 3950
 - (c) 1740
 - (d) 320 (plus 1480 neonates)
- (5) 242.0 FTE
- (6) 136.0 FTE
- (7)
 - (a) 176.0 FTE
 - (b) 16.0 FTE
 - (c) 50.0 FTE
 - (d) 60.0 FTE
 - (e) 62.0 FTE
 - (f) 14.0 FTE

HEALTH, HACC NATIONAL STANDARDS INSTRUMENT AND GUIDELINE PROCESS

769. Hon CHERYL DAVENPORT to the Minister for Finance representing the Minister for Health:

In relation to the HACC National Standards Instrument and Guideline Process which has commenced this month -

- (1) How will the independent assessor of each project operate?
- (2) Will the occupant of the new position be a public servant?
- (3) What types of qualifications will the applicant be required to demonstrate?
- (4) To ensure independence where will such a person operate from?
- (5) Will the position be for a finite time or will it be permanent?
- (6) If not, why not?

Hon MAX EVANS replied:

- (1) On the basis of established National Criteria, the Agency Appraisal Form (self assessment form) will be assessed by an appropriately qualified assessor.
- (2) No.
- (3) Demonstrate knowledge of HACC Program, National Service Standards and Project Management Skills. An accredited trainer with Aged and Continuing Care experience.
- (4) A premise external to the Health Department of Western Australia's Aged and Continuing Care Unit.
- (5) Finite time up to a maximum of three years with the requirement being for intermittent services.
- (6) Not applicable.

LANDCORP, LOT 101 HALLEY ROAD, BALCATTA

784. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

- (1) Can the Minister for Lands confirm that in question on notice 363 of September 17 1998 the Minister stated that Lot 101 Halley Road, Balcatta, was sold by LandCorp to Udine Pty Ltd on June 26 1994, with sale proceeds of \$562 896?
- (2) Can the Minister also confirm that in question on notice 457 of September 23 1999 the Minister stated that "LandCorp did not sell Lot 101 Halley Road, Balcatta to Udine Pty Ltd"?
- (3) Can the Minister inform me as to which answer is correct?
- (4) Can the Minister please state -
 - (a) was a valuation of this land conducted;
 - (b) who undertook the valuation; and
 - (c) what was the land valued at prior to sale?
- (7) How many FTE's are budgeted to be employed at Osborne Park Hospital in the 1999/2000 financial year in each of the following categories -

- (a) nursing;
- (b) medical;
- (c) medical support;
- (d) administration/technical support
- (e) hotel services; and
- (f) maintenance?

Hon MAX EVANS replied:

- (1) Yes. The answer was based on an extract from LandCorp's data base which contained an anomaly arising out of the consequences of the policy of the former Industrial Lands Development Authority to sell land on a combination of staged payment and delay of transfer of title until after the purchaser had completed construction of a building. The data base recorded Lot 101 Halley Road, Balcatta as having been under contract to Udine Pty Ltd. However, this sale did not proceed to completion. This fact was not recorded in the data base.
- (2) Yes.
- (3) The answer to Question On Notice 457 is correct.
- (4) (a)-(c) Not applicable.

QUESTIONS WITHOUT NOTICE

FORMER COMMISSIONER OF MAIN ROADS, CONDUCT

504. Hon TOM STEPHENS to the Minister for Transport:

On 29 October, 1998, the minister endorsed the conduct of the then Commissioner of Main Roads and that of the private eye investigation of Main Roads Western Australia and said that he considered the matter closed.

- (1) Does the minister now accept that there have been very serious breaches of the Public Sector Management Act and "Western Australian Public Sector Code of Ethics" by senior management in Main Roads Western Australia?
- (2) What steps will the minister take to discipline the then commissioner, Mr Ross Drabble, who is still engaged under the minister's portfolio, and to compensate the employees of Main Roads who have incurred legal costs and mental anguish as a result of this unlawful and unethical investigation?

Hon M.J. CRIDDLE replied:

- (1)-(2) As members will know, we had this debate on the inquiry by the Ministry of the Premier and Cabinet in October 1998. A report was tabled in Parliament, and a copy of it was provided to the Commissioner for Public Sector Standards. At that time I spoke with the Premier and we included terms in Mr Drabble's performance agreement to ensure that certain strategies were implemented. Subsequently, Mr Drabble was transferred within my portfolio. He is working in an area in which he has relevant skills, and they will be used on the south west metropolitan railway master plan and the northern suburbs plan. The matters to do with compensation will be handled -

Several members interjected.

Hon M.J. CRIDDLE: I have just told members the process that has been gone through regarding Mr Drabble. The compensation matters will be dealt with in the normal manner.

GANTHEAUME POINT DEVELOPMENT

505. Hon TOM STEPHENS to the minister representing the Minister for Lands:

- (1) While he was in Broome late last month, did the Minister for Lands, in front of the Premier, the Leader of the Government in the upper House, other ministers and councillors from the Shire of Broome, state that he had no alternative but to recommend Pearl Bay Resort Developments as the developer of Gantheaume Point because the other short-listed applicant had withdrawn?
- (2) Can the minister table that withdrawal document?
- (3) In relation to an advertisement placed in the *Weekend Australian* on 25-26 September by LandCorp under the heading "Tourism Development Opportunities" and highlighting Broome-Gantheaume Point, is it correct that LandCorp has refused to return and answer calls from the Shire of Broome, trying to find out why the State Government, LandCorp, is touting for land development opportunities if there is a memorandum of understanding with Pearl Bay Resort Developments to develop the site?

Hon MAX EVANS replied:

I thank the member for this question, and ask that it be placed on notice.

ANTIDRINK-DRIVING CAMPAIGN, AUSTRALIAN HOTELS ASSOCIATION CONCERNS

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

- (1) Is the minister aware of concerns raised by the Australian Hotels Association about the new antidrink-driving campaign of the Department of Transport, in particular, the view of the AHA that the department is spending a substantial amount of money on a commercial that casts blame on hotels?
- (2) Is he aware of the view of the AHA that hotels are being unfairly singled out?
- (3) Is he aware of initiatives taken by AHA members to promote responsible behaviour with respect to drinking and driving?
- (4) Why did the Department of Transport fail to consult with the AHA on the department's antidrink-driving campaign?

Hon M.J. CRIDDLE replied:

- (1)-(4) This road safety issue is one of the most crucial confronting our State at present. About 25 per cent of road fatalities are related directly to the consumption of alcohol, and that figure is far too high. Some of the other problems relate to people not wearing seat belts and driving at excessive speed. Other initiatives deal with major problems, and at times we must highlight different issues. The advertisement being shown on television has been provocative and, I must say, very innovative. As a result, that issue has been brought to the forefront, and that is exactly the point we are trying to make: Because the issue of people driving while under the influence of alcohol is very serious, it must be highlighted. As I say, I have asked the Office of Road Safety to work on initiatives and to bring forward proposals that may prevent this problem, which is crucial for us to confront. I realise there are some difficulties with the Australian Hotels Association, but I also understand that it has dealt with this issue through its organisation. We must point out to drivers who drink alcohol in excess and drive that there is a problem. I do not back away from the fact that sometimes we must highlight these issues when dealing with difficult areas.

KWINANA MOTOR SPORTS COMPLEX

507. Hon J.A. SCOTT to the Leader of the House representing the Minister for Planning:

- (1) Has the freedom of information commissioner found that the Minister for Planning should release a societal risk assessment relating to the proposed Kwinana motor sports complex?
- (2) Did the FOI commissioner say that in her view the public interest in accountability would be served, not hindered, by the disclosure of the disputed document, and that the public is entitled to have access to all information paid for out of the public purse, and not merely the information the agency chooses to release?
- (3) Has the minister now released this information; and if not, what action does the Minister for Planning propose to take to resolve this matter?
- (4) Who made the decision to withhold the report, the minister or Cabinet?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No. However, the Information Commissioner set aside a decision of the Ministry for Planning not to release a societal risk assessment relating to the proposed Kwinana motor sports complex.
- (2) Yes.
- (3) No. The FOI application was received by the Ministry for Planning. The ministry is seeking legal advice in regard to the matter.
- (4) Neither.

GOSNELLS TOWN CENTRE, REDEVELOPMENT

508. Hon NORM KELLY to the Leader of the House representing the Minister for Planning:

With regard to the redevelopment of the Gosnells town centre -

- (1) Who are the members of the recently established steering committee?
- (2) What budgetary and administrative support does this committee have?
- (3) What are the objectives and anticipated time frame for the committee?
- (4) What level of funding has the Government committed towards its support for the redevelopment of the Gosnells town centre?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Members of the revitalisation of Gosnells steering committee are: Mr Gary Prattley, the chief executive of the Ministry for Planning; Ms Pat Morris, Mayor of the City of Gosnells; Mr Robert Robinson of Western Power; Mr Emmerson Richardson, Director of Metropolitan Strategy, Department of Transport; Mr Brett Inchley, Director of Transperth; and Mr Rob Giles, Acting Director Budget and Programming, Main Roads WA.
- (2) The committee is supported by staff of the Ministry for Planning and the City of Gosnells. The Ministry for Planning support comes from within existing resources.
- (3) The committee has the following terms of reference -
 - (a) To evaluate, cost and prioritise the implementation of the City of Gosnells concept plan;
 - (b) to coordinate the local actions of the City of Gosnells with state programs as they relate to and impact upon the Gosnells town centre; and
 - (c) to develop an implementation program and funding options to ensure a successful outcome.

The committee proposes to conclude in March 2000.
- (4) The steering committee has yet to report to government on the revitalisation plan and proposed costs and priorities. No funding has been committed.

ALBANY REGION, SPECIALIST OBSTETRICIANS AND PAEDIATRICIANS

509. Hon MURIEL PATTERSON to the minister representing the Minister for Health:

- (1) Will the minister advise the House of the number of specialist doctors working in obstetrics and paediatrics in the Albany region?
- (2) Does the Albany Regional Hospital have sufficient facilities to cater for the complications arising from the birth of premature babies?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Two visiting specialist obstetricians and gynaecologists currently service the lower great southern health district. A specialist obstetrician and gynaecologist will soon take up residence in Albany. A visiting specialist in paediatrics also services the district.
- (2) The Albany Regional Hospital provides the services required for premature babies and has done so for many years. It has the appropriate facilities, equipment and staff to provide the care needed for these babies. Where care requirements exceed the capacity of the hospital, babies are transferred to either King Edward Memorial Hospital for Women or Princess Margaret Hospital for Children.

GANTHEAUME POINT DEVELOPMENT

510. Hon TOM HELM to the minister representing the Minister for Lands:

In relation to the development at Gantheaume Point in Broome -

- (1) What are the names of the companies that provided expressions of interest for -
 - (a) the whole development; and
 - (b) part of the development?
- (2) Did the two companies that indicated an interest in the whole development give a formal presentation of their proposals to the Government?
- (3) If yes, when were the presentations made and who attended?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)
 - (a) WR Carpenter Properties Pty Ltd and Pearl Bay Resort Developments Pty Ltd.
 - (b) Bugarrigarra Nyurdany Culture Centre; Maitland House Pty Ltd; Sun Land Pty Ltd; and Broome Turf Club.
- (2) Yes.
- (3) The presentations were made on 18 February 1999 and were attended by the Premier, the Minister for Lands, the Minister for Tourism and various ministerial and agency staff.

FORMER COMMISSIONER OF MAIN ROADS, CONDUCT

511. Hon CHERYL DAVENPORT to the Leader of the House representing the Premier:

I refer to the Public Sector Standards Commissioner's report into the Main Roads inquiry carried out by International Investigation Agency, including the findings that IIA had been improperly appointed and that unauthorised and intimidatory tactics had been used.

- (1) Given that the report found that former Commissioner Ross Drabble was aware of and endorsed the conduct found to have breached the Public Sector Management Act, the Act's code of ethics or the department's own code of conduct, what disciplinary action will the minister be taking against the former MRD commissioner?
- (2) If none, when would breaches of standards result in disciplinary action being taken against Western Australia's senior public servants?
- (3) Does the minister still consider that Mr Drabble is suitable for senior public sector management positions?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) The Ministry of the Premier and Cabinet conducted a review into this matter during October 1998. The final report was tabled in Parliament on 13 October 1998 and a copy was provided to the Commissioner for Public Sector Standards. At that time, the Minister for Transport and the Premier met with Mr Drabble to discuss the report and proposed strategies to address issues arising from the review. These strategies were included in Mr Drabble's 1998-99 performance agreement to ensure they were implemented. Subsequently, Mr Drabble was transferred to undertake a new role within the Transport portfolio.
- (3) Yes. Mr Drabble is presently working full time on the south west metropolitan rail master plan, in addition to providing strategic transport advice on key issues associated with the proposed extensions of the northern suburbs and Midland railway lines.

ROYAL PERTH HOSPITAL, SHENTON PARK CAMPUS RENAL DIALYSIS SERVICE

512. Hon E.R.J. DERMER to the minister representing the Minister for Health:

Will the Minister for Health give an assurance that there is no plan to discontinue, reduce or relocate the renal dialysis service currently provided at the Shenton Park Campus of Royal Perth Hospital?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The statewide renal dialysis program is in a constant state of expansion to deliver services closer to the homes of patients. In the past four years, this Government has established nine new renal dialysis services based on this purchasing principle. At the moment, more than 80 patients are being treated at the Royal Perth Hospital Shenton Park Campus satellite renal unit. Many of these patients must travel distances greater than 20 kilometres three times a week for their dialysis treatment. Other patients have been required to relocate to Perth from the north west to attend treatment sessions at the Shenton Park campus. In order to minimise travel and relocation requirements, new services are being developed in Swan, Port Hedland and Broome. These new services will have an impact on the volume of services delivered at the Shenton Park campus. Patients will be given an option of attending these new services, and negotiations are ongoing between the Health Department and Royal Perth Hospital to ensure a smooth service transition. These new satellite developments are aimed at enhancing patient quality of life and providing care closer to home. Therefore, it would be logical to expect that the number of renal dialysis services provided at the Shenton Park campus will decrease after these new services are established.

POINT PERON MARINA

513. Hon CHRISTINE SHARP to the Minister for Transport:

- (1) Since the feasibility study for a proposed marina development at Point Peron has been completed and the \$500 000 has been allocated to develop this proposal further, has any of this further funding been spent in any detailed research such as hydrology?
- (2) If so, how much and who has been commissioned to do the work?
- (3) Will the further development of this proposal include consultation with stakeholders and the community?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

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

OLYMPIC GAMES, TICKETS

514. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) Has the State Government or any of its departments or agencies purchased or applied to purchase tickets to the Sydney Olympics at taxpayers' expense?
- (2) Will the Premier table details, including total costs of any tickets purchased or applied for and the names of the government departments and agencies which have purchased or applied to purchase tickets?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) To the best of the Premier's knowledge, no agency or department has applied for or purchased tickets to any event at the Sydney 2000 Olympic Games. We are further checking with all government departments and agencies and will advise the member accordingly.

The Leader of the Opposition might tell us at the same time whether Richo sent him some across as well?

Hon Tom Stephens: No, he did not.

BELLTOWER, HAMES SHARLEY

515. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

- (1) Can the minister advise how much Hames Sharley will be paid to administer the belltower project?
- (2) Is this cost included in the overall cost of the belltower project?
- (3) Was this contract put out to tender?
- (4) If not, why not?
- (5) Will the minister table a list of all contractors associated with this project?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Hames Sharley will be paid \$125 000 to administer the belltower project in its role as superintendent's representative.
- (2) These costs are included in the budgeted fees for the Barrack Square redevelopment.
- (3) Yes. Expressions of interest were publicly invited via the Press and respondents were short listed to four noted Western Australian firms. These four firms were then paid to develop an architectural response to a brief and they each tendered a fee for their services.
- (4) Not applicable.
- (5) The belltower and master plan for Barrack Square and its environs has provided employment to the attached list of contractors, which I table.

[See paper No 373.]

ABORIGINAL PATROLS, FUNDING

516. Hon HELEN HODGSON to the minister representing the Minister for Aboriginal Affairs:

In respect of the funding of Aboriginal patrols -

- (1) How many patrols were allocated funding for the 1999-2000 year, and will the minister table a list of those patrols?
- (2) Are all of those patrols operating; and, if not, which patrols are not?
- (3) If funded patrols do not operate, is the funding made available to other patrols that are operating?
- (4) What is the basis for the \$50 000 cap on funding to each patrol, and can application be made for additional funding?
- (5) Is the minister aware that the Geraldton patrol, which has been nationally recognised for its success, has been forced to reduce its operating hours to four days a week due to lack of funding?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Seventeen. I will table the list.

[See paper No 374.]

- (2) All but one patrol are operating. The Leonora patrol is being established and is expected to commence operations on 1 December 1999.
- (3) Yes.
- (4) The basis for the \$50 000 allocation was an equitable allocation to each patrol from the total project budget. Patrols can submit applications for further funding, which will be considered as part of the mid-year review, with due consideration being given to available funds and competing priorities.
- (5) Yes; however, the Aboriginal Affairs Department's allocation to the Geraldton patrol for the 1999-2000 financial year is \$50 000, an increase of \$20 000 on its 1998-99 allocation. I understand the reduction of the operating hours by the patrol is related to the management requirements of the community development employment program administered by the Aboriginal and Torres Strait Islander Commission. It is anticipated that the hours will increase to seven days a week over the Christmas period.

Alternative sources of additional funding have been and are being pursued by both the Aboriginal Affairs Department and the Geraldton patrol. This has resulted in the Lotteries Commission funding a new patrol vehicle.

BUSINESS LOT NUMBERS

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

- (1) Do local government authorities have the power to enforce businesses to present their lot numbers in prominent places on their premises?
- (2) If not, is any move being made to introduce a standardised regulation?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Item 2 of schedule 3.1 of the Local Government Act provides the power for local governments to issue notices to landowners or occupiers to display the number of the address in a prominent position.
- (2) Not applicable.

SOUTH COAST PILCHARD QUOTA SETTING WORKING GROUP

518. Hon KIM CHANCE to the minister representing the Minister for Fisheries:

In answer to my question on 27 October, the Minister for Fisheries advised, through the Minister for Transport, that the composition of the south coast pilchard quota setting working group included industry members who have interests in all zones of the south coast purse seine managed fishery. Will the minister now advise -

- (1) How many members of the group represented zone 4?
- (2) Who were the members?
- (3) What was the nature of their interest in zone 4?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Two.
- (2) Mr Leith Roe and Mr Mervyn Drew.
- (3) The interests of these two people included zone 4 quota units and processing facilities.

GOVERNOR, APPOINTMENT

519. Hon J.A. COWDELL to the Leader of the House representing the Premier:

- (1) Will the Government give the people and/or the Parliament of Western Australia a role in the appointment of the new Governor early next year?
- (2) If yes, what role?
- (3) If no, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(3) It is not proposed to depart from the longstanding practice observed by Governments for previous appointments.

WELLINGTON DAM LAND, VALUATION

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

I refer to the minister's answer yesterday that the Chairman of the Water Corporation, Mr Peter Jones, did not see a copy of the written valuation from the owner of the Wellington Dam before he signed the offer and acceptance on 13 April. On what basis was the \$5.9m negotiated when neither the chairman nor the acting chief executive officer had sighted the owner's valuation?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The landowner indicated the asking price of \$12m. This was supported by a valuation he obtained. He later advised that the valuation was approximately \$10m. Based on this and the valuation from the Valuer General's Office, a final settlement was reached through negotiation. It was recognised by government and the Water Corporation that the Valuer General's valuation did not include future water value or conservation values.

NARROWS BRIDGE DUPLICATION, ROAD SAFETY AUDIT

521. Hon BOB THOMAS to the minister for Transport:

- (1) Has a road safety audit been carried out for the duplication of the Narrows Bridge, as distinct from the report carried out on the earlier proposed widening of the existing bridge?
- (2) If not, why not?
- (3) If yes, when was that completed and will the minister table the report?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) No.
- (2) The minimal change in road design between the widening and duplication proposals did not necessitate a further road safety audit.
- (3) Not applicable.

RADIOACTIVE MATERIAL, TRANSPORTED IN OCTOBER

522. Hon J.A. SCOTT to the minister representing the Minister for Health:

- (1) How many times was radioactive material transported during October 1999?
- (2) On what dates was the material transported?
- (3) In what was the material transported?
- (4) What else was transported on those road trains?
- (5) Through which communities and/or towns was the material transported?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) One.
- (2) Exact dates are not monitored by the Health Department of Western Australia.
- (3) In packaging as prescribed by the international transport code of practice.
- (4) Not known, but only one type of hazardous material per vehicle.
- (5) Exact details of the route taken are not monitored by the Health Department.

WELLINGTON DAM LAND PURCHASE

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

- (1) Did the Minister for Water Resources give Mr Peter Jones, the Chairman of the Water Corporation, the authority to negotiate and purchase the Wellington Dam land?
- (2) If not, who gave him this authority and on whose behalf was he negotiating?
- (3) Did the Minister for Water Resources give Mr Jones approval to pay \$9.5m; that is, \$3.5m more than the Water Corporation's initial bid for the Wellington Dam land?
- (4) If not, who gave him the approval?

Hon MAX EVANS replied:

- (1) The purchase was undertaken with the support of the Minister for Water Resources in the form of a letter to the chairman on 9 December 1998.
- (2) Not applicable.
- (3) No.
- (4) This was the outcome of a negotiated purchase settlement.

ABORIGINAL RESERVE LAND, REVIEW

524. Hon HELEN HODGSON to the minister representing the Minister for Aboriginal Affairs:

- (1) Has the review of the reserved land lost to the Aboriginal estate, referred to in the 1997-98 annual report of the department, been completed?
- (2) If not, when is it expected to be completed?
- (3) If so, has the minister received a report; if so, on what date?
- (4) Has the Aboriginal Lands Trust received the report; if so, on what date?
- (5) Has a response been provided by the ALT; if so, what was the response?
- (6) When will the report be released to the public?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Not applicable.
- (3) Yes, on 11 June 1999.
- (4) Yes, in December 1997.
- (5) The Aboriginal Lands Trust was required to provide a response. The trust commissioned the report, which is not an official government document.
- (6) The report has been available to the public since June 1999 on application to the Aboriginal Lands Trust or the Aboriginal Affairs Department.

PEARL BAY RESORT DEVELOPMENTS, FINANCIAL CHECKS

525. Hon TOM STEPHENS to the minister representing the Minister for Lands:

- (1) What financial checks were carried out by the Government to ensure Pearl Bay Resort Developments had the resources to carry out the large scale development at Gantheaume Point?
- (2) Who carried out the checks?
- (3) When were they carried out?
- (4) Can the minister explain why the \$10m performance bond has not been provided despite the signing of the memorandum of understanding?
- (5) Why is the form that the performance bond will take still undecided?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) A financial background review was undertaken.
- (2) Dunn and Bradstreet.
- (3) January 1999.
- (4) Pearl Bay Resort Developments is negotiating the bond with the provider.
- (5) It is pending finalisation of negotiation on the bond with the provider.

INTERNET GAMING SITES

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

- (1) What is the Government's position on Internet gaming sites being based in Western Australia?
- (2) Are any proposals being considered by the Government? If so, what are they?
- (3) What safeguards are in place and what is proposed to either strengthen or weaken them?

Hon MAX EVANS replied:

- (1)-(3) The department and I have given this a lot of consideration to see what is happening. As members know, Queensland has passed legislation to license Internet gambling, which is a virtual casino. If people look it up on the Internet, it seems as though they are at the casino and are playing with money. Lasseters Hotel Casino in the Northern Territory has a virtual casino but it can be played only by people in the Northern Territory, and it will wait to see how the other States go. Victoria had been proposing to introduce legislation, which I understand now will not go ahead. We do not propose to introduce Internet gambling in Western Australia.

There will be a certain demand for it. Burswood International Resort Casino and others are looking at it, and if the Burswood casino had Internet gambling, it would get its customers mainly from Australia. Big international gamblers would come to Australia and after a couple of days they would then return to their country and might like to continue gambling with the Burswood casino. In Victoria, Tattersalls is trying to get a licence. Members might recall that earlier this year, a chap in Nedlands was operating as a front for an American Internet gambling operator, and we closed down that operation. There is a big worry about Internet gambling.

The United States is trying to get the Kyl legislation through the Senate, which would ban virtual casinos, wagering on horses and dogs, keno and lotto. It then decided that that was not what it wanted; it wanted to just cut out gaming, which is the casinos. The betting is about fifty-fifty on whether the legislation will go through, but most people think it will. The State of New York has already taken action against a virtual casino operating out of Antigua and has received judgment in the courts. If the operators of that Internet gambling casino in Antigua go to New York, they will be arrested. The United States is doing it more to protect the States from losing revenue on gambling than to protect the morals of the people. We are keeping an open mind on it, but I do not think we will be doing it.

PERTH-ROCKINGHAM-MANDURAH RAILWAY**527. Hon J.A. COWDELL to the Minister for Transport:**

Is the timetable for the completion of the Perth-Rockingham-Mandurah railway line, as announced by the minister today, dependent on the realisation of the funds from the sale of AlintaGas?

Hon M.J. CRIDDLE replied:

It has been enunciated clearly that the principal way of funding the railway to the south was contingent upon the AlintaGas sale and other arrangements would have to be made if that did not come to fruition.
